

The original documents are located in Box 19, folder “President’s Foreign Intelligence Advisory Board (11)” of the National Security Advisor’s Presidential Agency 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 Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections.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.

10

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029594

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇMemorandum

CREATOR'S NAME Samuel M. Hoskinson

RECEIVER'S NAME Brent Scowcroft, William G. Hyland

DESCRIPTION possible discussion topics during lunch
with PFIAB

CREATION DATE 08/05/1976

VOLUME 4 pages

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

16

A



18

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029595

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇMemorandum

CREATOR'S NAME Samuel Hoskinson, Richard T. Boverie

RECEIVER'S NAME Brent Scowcroft

DESCRIPTION re competitive analysis on topics
related to NIE

CREATION DATE 08/04/1976

VOLUME 1 page

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

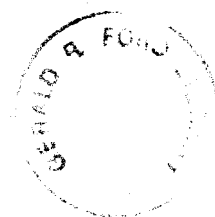
BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

1c



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029596

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇLetter

CREATOR'S NAME George Bush

CREATOR'S TITLE Director

RECEIVER'S NAME Brent Scowcroft

DESCRIPTION re experiment in competitive analysis

CREATION DATE 07/30/1976

VOLUME 2 pages

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

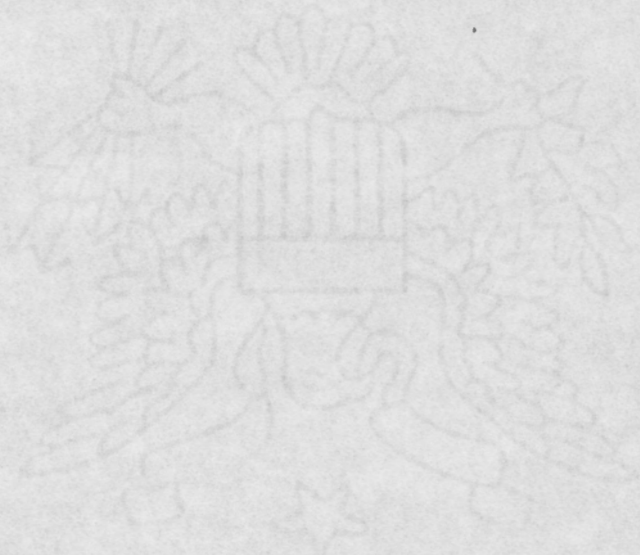
DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

1d

B

H261



1d

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029597

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇLetter

CREATOR'S NAME Robert D. Murphy

CREATOR'S TITLE Chairman

RECEIVER'S NAME Mr. President

DESCRIPTION re funding question

CREATION DATE 07/12/1976

VOLUME 1 page

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

12

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029598

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇLetter

CREATOR'S NAME Robert D. Murphy

CREATOR'S TITLE Chairman

RECEIVER'S NAME George Bush

RECEIVER'S TITLE Director

DESCRIPTION re funding question

CREATION DATE 07/19/1976

VOLUME 2 pages

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

declassified with portions exempted

12

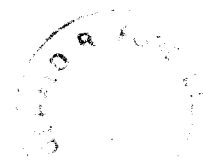
THE WHITE HOUSE

WASHINGTON

Intelligence Oversight Board

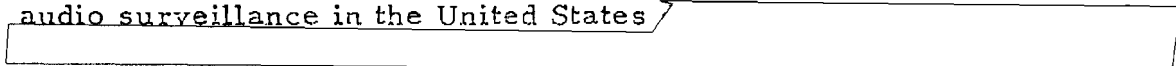
July 19, 1976

Dear Mr. Director:



25X1

Following receipt of a report from the CIA, the Intelligence Oversight Board has looked into the funding by the CIA of an FBI program of audio surveillance in the United States



25X1

From our inquiries, we understand that formulation of this program began in the mid-1960's and funding in 1969. The CIA has obligated to the FBI [redacted] to the program, the most recent commitment of funds being in 1973. Less than [redacted] remains for obligation to particular program expenses. These funds are still being held by the CIA for the FBI.

25X1

The funds have been used by the FBI for surveillance research and equipment, purchase of a building and for other related expenses. Major portions of the equipment research and procurement have been contracted for by the CIA pursuant to FBI direction. Both the CIA and the FBI consider this an FBI program.

