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BURTON WIDES

EXIT INTERVIEW

LEE JOHNSON: It is February 2, 1979. We're in Room 492 of the Executive Office Building. I'm interviewing Burton Wides, counsel for the Intelligence Oversight Board. My name is Lee Johnson.

Let me start out just by talking about your background a bit. Have you worked in the executive branch before?

BURTON WIDES: Only in the sense that I worked for several summers while I was in college and law school on a part time basis for the Navy and for the Defense Department, but not since I graduated from law school.

JOHNSON: Have you worked in the private sector before?

WIDES: Yes. I could just give you my background before coming to the White House. After getting out of law school, I worked for a Wall Street law firm and in 1970 came down to Washington and became counsel for Senator Philip Hart of Michigan, who died in 1976. And I was with him for those seven years. I worked primarily on judiciary matters including Watergate and many of the controversial nominations, such as the one for Judge [G. Harrold] Carswell to the Supreme Court and various Attorney General nominations. During that period Senator [Frank] Church had the Church Committee for investigating the intelligence agencies. Senator Hart was on it. I was his designee and also in charge of investigating the CIA. As a result of that, I first got into the intelligence oversight business. In 1977 I was administrative assistant for Senator Paul Sarbanes of Maryland--helped set up that office. And then towards the end of 1977 was asked by the President's Intelligence Oversight Board, the IOB, to come down here.

JOHNSON: What was the date on that again?

WIDES: I think it was in November that I actually came on the payroll.

JOHNSON: November of 1977?

WIDES: Yes.

JOHNSON: I was going to ask you what previous job experience led you to this, and I think you've answered that question.

WIDES: We had done some work on the Judiciary Committee over the years in the area of the FBI and civil liberties and national security wiretapping, the area on which President Carter just signed a bill this fall. But the Church Committee was the first systematic and substantial effort that Congress did and that I was involved in.

JOHNSON: One of the questions I was going to ask you was if you had been involved politically at all with Mr. Carter during the campaign of 1976 or during the transition.

WIDES: No.

JOHNSON: You came straight from the Hill basically?

WIDES: Yes.

JOHNSON: Let's get into some questions just about the IOB--start out generally, and then we can get into specifics, take it from there. What's the overall role of the IOB?

WIDES: The IOB is designed to be an independent intelligence oversight mechanism within the executive branch in a sense analogous to the role of the congressional oversight committees, although much, much smaller, reporting directly to the President, serving as a group of experienced, confidential advisors to the President, but advising him in the area of oversight on intelligence. Independent in the sense that it is independent of intelligence agencies and the rest of the national security chain of operational command, such as the National Security Council insofar as they are involved in intelligence matters.

The origin of that helps clarify the scope of the IOB. Going back to at least President Eisenhower there was a fairly large group of outside advisors including many distinguished scientists, retired military personnel, diplomats, and businessmen.

JOHNSON: Was this the Committee of Forty?

WIDES: No, the Forty Committee was basically the Undersecretary of Defense, State, and so forth, and they actually were a decision making group. This was the President's Foreign Intelligence Advisory Board, acronym PFIAB. The name has changed slightly. Maxwell Taylor was chairman at one point. Clark Clifford and so forth. Their job was general oversight of the intelligence community. Were they doing anything wrong? But far more time and effort was devoted to what weren't they doing enough of or how could they do better. Should they build a new satellite? Was their counterintelligence good?

After the Church Committee and the exposes about problems in the intelligence community, President Ford issued an executive order which President Carter has revised and re-issued. Both put restrictions on the intelligence community. In addition, President Ford in that order established the IOB. What President Ford did was ask three members of the PFIAB to essentially don a second hat and meet on Tuesday afternoons as the IOB and carry out the IOB's function. When President Carter came in, after reviewing the intelligence structure with his advisors, he abolished the PFIAB, retained the IOB, appointed the present three members. The chairman is a lawyer in Washington, Thomas Farmer, who had

experience in CIA and was then general counsel to AID under President Kennedy.

