

The original documents are located in Box C28, folder “Presidential Handwriting, 9/22/1975” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE PRESIDENT HAS SEEN . . .

STATEMENT BY THE PRESIDENT ON INTELLIGENCE FOR WORLD
AFFAIRS COUNCIL, MONDAY, SEPTEMBER 22

In recent months national attention has been focused on intelligence collection and its use by the United States Government. Hearings, as you are aware, are underway in both the House and the Senate.

The hearings have raised a number of questions that concern us all about the mission of intelligence agencies, the methods they employ, their contribution to national defense policy and the protection of the rights of citizens in reference to the work of our intelligence forces.

Let me make some observations on recent actions by the House of Representatives Select Committee on Intelligence.

At the outset let me say I respect the right and obligation of the Congress to conduct all legitimate oversight of all government operations including highly sensitive intelligence functions.

But I am also mindful of my duty to all the people of the United States for the preservation of our national defense and legitimate intelligence secrets.

The Congress as well as the Executive Branch has always
recognized that certain information cannot in the national interest be

made public, *not because the American people shouldn't know
but*

In 1947, President Truman requested the Congress

to create the Central Intelligence Agency. It was envisioned that

to perform its mission, substantial parts of the Agency's operations

would be conducted in secrecy and under tight security requirements.

It has been structured, organized and operated in that manner since

its inception. There have been certain Congressional oversight

procedures. Today some argue as to the adequacy of these oversight

procedures, but the basic premise of security and secrecy in operation

remains a fundamental principle because such operations have been

found to be in the national interest.

It should be pointed out that this concern for security of information is one that has traditionally been recognized by the Congress. When the House of Representatives on July 11, 1975, established the House Select Committee on Intelligence, it required the Committee by House Resolution 591 to prevent "the disclosure, outside the Select Committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government."

I feel the time has come to set out certain guidelines by which we assure not only the safeguards of our citizen's liberties but also safeguard our Nation's defenses and carry out effective foreign policy.

1. In reference to classification, I deplore and will not condone the use of classification by any individual or agency of government to avoid disclosure of mistakes or criminal acts when instructing appropriate authorities. This is a statement of policy that I expect the appropriate authorities to vigorously enforce. Let me give you a personal observation based on my years of service in the House. During the years that I served in the House of Representatives I came to the conclusion which I still hold today as President, and that is our government is engaged in excessive classification of all types of information. Too much material is classified. This creates a cumbersome process both from the standpoint of use of the information, safeguarding and tedious declassification procedures. This is an area that I plan to address both by executive action by the Administration and by legislative request to the Congress if necessary.

2. Classified information essential to the work of committees of the Congress and required within the scope of their legislative mandate will be made available to those committees. However, it is my position that before delivery of these documents there be established responsible procedures for their handling and disclosure in order to protect the integrity of the information and not jeopardize the national interest by unwise public disclosure. The issue is not the withholding of classified information from the committees of the Congress rather it is the procedure for both security and authorized public disclosure of information which in today's modern world will be disseminated to the four corners of the globe for use of friend and foe.

3. It is agreed both by those in the Executive and Legislative Branch there is no single clear legislative expression of how classified

materials shall be made available to the Congress -- nor how it should be handled by them in their deliberations -- nor how it shall be disclosed by them in their committee actions. I call on the Congress to join with me in trying to establish a procedure to accomplish not only the purposes of the Legislative Branch but which will enable me as President to protect the integrity of these materials so as not to harm the national interest.

4. In the disclosure of classified information, as President I cannot agree to release to Committees data and information which
 - a. names the names of foreign intelligence agents

who have supplied us with information.

b. names the names of United States agents assigned to sensitive intelligence positions where the disclosure would compromise their efforts or even worse imperil their lives.

c. spells out the technological system or device or its location that enables us to acquire intelligence information.

d. finally, a very limited area of information which is transmitted directly to me which would come within a narrowly defined area of executive privilege. (NOTE: This should be more precisely defined.)

In the current situation it is not my position that we arbitrarily refuse the requests of the Committee, but my position is simply that it cannot be released absent procedures that are mutually satisfactory. I cannot agree to procedures whereby a committee unilaterally can make a determination for the declassification of materials which the Administration deems sensitive and should

in the national interest should not be disclosed.

300

When you realize that there are more than ~~50~~ standing committees and subcommittees of the House and Senate, I think you can better understand the reasons for my concern whereby any such committee might initiate its own procedures on the handling of classified information, or exercise the right of unilateral declassification.

The time has come to address this national need. I believe that although reasonable men may differ that the Congress and the Administration can come up with a workable system to meet the legislative needs and the right of the Congress to know and the President's duty to protect. These responsibilities need not be in conflict and neither are they inconsistent. I am convinced we can find a way to proceed and there are various approaches and many options. Let us explore them. Let us look at long range policies.

There is a paradox relating to the declassification of documents.

Under the Freedom of Information Act any American citizen may,

in requesting the release of classified information, ultimately resorting

to the courts for determination as to whether the classification of this

information is arbitrary or whether it can be legitimately withheld

from release. Ironically, there is no statutory procedure

whereby the Congress can resolve its differences with the

Executive Branch over classified information except through the

highly adversary proceedings involved in the subpoena process.

Yet for almost two centuries without a formal statutory proceeding,

informal arrangements, based largely on comity, good will and

cooperation have evolved between Committees of the Congress

and the Executive Branch that have usually avoided recourse to the courts.

This lesson of our experience leads me to believe that within the

framework of precedent, we can establish these procedures rather than formalize requirements requiring court interpretation for their resolution.

For years committees of the Congress have worked out their own accommodations on how to address this question. The times have changed, technology has out-paced procedures.

It has been suggested that where differences occur in declassification in committee that there be an appellate procedure which will be a legislative group consisting of certain leaders of the House and Senate. This would be in the nature of arbitration procedures that would involve the Leadership of the Congress who have reviewed decisions of a committee with which the Executive Branch disagrees.

Other approaches have been suggested. They deserve consideration.

President Truman insisted -- and the Congress agreed -- that American intelligence should not be compromised by public exposure. It is an anomaly that in the real world of 1975 a measure of secrecy is essential to preserve a free and open society.

America cannot survive if we become the only nation to expose its intelligence services.

I remain convinced that the best guarantee for peace and freedom is an American intelligence capacity second to none. It is entirely proper that this system be subject to Congressional review, but the time has not yet come when a President can abandon his responsibilities as Chief Executive and assume that world peace can be assured by the goodwill of others. Our intelligence capabilities are essential to the preservation of peace. They are vital to any real arms limitation, whether of strategic or conventional forces.

[Add closing paragraph.]