The Board has considered whether it is legal and appropriate for the CIA to fund this FBI program. The 1949 CIA Act established in Section 5 (50 U. S. C. 403F) a framework for the CIA to fund activities of other government agencies:

The Central Intelligence Agency is authorized to--
(a) Transfer to . . . other Government agencies such sums as may be approved by [the Office of Management and Budget] for the performance of any of the functions or activities authorized under sections 403 and 405 of this title.

Use of this fiscal authority thus turns on whether the other agency's activity is authorized for the CIA. The scope of CIA authorized

DECLASSIFIED, with condition exempt
AUTHORITY (CAC) 9/12/07 NLF-PAF-17-4-4-9
BY [initials] NLF, DATE 4/29/09

OGC Has Reviewed

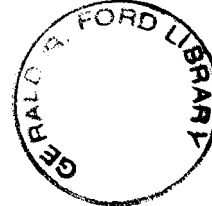
Presidential Library Review of NSC Equities is Required

FBI REVIEW COMPLETED

ORIGINAL

MORI/CDF

No Objection To Declassification 2007/09/12 : NLF-PAF-17-4-4-9



Use of this fiscal authority thus turns on whether the other agency's activity is authorized for the CIA. The scope of CIA authorized activities in the United States is not definitively spelled out in the Agency's authorizing statutes. As the investigations of the past year have emphasized, this lack of specificity has caused problems over the CIA's history. Without making any definitive determination of whether the FBI's audio surveillance program fell within the CIA's authorized activities when the program was funded by the CIA, the Board has determined that it is doubtful whether such an activity is authorized for the CIA today. Executive Order 11905 delineates those activities authorized for the CIA, consistent with the 1947 National Security Act grant of authority to the National Security Council to direct activities of the CIA. The Order, among other things, prohibits the CIA from performing electronic surveillance within the United States (Section 5b2). Although this section has been interpreted to allow the CIA to request and give technical assistance to other agencies conducting the electronic surveillance, total funding of such activities would seem to fall closer to performance of the surveillance than the request and assistance interpretation contemplates. The Board, therefore, finds serious legal impediments to funding of this FBI program by the CIA in the future.

The Board understands that there are no current plans for the CIA further to fund this FBI program. It also understands the FBI is seeking to establish a method by which this program can be funded in its own budget.

The Board is sending identical letters to the Directors of the CIA and FBI. Copies of the letters are also being sent to the President. We would like to be informed by each Director whether he agrees with our understanding of this program, and in the future be apprised of all planning for future funding of this program.

Very truly yours,

Robert D. Murphy

Robert D. Murphy
Chairman

The Honorable George Bush
Director
Central Intelligence Agency
Washington, D. C. 20505

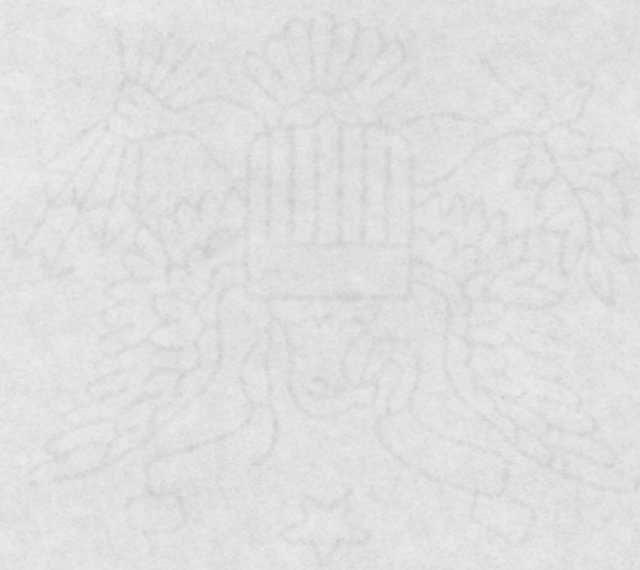


~~SECRET~~

14

C

FZBI



THE WHITE HOUSE

WASHINGTON

July 19, 1976

John B. Connally
 Vinson, Elkins, Searls, Connally & Smith
 First City National Bank Building
 Houston, Texas 77002

Dear Governor Connally:

I certainly enjoyed our recent long conversation. It was especially good to find you in such high spirits and full of thought-provoking ideas.