JOHNSON: This was in April of '77?

WIDES: I believe sometime in the late spring of '77 they came aboard. Ex-Governor [William] Scranton of Pennsylvania, who had been a congressman, ambassador to the UN, and ex-Senator Albert Gore, who served for many years on the Foreign Relations Committee when he was Senator from Tennessee. They are all private citizens who have other activities. However, the Board is somewhat unusual in that it is not an advisory committee. The executive branch has many advisory committees, but the IOB is a unit, or component, of the White House office staff, and on a full-time basis the head of the office is myself as the general counsel and staff director.

The role of the IOB can be defined by starting with the distinction between the PFIAB and the IOB. As I indicated, the PFIAB's role was a general oversight one like a congressional committee. The IOB is more narrowly focused on whether any intelligence activity raises a question of legality or propriety. That is, is something going on which shouldn't be going on, either because it violates a law or the executive order or any executive order or regulations that implement it or because, if even technically it is lawful, it's the kind of thing that the U.S. government shouldn't be involved in either generally or in a particular instance? It might be considered quite acceptable to engage in a certain activity, but using a particular person or doing it in a particular circumstance just might create a sense of malaise that the American people would really find this unacceptable.

JOHNSON: I remember reading in a news conference that President Carter had talked about the IOB investigating even the rumors of impropriety. Perhaps this is the kind of thing?

WIDES: That gets into the question which I was about to get to of what is the basis of the inquiries. The question is what does that charge mean? Impropriety is somewhat ambiguous, and it's difficult because the order is unusual--the executive order--in a second respect. That is, it places a direct personal responsibility on the inspector generals and general counsels in each agency--not on the CIA as an institution, nor on the FBI director as a person, but on the general counsel and the inspector general of the Defense Department, NSA, FBI, and so forth. The responsibility is for them to have an adequate system--although they obviously don't know everything that's going on or to be likely to surface or to find out about or to be asked by people who are in the operations side of the agency--activities which might raise a question and to report them to us on a periodic basis. I'll get back to that in a little more detail.

Apart from the agencies reporting items to the Board, the Board may also look into matters on its own. If there is a rumor,

as you say, an allegation, a newspaper story, a tip or complaint. Or sometimes in the course of other work, both generally getting background reviews and briefings on the way the intelligence community is working or working on one matter we may get into indications of another problem the Board should look into. Now obviously the degree of effort involved will depend on how substantial the basis of the allegation appears to be. If someone gives us a rumor, the Board may investigate it to a certain extent, decide there is not enough of an indication, any indication, that that's true to continue to investigate it to the ends of the earth.

In other cases, there may be no question that something is amiss, and then the Board may do a very full, long investigation to make sure that it understands the dimensions of the problem. Not infrequently an agency may say, "We think there's a question about this tiny corner of this one operation." When we go out and speak to them, and by speak to them I mean not simply talk to the general counsel's office, but we have full access to look at original files, cable traffic, documents, the raw materials of the intelligence business, or to talk to--not agents in the sense of someone being pulled back from Bulgaria, but not simply even the head of a division, but the officer who's a branch officer. In some cases we have gone to the field and talked to the employees fairly far down the line. We often find that above and beyond the particularly focused or phrased item or question that the agency has reported, that we think the dimensions of the issue go further or there are additional matters as part of that general area that raise questions, and we will expand our investigation beyond the scope of what was reported to us.

JOHNSON: You've used "we" all along. Now when you go out on an investigation, does "we" refer to Mr. Farmer and you? Does it refer also to Mr. Gore and Mr. Scranton?

WIDES: I was using "we" institutionally there. The investigation is done by the Board staff, and the Board staff is sitting across from you in the sense of professional investigation. It's a very small operation, and questions have been raised, I think with some merit, as to whether the staff is adequate. The President has indicated that he wanted to keep it quite small, in part because of the sensitivity involved--of the activities we get into. And there is always a trade-off. We just completed one very large investigation at the request of the President, and that took a lot of time and resources. While doing that, it's very difficult to also keep up with the ongoing oversight. On the other hand, the advantage is that it is a seamless web in the intelligence business, although it's true with most areas I suppose, and there's something to be said for one person knowing everything that's going on and being able to interrelate it. Although carried to its logical extreme, that would prove that Archibald Cox would have had to have done the Watergate investigation entirely by himself, so there's obviously a fallacy. And when I said "we," I was really referring to myself in the sense of going out to the agencies.