Of particular interest to me were your thoughts concerning the Intelligence Community and its public image problems. You are, of course, right that we have not been very successful in educating the country on the important role we have to play in the defense of democratic values and other U.S. interests abroad. In part this problem stems from an undeveloped sense of public relations and can be corrected over time if more attention is given to the image we generate at home and abroad. In a more fundamental sense, however, it is a question of basic education. It is in this latter area that the Intelligence Community needs the public support of prominent Americans like you.

In thinking about this problem since our conversation, the thought struck me that perhaps a Vital Issues seminar might be an appropriate way to focus responsible comment on the Intelligence Community. The irresponsible critics have been having a field day, but no one has attempted to put the Intelligence Community problem into perspective. Some senators and congressman are campaigning on anti-CIA planks, but no one is attempting to define the role of foreign intelligence services in the third century of American democracy.

There are a number of well qualified people who would no doubt welcome an opportunity to participate in a Vital Issues panel chaired by you. Bill Colby and Jim Schlesinger come immediately to mind and both would be enthusiastic. But there are others like Danny Graham (recently retired head of DIA), Ray Cline (former CIA, Deputy Director for Intelligence, and head of the State Department's intelligence element), Lt. Gen. Vernon Walters (recently retired Deputy Director of CIA), John Hughes (former director of State's intelligence unit and now head of the Carnegie Institute), and David Phillips (head of CIA's Retired Officers Association). Men like Dean Rusk, McGeorge Bundy, and Walt Rostow could provide the perspective of former

DECLASSIFIED

AUTHORITY DC 5/31/07 NVE-RAF-17-4-5-8
 BY [signature] NLF, DATE 1/29/09



high policy officials with national security responsibilities. If current Administration officials were to be included, George Bush could be called upon as well as other Community leaders like Lt. Gen. Wilson, (Director, DIA), Lt. Gen. Lew Allen, (Director, NSA), and Harold Saunders of the State Department. Leo Cherne has given a lot of thought to intelligence problems and could make a useful contribution. Senator Inouye, who heads up the new Senate Select Committee on Intelligence, or the minority leader of that committee (Senator Baker) could provide a responsible input from the Congressional point of view. Congressman Mahon is another possibility. Your friend, Ed Williams, has made an important contribution to PFIAB concerning electronic surveillance and could provide an important legal perspective.

An agenda might include such topics as: the proper role for intelligence services in a democracy; covert action in the future; protection of secret information; electronic surveillance and the protection of constitutional rights; the Soviet KGB effort in the U. S.; the worldwide counterintelligence problem; and Congressional oversight of the Intelligence Community.

If a sponsoring institution were desirable, Georgetown's Institute for Strategic Studies, and John Hopkins School of Advanced International Studies (SAIS) are good possibilities, or perhaps an organization like the American Enterprise Institute could be recruited. Bill Bundy of the Council on Foreign Affairs in New York has been concerned about the Intelligence Community and is another possibility. Perhaps Harvard's international studies program could be involved or the prestigious Harvard-Tufts sponsored Fletcher School of International Law and Diplomacy.

These are only a few initial ideas which would obviously need to be developed more before a Vital Issues seminar were organized. The basic point is, however, that if you think Vital Issues would be interested in organizing a seminar on the U.S. Intelligence Community, it could be done. I would personally be willing to help to the extent possible, but it might be possible to find someone like Bill Colby to volunteer to take on the major burden of organization. If Colby were willing to take on the organization job, a good seminar probably could be held by mid-September.

Please feel free to let me know if this idea interests you and if there is any way you think I can be of assistance.

Warmest personal regards,

151
Samuel M. Hoskinson



FILED 19

JUL 30 1976

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES E. DAVEY, CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMERICAN TELEPHONE & TELEGRAPH
COMPANY, ET AL.,

Defendants,

JOHN E. MOSS, Member, United
States House of Representatives,

Intervenor-Defendant.

Civil Action

No. 76-1372

MEMORANDUM

This is an action brought on behalf of the Executive Branch of the United States seeking to restrain the American Telephone & Telegraph Company (hereinafter AT & T) from disclosing to the Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce, pursuant to a subpoena of that Subcommittee, certain documents, the delivery of which the President has determined "would involve unacceptable risks of disclosure of extremely sensitive foreign intelligence and counterintelligence information and would be detrimental to the national defense and foreign policy of the United States."

On June 22, 1976, the Subcommittee on Oversight and Investigations (hereinafter Subcommittee) voted to issue a subpoena to AT & T. This subpoena was issued by the Chairman of the Interstate and Foreign Commerce Committee on the same date. The subpoena seeks all documents falling within the following categories:

Handwritten notes:
1/10/76



1. Full and complete copies of Federal Bureau of Investigation (FBI) national security request letters, in the possession or control of American Telephone and Telegraph (AT & T) and its 24 operating companies listed below, for access to phone lines handling either verbal or non-verbal communications.
2. Copies of any and all records in the possession or control of AT & T or its operating companies prior to 1969 when written FBI requests were not routinely requested by AT & T and its operating companies.
3. Copies of any and all applicable Bell System Practices (BSP's) describing company policy regarding national security "taps" or "provision of facilities" to law enforcement or intelligence agencies. This should include both current BSP's and any BSP's on the subject which have since been revised or discontinued.
4. Copies of internal memorandum correspondence, board minutes, or other records relative to AT & T, and/or any AT & T operating company, practice or policy with respect to national security "taps" or "provision of facilities" to law enforcement or intelligence agencies, covering the last 10 years.

The subpoena is directed to AT & T and its chief operating officer. The materials demanded were originally scheduled to be turned over to the Subcommittee on June 28, 1976. Because of ongoing negotiations, the compliance date was extended to July 23, 1976. On July 22, 1976, this suit was filed with the plaintiff seeking a temporary restraining order enjoining AT & T's planned compliance with the subpoena. The parties appeared in open Court. The Chairman of the Subcommittee, Representative Moss, filed a motion to intervene as a party-defendant, which was granted. Counsel were heard including counsel for the intervenor. A temporary restraining order was entered that afternoon by the Court in order to maintain the status quo pending hearing on the motion

for preliminary injunction, which was set for July 28, 1976. The Court with the consent of counsel further ordered that the action on the merits be advanced and consolidated with the hearing on preliminary injunction. The plaintiff has moved for summary judgment. The intervenor filed a motion to dismiss or in the alternative for summary judgment.

On the basis of the entire record before the Court and for the reasons to be detailed in this Memorandum, the Court concludes that the plaintiff is entitled to summary judgment and that AT & T should be permanently enjoined from complying with the Subcommittee's subpoena. The following constitute the Court's findings of fact and conclusions of law.

The Executive Branch has in the past and continues to conduct electronic surveillance based upon national security without judicial warrant. The legality of such procedures is not presently before this Court. It is necessary, however, to understand the procedures by which such surveillance is instituted. The affidavit of Robert L. Keuch, Deputy Assistant Attorney General for the Criminal Division of the Department of Justice, details these procedures which are designed to limit the use of such surveillances to appropriate cases. These procedures are as follows: An intelligence agency requesting such electronic surveillance must submit a memorandum to the Director of the Federal Bureau of Investigation, explaining the need for the proposed surveillance. In order to obtain approval, its intent must be either 1) to prevent an actual attack or hostile act of a foreign power; 2) to protect foreign intelligence information deemed essential to the security of the United States; or 3) to

protect the national security information against foreign intelligence activities. The Director, if he approves of the request, forwards the request to the Attorney General. The Attorney General then confers with two Assistant Attorneys General and determines whether the electronic surveillance should be approved.

If approved, the FBI institutes the requested surveillance by hand-delivering, in a secure fashion, to the local office of the telephone company, subsidiaries of defendant AT & T, a "national security request letter" which includes the phone number, the address, or some other indication identifying the object of the electronic surveillance. Such a request is necessary because the information intercepted is moved from the point of interception (i.e., the telephone line leading to the object structure) to the point of monitoring (which may be the local FBI office) by way of a leased telephone line, which can be installed only by AT & T and its subsidiaries. It is such "national security request letters" which are sought in paragraph 1 of the subpoena at issue in this case.

Until the late 1960's, records of requests to, or cooperation by, AT & T in national security electronic surveillances were not maintained. However, in the late 1960's, AT & T and the Department of Justice entered into negotiations resulting in a form letter, called the national security request letter, which served to reduce to writing and refine the existing policy. Thereafter, beginning in the late 1960's, each time a national security request for leased lines between the points of interception and the point of monitoring was requested from AT & T or its subsidiaries, a national security request letter was forwarded, which included

(1) a request that a leased line be provided at the usual commercial rate, (2) a statement that the request was made upon a specific authorization of the Attorney General for purposes of national security, (3) the phone number, location or other information relating to the lines to be intercepted, and (4) the statement that AT & T was not to disclose the existence of the request because such disclosure could obstruct and impede the investigation.