Board members in the past have gone out for general orientation briefings from time to time, and in connection with the investigations that we do, particularly one in which we went in great depth, Board members may read a considerable amount of original material--that is the investigative files that I make or get from the agencies. I will sometimes bring materials back. And Board members will be involved in interviews of witnesses, or they will hear testimony--not in a sworn sense, but in an informal sense. But the day-to-day investigation is done by myself. We have had the cooperation of the agencies in terms of making people and items available.

Now let me just finish the general process before we come back. That might be the most useful. An item is reported to the Board.

JOHNSON: This is good, because one of the questions I was going to ask you was to trace the process, and I think that's what you're getting into.

WIDES: An agency will report periodically, every three months. They tend to report quarterly or sometimes in between. And [an agency] will report an item saying, "We understand that the Asian division has been doing a certain kind of activity and it necessarily involves using some information about Americans or getting information from Americans or something else, and there's a question as to whether it violates subsection blank blank of the executive order, which says you cannot get information from Americans except in five circumstances, and we're not sure if any of those circumstances are met here." They may say, "We have concluded that this is a violation." They may say, "This raises serious problems." Or they may just say, "There is a question."

Now, the agencies have correctly said that it's a little difficult for them to know exactly what they are supposed to report to us. The order says they are to report questions of legality--activities that raise questions of legality or propriety. If the Board looks at them and decides they are serious, the order says that the Board is supposed to report to the President activities which they feel raise a serious question, along with their recommendations. Basically anyone who walks into a general counsel's office has a legal question, and that would require them to report their entire day's work. But the basic understanding, which is a little easier to say than to always apply, is that after an agency general counsel or inspector general has looked into a matter, which either he or the person coming to him in the first instance thinks might be a problem, has learned the facts, looked at the law, applied it, and in his own mind is fairly confident that there's no problem, it need not be reported. If after he finishes, he decides that on balance the agency can go ahead, but it's uncharted or difficult or a close call or he's not sure, then clearly they should report to us.

When we get those items, or if we've had a complaint from the outside, I would go back to the agency. In a fairly informal way,

we'll determine how we will go about it. I have some ideas, but basically it will involve first speaking to the head of the appropriate division or unit and then working my way down to whatever level I feel is necessary to talk to others. Looking at files, and doing an investigation. I will take some documents back. Sometimes the people will come in. I'll interview them here. Sometimes out there. I will prepare a report for the Board.

The Board meets once every month, at least, but I see the members more frequently. The chairman practices very nearby the White House--spends a great deal of time on Board matters. Senator Gore comes in frequently and has an office up the street and will stop in. All the members have scrambler telephones, and I can speak to them on classified business in their offices out of the city in the case of the other two members. Often I'm sending them materials if it's a non-classified issue, which sometimes it is, regarding procedures, or talk to them on the phone, or they're stopping by the office in between meetings. And then there'll be materials available for them if there are additional things they haven't seen when they come in.

On each item the Board will talk about it. I join the discussion. It may result in a decision to wait, to do additional investigation to ask further questions from the agencies, or an instruction to me to prepare a report to the President. Or if I have spoken to the Board members before then and have a sense that that's likely to be the case, I may start working on a draft for them to work on. We then, if we're going to report a matter to the President, and the Board members have approved a final version of it, we describe the problem for the President, try succinctly to indicate why it raises a serious question, with the Board's recommendations.

Now sometimes the difference between the Board and an agency, and the reason why the Board feels it's necessary to go to the President, may be that they are essentially in agreement that what was going on shouldn't, whether the agency absolutely concedes that it was a violation or skirts that. But what is an adequate remedy? There was one case in which the activity had been turned off by the agency on the ground that it probably couldn't be done under the executive order. Certain operations, however, had been spawned through the mechanism which was terminated and were still ongoing now as intelligence activities with a life of their own. Even though those activities were of a kind about which there was no question, their origins had been in this arguably illegal mechanism. And the question was whether in the sense of the fruits of the poison tree in law where a confession improperly obtained can't be used even if it's otherwise apparently truthful, or because of the sensitivity of the original situation the President wanted to try to terminate those activities as well. So that is another kind of issue that might go to the President.

The President would then issue his instructions, usually to Dr. [Zbigniew] Brzezinski, sometimes would call for a response or a reaction to our recommendations from the agencies, and where appropriate we will be involved sometimes in follow-up. The

President is required by the executive order either himself or to have the agencies report to Congress if it is determined that there has been an illegality or impropriety. We are sometimes involved in preparing or coordinating that response as well.

Why don't I stop and let you ask your questions now, but that gives a fair overview. There's one other thing I might mention, and that is that we are also supposed to report to the Attorney General matters that come in that raise questions, so that he can exercise his responsibility should the situation give rise to a question of criminal liability.

JOHNSON: Are those again periodic reports? Are they required every certain number of months?

WIDES: No.

JOHNSON: Issue deadlines, I take it?

WIDES: It would arise where there is an activity that we'd come across. In many cases, activities that are reported to us are also reported to the Attorney General. We may know he is aware of it, and therefore not report it to him.

With regard to the way the Board relates to the other agencies, I should say that there are very good, able people involved in oversight in the agencies. They feel, as is reflected in the media, that the community is bending over backwards these days, perhaps to the point of not being as effective as it should, because of all the publicity and everyone being concerned about whether five years from now they might be prosecuted or investigated for doing something. Therefore, they feel that there is intense oversight, and the people at the agencies who are operators will sometimes tell me that they feel like Gulliver, simply by virtue of the internal oversight mechanisms at the agencies. So needless to say, there is some ambivalence about the need of another group outside the agencies within the executive branch, because they concede or can understand the separate congressional oversight role, looking over their shoulder when, after all, Admiral [Stansfield] Turner or Judge [William] Webster are working for the President and have committed themselves to make sure that nothing happens on their watch, and so forth.

There's an inevitable overlap. There's an inevitable second guessing, and I think that's the nature of the IOB. The concept is to have an institution whose members do not have the operational hat, because even the lawyers out there or the inspector generals after all have a client, though I think they are men of substantial integrity.

Finally I would note that the Attorney General and the Justice Department also have a broad oversight role, particularly with regard to the FBI, where it approves operations of any significant substance in terms of reviewing ongoing activities or approving wiretaps. The Attorney General drafts orders, and so there's an element of overlap with them as well. We've been able

to work that out, but I think it involves some conceptual and bureaucratic and human problems.

JOHNSON: You've touched on a lot of the specific questions I was going to ask you about--things about the nature of the report procedure, where they were coming from, interaction, and so on. We'll go through some of these and maybe supplement some of the things you've said already, and some of these are questions that don't specifically relate to the reporting procedure.

It's been a little bit over a year since the President put out the executive order on intelligence activities. Was the Board involved in drafting that executive order, or did they have any kind of input into the development of that order?

WIDES: Yes. The Board chairman sat in on the working group for that and was involved in discussions, including the sessions on substantive provisions and restrictions. But primarily the Board's input was with regard to what would the oversight system be under that order. How would it work? Would they continue with the system under President Ford's order, and how would it be changed in terms of people reporting to us? What we did, the nature of the IOB. The new executive order added explicitly what was implicit in the Ford order. That was the power of the Board to initiate investigations on its own initiative.

JOHNSON: That's an interesting point for me because one of the questions I had thought of asking you was the nature of the Board's work. Is it basically response? Is it basically a reaction, or do you initiate? It seems clear from your general [answer] and from what you're saying now that you do a good deal of initiating of things.