It is the release of these post-1969 letters that the plaintiff finds most inappropriate, because of the highly sensitive information contained therein. One portion of the letter (called the "To" portion) refers to the local FBI monitoring station which, if it were to become public knowledge, would require the relocation of those stations. However, it is the "From" portion of the request letter which is of crucial importance. An analysis of what is included after the word "From" could identify the subject of the national security surveillance in one of three ways. First, the target of the surveillance may be identified by the listing of the specific telephone number to be intercepted; second, the target of the surveillance may also be identified by the listing of the specific addresses that are to be covered in the surveillance; and third, the target of the surveillance may be identified by the use of technical terms referring to AT & T lines or junction points.

The plaintiff has asserted that the disclosure of these letters or the information contained in them would have extremely serious national security and foreign policy repercussions. First, the information in these letters would disclose the identity of

every foreign power, or agent of a foreign power or entity, which is, or which has been, a subject of intelligence interest to the United States. While it may be understood that, as part of its intelligence and counterintelligence activities, the United States conducts such surveillances, public confirmation of this fact would be seriously detrimental to the foreign relations of the United States and would provide those governments whose interests are inimical to the interests of this nation with propaganda and negotiating resources which would be very harmful to our national security.

Second, plaintiff has asserted, publication and disclosure of the telephone numbers included in the request letters would disclose the identities of all those individuals who are, or who have been, the subject of national security electronic surveillance. Under the Executive Branch's announced policy, such electronic surveillances for national security purposes are conducted only when there is reason to believe that an individual is an agent of a foreign power engaged in clandestine activities, including espionage, sabotage, or terrorism. Identification of those individuals who have been subject to surveillance will point out not only the foreign agents that are known, but would be counterintelligence information useful to unfriendly countries or powers because it would indicate those agents who have not been identified by United States intelligence agencies.

Moreover, in some instances the individual who is the subject of surveillance is a deep-cover foreign agent whose identity could only come from a very small or select group of sources, and disclosure of the United States' knowledge of the agent's existence

or identity would seriously jeopardize the well-being of important agents or the integrity of intelligence sources. In some instances, the lives of source personnel could be jeopardized.

Finally, plaintiff asserts, disclosure of locations which foreign powers are known to be utilizing to conduct business in a secure manner will serve to notify the foreign agents of those unfriendly nations which of their "safe" houses may or may not be used, because it will identify both the "safe" houses of which the United States is aware and those of which it is not aware.

Considering this sensitive nature of the information sought, the Executive Branch proposed an alternative means of providing the Subcommittee with the information it considered relevant. Under this proposal, following AT & T's preparation of an "inventory" of the request letters held by AT & T, the FBI would identify by date those which were "foreign intelligence surveillances" and those which were "domestic surveillances." In regard to the past domestic surveillances, the FBI would furnish to the Subcommittee the memoranda on which the Attorney General based his authorization for such surveillances, with only minor deletions necessary to protect ongoing investigations. From the "foreign intelligence surveillances," the Subcommittee could select sample items for any two years, and representatives of the Subcommittee would be given access to the memoranda on which the Attorney General based his authorization of those surveillances with names, addresses or other information identifying targets and sources deleted. The President also proposed a procedure whereby verification, and resolution of any questions, would be accomplished by the direct participation of the Attorney

General and if necessary by the President himself. This proposal was rejected by Subcommittee Chairman Moss. On July 22, 1976, the President wrote to Representative Harley O. Staggers, Chairman, Committee on Interstate and Foreign Commerce, stating:

I have determined that compliance with the subpoena would involve unacceptable risks of disclosure of extremely sensitive foreign intelligence and counterintelligence information and would be detrimental to the national defense and foreign policy of the United States and damaging to the national security. Compliance with the Committee's subpoena would, therefore, be contrary to the public interest. Accordingly, I have instructed the American Telephone and Telegraph Company, as an agent of the United States, to respectfully decline to comply with the Committee's subpoena.

Later that day, when it became clear that AT & T would not comply with the President's demand, this action was instituted.