WIDES: I would say proportionally, the bulk of the work is reactive, but you have to understand that reactive does not mean solely--well, it depends on how you define it. I would say at least half, probably more than half, of the Board's work is responding to reports from the agencies. And they have reported a substantial number of matters. Some agencies, I think, still traditionally are reticent about saying, in effect--it's not the easiest thing in the world for a bureaucrat, whatever his title, to say, "Look, my boss and our outfit may be doing something illegal. Why don't you look at it?" Especially when we're not talking about covering up a crime, but we're talking about interpreting regulations and limitations on activities. But I would say at least half, probably more, is reactive in that sense.

If initiative includes items where the President asks us to look at something because a citizen has written or complained to him because there is simply a controversy in the press, items where retired intelligence officers come in and say they were fired because they were protesting something that's improper...for instance, trying to screen out what are essentially personnel grievances.

If all the things that lead the Board to call up an agency and say that "We want to look at X," without their having filed a report with us in the first instance are considered non-reactive, then I'd say we do a lot of non-reactive things. If one includes in that when items are reported to us as I indicated before, not simply investigating them within the scope of the report, but often that being a springboard into a wider area than perhaps the agency anticipated when it came to us.

JOHNSON: That was leading me into a second question. I think you touched on it. You talked about reports from the intelligence community itself, the general counsels, the inspector generals, and so on. I take it a certain amount of material comes in from outside the agencies. There are other channels of communication into the IOB?

WIDES: Are you referring to citizen complaints? More often it is someone who has been involved in the community or at least peripherally, someone who is in the State Department, someone on Capitol Hill, a newsman. In the case of newsmen, we have a very low profile. We don't really talk about what we're doing or even acknowledge we're looking into a particular matter that's been in the press. Basically we treat calls from newsmen, and I tell them this at the outset, like any other citizen providing information that may be a lead, which is usually not exactly why they've called. I couldn't assign a percentage.

JOHNSON: That's [an exact percentage] totally unimportant. Getting into the nature of the...

WIDES: I think to be accurate, not that many. It is not as if we're getting whistleblowing calls constantly. We've had a few. Usually it relates to something that also is intertwined with the person's personal grievance. And we get a fair number of calls, ranging from the serious to the frivolous or not so serious, from citizens who feel that whatever problems they have at the moment are caused by a plot against them.

JOHNSON: I believe you said earlier that you'd come on late in '77. I know after the appointment of the other members of the Board that they did have a direct meeting with the President. Are there regular meetings with the President, and if there are, have you been in them, and if you have, could you give me some of your reflections on those meetings?

WIDES: There are not regular meetings. The Board usually communicates with the President by memorandum. The Board has had several meetings with the President since then. Usually they are to discuss procedural questions or questions about how the Board will operate trying to resolve a problem with an agency, differences of view as to our jurisdiction or authority, the general scope of what we're getting into. And that kind of

question. We had one meeting this summer which included that but also included the Board discussing with the President the substantive things that they were working on.

The few times the Board has met with the President, I think the impression of the members and myself has been that he takes us quite seriously, is interested, has read whatever is involved, and he is very supportive of the Board. We have communicated with him in writing on other occasions concerning procedural questions or to what extent the Board will work, and he has basically indicated that he regards the Board as an extension of himself in terms of oversight, and has made it clear that we should feel free, or the Chairman should feel free, to contact him at any time; see him on short notice. And we do bring our things, if we think it is necessary, directly to the President's secretary, although usually to the Staff Secretary. The indications from how things are processed are that he takes them and looks at them very promptly after we brought them to him. Acts on them very quickly.

JOHNSON: You talked about the interaction with other parts of the government, particularly the Attorney General. What about the Senate committee? Do you deal with the Senate committee very much?