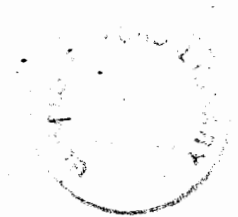
The intervenor, Chairman Moss, ostensibly participating in this action on behalf of the Subcommittee, has taken the position that the Speech or Debate Clause of the Constitution is an absolute bar to judicial interference with a Congressional subpoena issued pursuant to a legitimate legislative investigation. The Speech or Debate Clause in Art I, Section 6 of the Constitution provides "for any Speech or Debate in either House, [the Senators and Representatives] shall not be questioned in any other Place."

The plaintiff has taken the position that this action should be considered one seeking solely to restrain a private entity, AT & T, from releasing documents in its possession. In this way, plaintiff argues, the Court need not consider the applicability of the Speech or Debate Clause, since the immunity of that constitutional provision runs only to members of Congress

and their close aides when defending against a lawsuit, and does not afford any protection to a private entity such as AT & T. This argument is advanced so that the Court can avoid dealing with a constitutional confrontation between two of the three branches of our Government. But to take this avenue would be to place form over substance. The effect of any injunction entered by this Court enjoining the release of materials by AT & T to the Subcommittee would have the same effect as if this Court were to quash the Subcommittee's subpoena. In this sense the action is one against the power of the Subcommittee and should be treated as such, assuming that Representative Moss has authority to speak for the Subcommittee.

The Court is thus faced with a conflict between two substantial and fundamental components of our Constitutional system. On the one hand is the power of the Congress to investigate in aid of the legislative function. See Barenblatt v. United States, 360 U.S. 109, 111 (1959); Watkins v. United States, 354 U.S. 178, 187 (1957); McGrain v. Daugherty, 273 U.S. 135, 174-175 (1927). Moreover, the Supreme Court has written that the policies expressed in the Speech or Debate Clause are designed "to forbid invocation of judicial power to challenge the wisdom of Congress' use of its investigative authority." Eastland v. United States Servicemen's Fund, 421 U.S. 491, 511 (1975).

On the other hand is the authority of the Executive to invoke the claim of privilege concerning matters of national security, foreign affairs or national defense, where the Executive determines disclosure would be inimical to those interests. The courts have accorded great deference to the Executive's judgment



in this area. In United States v. Reynolds, 345 U.S. 1 (1953), dealing with a private claimant's request for evidence in a Tort Claims Act case against the federal government, the Supreme Court stated:

It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in Chambers.

345 U.S. at 10. See also United States v. Nixon, 418 U.S. 683, 710-711 (1974); C & S Air Lines, Inc. v. Waterman S.S. Corp., 333 U.S. 103, 111 (1948).

The Court accepts the position of the intervenor that the subpoenaed materials are sought pursuant to a legitimate legislative investigation. Contrary to the intervenor's argument, however, the Court's inquiry cannot conclude at this point. The legislative authority to investigate is not absolute. In our system of government the Constitution is supreme, but no one portion of the Constitution is sacrosanct. Here, the nature, the extent and the relative importance of the power of one coordinate branch of government must be balanced against that of the other. Neither can be considered in a vacuum.

This balancing of the powers and needs of the constituent branches of government has been considered by the courts in somewhat similar circumstances. See United States v. Reynolds, 345 U.S. 1, 11 (1953); United States v. Nixon, 418 U.S. 683 (1974). Such balancing is not precluded by the decision in Eastland v. United

States Servicemen's Fund, 421 U.S. 491 (1975). In Servicemen's Fund there was no countervailing interest at stake of the magnitude of that involved here. The absolute language used by the Court in Servicemen's Fund should be considered in the light of the facts of that case: a private party challenging the Congressional investigatory power. Mr. Justice Marshall in his concurrence in Servicemen's Fund (in which he was joined by two other Justices) elaborated on the scope of the Servicemen's Fund decision:

I write today only to emphasize that the Speech or Debate Clause does not entirely immunize a congressional subpoena from challenge by a party not in a position to assert his constitutional rights by refusing to comply with it.

* * * * *

The Speech or Debate Clause cannot be used to avoid meaningful review of constitutional objections to a subpoena simply because the subpoena is served on a third party. Our prior cases arising under the Speech or Debate Clause indicate only that a Member of Congress or his aide may not be called upon to defend a subpoena against constitutional objection, and not that the objection will not be heard at all.

421 U.S. at 513, 516. In the context of this case, the assertion of Executive privilege is properly before the Court, as this is the only juncture at which it can be considered. It must therefore be weighed against the Legislature's assertion of investigative power.

In balancing the competing interests of the Legislature and the Executive, the Court will examine a number of factors. The Court must consider whether the information requested is essential to "the responsible fulfillment of the Committee's functions." Senate Select Committee v. Nixon, 498 F.2d 725, 731 (D.C. Cir. 1974) (concerning a congressional subpoena of Executive documents not related to national security). The Court must consider

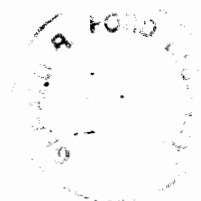
whether there is "an available alternative" which might provide the required information "without forcing a showdown on the claim of privilege." United States v. Reynolds, 345 U.S. 1, 11 (1953). Finally the Court must consider the circumstances surrounding and the basis for the Presidential assertion of privilege. Id.; United States v. Nixon, 418 U.S. 683, 710-711 (1974). Thus the necessity for compelling production must be balanced against the circumstances and grounds for the assertion of the privilege.

In the context of this case, and the Court emphasizes that this decision is limited to the circumstances of this case, the Court determines that there are alternative means available for obtaining the information required by the Subcommittee, that the particular form in which that information is sought is not absolutely essential to the legislative function, and that the President's determination that release of this material would present an unacceptable risk of disclosure of matters concerning the national defense, foreign policy and national security outweighs the Subcommittee's showing of necessity.

The primary purpose for which the Subcommittee is seeking this information is to investigate the possibility that federal agencies are conducting domestic warrantless wiretaps. The President has offered to provide to the Subcommittee the background material used by the Attorney General in making his determination whether a warrantless wiretap is necessary 1) to prevent an actual attack or hostile act of a foreign power; 2) to protect foreign intelligence information deemed essential to the security of the United States; or 3) to protect the national security information against foreign intelligence activities. Such material would have deletions


of target, source and method information. But it would ostensibly afford the Subcommittee relevant information upon which to determine whether the wiretaps were instituted for foreign intelligence surveillance rather than domestic surveillance and to make the determination as to whether new legislation should be drawn. The helpfulness of the national security request letters in determining the basis on which the wiretaps were instituted is minimal. These form letters would provide 1) the location of the FBI installation used for monitoring the surveillance, and 2) identifying information regarding the surveillance target. While this information may be helpful in verifying the accuracy or completeness of the President's offered release of information, it is not of absolute importance to the Committee's investigation.

On the other hand, the President has determined that release of the material would present an unacceptable risk of disclosure of the most sensitive national security and foreign policy matters. The possible effect of such disclosure has been detailed above. Such a determination by the Executive is generally accorded great deference by the courts. United States v. Nixon, 418 U.S. 683, 710-711 (1974); United States v. Reynolds, 345 U.S. 1, 10 (1953); C & S Air Lines, Inc. v. Waterman S.S. Corp., 333 U.S. 103, 111 (1948). Moreover, in this case, if the materials were turned over to the Subcommittee, the information could legally be released upon the majority vote of a quorum (8 members) of the Subcommittee unless such a determination were reversed by the affirmative action of the House. In addition, each of the 435 members of the House of Representatives would have access to such material pursuant to Rule XI(2)(e)(2) of that Chamber's Rules. The potential



for disclosure of this highly sensitive information, if put into the hands of so many individuals, has been determined by the President to be an unacceptable risk. Such a determination is entitled to great weight.

The Court is not implying that the members of the Subcommittee, or of the House of Representatives, will act negligently or in bad faith if they have access to these documents. But it does appear to the Court that if a final determination as to the need to maintain the secrecy of this material, or as to what constitutes an acceptable risk of disclosure, must be made, it should be made by the constituent branch of government to which the primary role in these areas is entrusted. In the areas of national security and foreign policy, that role is given to the Executive.



Judge

Date: _____

July 30 1976



FILED

JUL 30 1976

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES E. DAVEY, CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMERICAN TELEPHONE & TELEGRAPH
COMPANY, ET AL.,

Defendants,

JOHN E. MOSS, Member, United
States House of Representatives,
Intervenor-Defendant.