WIDES: No, not really. Occasionally we're both trying to speak to the same person, or we coordinate. We try and obtain their reports as they become public. I may chat with one or two people in the context of some information they may have about activities going on or investigations going on as a backdrop for what I'm doing. But basically since the Board serves as confidential advisor to the President, there is nothing resembling the kind of day-to-day coordination or cooperation. There is no hostility. There is really no contact as there is in the case of most executive agency offices and their corresponding congressional committee or subcommittee.

JOHNSON: So you've talked about the Attorney General. You've talked obviously about the inspector generals, the deputy counsels, and so on in the various agencies. Is there anyone else that is involved in your pattern of work?

WIDES: Well, within the White House we have worked on a few occasions with Bob Lipshutz, not on substantive investigations, but on the executive order and implementing it. There are several guidelines involved that the Board has worked on. And some other matters, but not too frequently. And we've had some contact with the NSC, particularly Sam Hoskinson, who works on certain intelligence matters, or Dr. Brzezinski, and I've had some contact with David Aaron. And that involves either follow-up on reports the Board has made...sometimes it is through Dr. Brzezinski that the Board is asked to look into things. One matter we worked on a lot in terms of coordinating executive branch response, which they [Brzezinski staff] are doing, and the IOB investigation. We may have contact with them.

JOHNSON: The Senate has a bill relating to intelligence overall. I'm not really quite sure of the status of that bill right now. Do you have any kind of input? I would assume you don't because of your independent nature.

WIDES: Yes, we do there. But again primarily with regard to what the executive branch position is going to be on the oversight function. Part of it dealt with what would happen to the IOB. And the IOB had some interest in that. [Chuckle] Hopefully that was in the context of what was desirable for the government. And other aspects of the oversight process, which were in Title I. We went to several meetings on that.

We're not part of the working group with regard to the charter. However, the Board has two other functions, which I haven't gotten into, which are really ancillary to its basic function and which necessarily keep it interested in the very same questions that are in the charter discussions. First, the Board is supposed to review the agency procedures for oversight--that's adequacy for surfacing and reporting matters to us. Secondly, the Board is supposed to review periodically the internal guidelines of the agencies to determine whether they are adequate. The substantive restrictions or substantive policies of the agencies to determine whether they are adequate to prevent illegal or improper matters.

Therefore, we are really looking constantly at the executive order and the specific implementing guidelines that are deduced down from that at the agencies. And those really cover the very same issues that are being covered in the charter. What should you be allowed to do with respect to investigating Americans overseas? When should intelligence agencies put people inside groups without the groups knowing about it? When should you be able to get information about someone without his knowing about it, especially if there is not a scintilla of suspicion that he's done something wrong, and the reason is either that you want to use him for an operation and want to know a little bit about him before you approach him, or you think he may have some foreign intelligence useful to the government but may not tell you about it on a voluntary basis? Those very issues which are at the heart of the charter debate are often coming up with regard to the order. We take the order as a given, but we are seeing how it is applied and therefore have some basis for comment. I think the Board may get involved at some point in that.

JOHNSON: I think we've covered pretty well the role of the IOB. I'd like to get a little bit more personal. Have you found anything particularly satisfying about your job, any particular thing that stands out that brings about a certain amount of pride in what's taken place over the last years?

WIDES: Well, several things. I like to think we've made the IOB work, and it is inherently a very difficult job for the reasons I

said before. It's a cop, or policeman, and judge within the executive branch over officials and agencies that think of themselves as being their own effective self-policemen and self-judges in this area and, if anything, bending over backwards to do it. I think that inevitably they regard the Board at moments as unnecessary, interfering with their work. But I think in that context, I like to think the Board and myself have at least established the Board as a responsible organization, both in terms of security and in the sense of not looking simply for notches on their gun, but only going to the President or pursuing something where necessary. Of understanding the community, and not being co-opted, but not being so unfamiliar with what's going on that they go off half cocked instead of being constructive. I think we've done that. It may vary from agency to agency. I think we've had good cooperation. I think that it's hard, because the Board is solely the confidential advisor to the President, to let the agencies always know what the thinking was, to have them confident that if you present a matter to the President, where they don't see the report unlike the case of let's say an [Stu] Eizenstat memo, that they feel confident that you presented their side of the case, which we obviously try to do. It wouldn't serve the President well, or in the long run the Board,...but I think they at some point do have a sense of what we've said or done and that they certainly think it's appropriate. I've heard no complaints about that.

Substantively, there have been a few things that we've gotten modified or changed on particular activities. I think the more satisfying thing is that there were several cases where the procedures and the general way the intelligence community was working, the Board thought deviated from the way it was supposed to work under the executive order. The Board has discussed some of those things with the President, which in the long run may be more significant than whether a particular spying operation is modified or turned off.

I think probably for me the most satisfying thing apart from those things I mentioned was one large investigation the Board was asked to look into which was very substantively complex, involved a great many events over a long period, many people. I interviewed probably upwards of one hundred people in depth, looked at thousands of pages of material. It involved both an investigative whodunit, what happened in a particular case, and then the Board had to make certain judgments for the President in terms of the recommendations as to evaluating what had happened, what its significance was, and what should be done thereafter. In terms of the scope and complexity, it was very satisfying to work on, very hard, but very satisfying.

I think the people I work with at the agencies, although we try to maintain an independence and a distance, they're very satisfying to work with. They're able. They're dedicated. Whether we're working in an adversarial context or a cooperative one, I've enjoyed it.

JOHNSON: Anything that you've found particularly frustrating or disappointing?

WIDES: Yes, I think that overall my sense is that some of the agencies are not reporting as much as they should. Not in the sense that, although one never knows, I think they have some little children locked up on a mountaintop or are doing something heinous somewhere. It's possible, but I'd be somewhat surprised. Let's put it this way. Beyond the sensational--and that doesn't mean that the Board doesn't look into things that may get sensational headlines, but in the daily work of intelligence, beyond the poison dart guns--there are a lot of very tough balancing questions, which the executive order tries to reach a balance on and which the statute will, between having good intelligence for national security needs and adequate protection of privacy, civil liberties, or simply not doing things with regard to certain categories of people that--the kinds of activities that are considered unacceptable even if they don't really involve privacy or a constitutional right. That kind of balancing inevitably raises a lot of questions, and I think the Board's role is to sort of take a second independent look at them for the President in regard to particular activities. I think that in some cases the agencies, whether consciously or unconsciously, feel that, "Well, that's really not something that we need to report to the Board." I don't mean to imply in the cover-up sense, but in the sense of their interpretation of the executive order. That's been from time to time a source of frustration.

I think to an extent the fact that the Board is confidential advisor to the President and really has the hydrogen bomb or nothing, at least on its face...that is, either there is a critical report to the President, or the Board really lets it ride. It doesn't have the intermediate tools of going back to the agencies with some power to say, "Well, unless you want to take it to the President, we'll let you do it, but make this change, make that change." It's part of the job inevitably, but makes it a little difficult. Because you're working with an agency, and then they provide you with a lot of assistance. You get into something, and then either they never hear about it again and wait for the other shoe to drop, or [they] get a letter from the President to the head of the agency saying something should be changed. It's not the usual way that White House elements working with executive branch offices interact. Then you have to come out the following week and say, "What do you have for me today?" It's not your normal White House-executive branch relationship.

JOHNSON: Let me ask you just a couple of logistical kinds of questions. Have you arranged for the disposition of your papers that have been created downstairs?

WIDES: I have no papers. The papers that I have are the Board papers, and they'll be turned over to my [successor].

JOHNSON: We'd like to have an address where you can be reached in case we decide that we'd like to talk to you again at some time in the future.

WIDES: Senate Judiciary Committee.

JOHNSON: That also ties in with the final question I was going to ask you. Where are you off to?

WIDES: Well, I'm going back to see if Thomas Wolfe was right, and go back to the Senate Judiciary Committee, where I spent quite a few years working on questions of civil justice and the courts.

JOHNSON: Will you be associated with any particular Senator?

WIDES: I'll be with the full committee staff.

JOHNSON: Fine. Thank you very much.