Civil Action

No. 76-1372

ORDER

Upon consideration of the Court's Memorandum entered
this day, and the entire record herein, it is by the Court this
30th day of July, 1976,

ORDERED that plaintiff's motion for summary judgment
be, and it hereby is, granted; and it is further


ORDERED that intervenor-defendant's motion to dismiss
or for summary judgment be, and it hereby is, denied; and it is
further

ORDERED that compliance by defendant American Telephone
& Telegraph Company, its officers, agents, employees, or anyone
acting in active concert or participation with them, and defendants
Fox and Sharrett, with the subpoena issued on June 22, 1976 (here-
inafter "subpoena") by the Committee on Interstate and Foreign
Commerce on behalf of its Subcommittee on Oversight and Investiga-
tions, or disclosure of any materials coming within the scope of
that subpoena, is, in the facts and circumstances of this case,
unlawful and unauthorized without the prior authorization of the

(Handwritten mark)

Executive Branch of the United States Government; and it is further

ORDERED that the defendants, their officers, agents, and employees, and all those in active concert or participation with them, be and hereby are permanently enjoined from the date hereof from transmitting or otherwise providing to the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, United States House of Representatives, or any other person, group, or entity, any documents or materials which are or may be determined to come within the scope of the subpoena issued to the defendants on June 22, 1976, without the prior authorization of the Executive Branch of the United States Government.



Judge



12

NSC CORRESPONDENCE PROFILE

DOC		RECD			LOG NUMBER
MO	DA	MO	DA	HR	
8	5	8	5	17	760 4967X

INITIAL ACTION 0

SOURCE/CLASS/DESCRIPTION

TO: PRES _____ FROM: SECSTATE _____ S/S _____ UNCLAS LOG IN/OUT
 SCOWCROFT X SECDEF _____ LOU NO FORM MODIS
 HYLAND _____ DCI _____ X REF _____ C EYES ONLY EXDIS
 DAVIS _____ STATE EXEC _____ S CODEWORD
 OTHER Hoskinson TS SENSITIVE

SUBJECT: Talks for Scowcroft lunch w/ PFIAB
- LA

DISTRIBUTION/INITIAL ACTION ASGMT

INTERNAL ROUTING AND DISTRIBUTION					REC CY FOR	ACTION REQUIRED
	ACTION	CONCUR- RENCE	COOR- DINATE	INFO		
ADV CYS SCROFT/WGH						MEMO FOR SCOWCROFT. _____
STAFF SECRETARY						MEMO FOR PRES. _____
CONGRESSIONAL						REPLY FOR _____
ECONOMIC						APPROPRIATE ACTION. _____
EUR/CANADA/OCEANS						MEMO _____ TO _____
FAR EAST/PRC						RECOMMENDATIONS. _____
INTELLIGENCE						JOINT MEMO. _____
LATIN AMERICA						REFER TO _____ FOR: _____
MID EAST/NO. AFRICA						ANY ACTION NECESSARY? _____
NSC PLANNING						CONCURRENCE. _____
PROGRAM ANALYSIS						DUE DATE: _____
SCIENTIFIC						COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)
SUB-SAH/AFRICA/UN						

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	STATUS	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	DUE	CY TO
8/5		Scowcroft	X	Talkers (8/12)		
8/6		NSC		Noted by Scowcroft		



NSC/S INSTR

DISPATCH _____ NOTIFY _____

SPECIAL DISPOSITION: _____

SPECIAL INDEXING: _____

SUSPENSE CY ATTACHED _____

MICROFILM & FILE ROOMS

M/F'D _____ BY _____

CRT ID: _____ IF _____

OPEN _____ NS DY _____

CLOSE _____ WH SA FP _____

PA _____

FOR OFFICIAL USE ONLY

Hold 2a

**THE WHITE HOUSE
WASHINGTON**

PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

August 31, 1976

Dear Bill:

Speckle
X

Let me say again how delighted I am that you have accepted my invitation to appear at the October 7 Board meeting. The attached memorandum describes the nature of the meeting and, in general, the issues we wish to cover. You will note that we plan to give each participant 20 minutes to address a variant of those issues most suited to his area of expertise, preoccupation or interest. Questions will follow.

Since the thrust of the entire meeting involves a creative look into intelligence for the future, you should feel no constraint in selecting the nature of the contribution you feel it is important to make. It would be helpful to me if sometime prior to the meeting you would let me know generally what you plan to discuss.

The staff is currently working out a detailed schedule and will contact you shortly with specifics.

Regards,



Leo Cherne
Chairman

The Honorable William G. Hyland
Deputy Assistant to the President
for National Security Affairs



Enclosure

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

2b

THE WHITE HOUSE
WASHINGTON
PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

26 August 1976

MEMORANDUM FOR THE MEMBERS

The purpose of this note is to alert you to developments regarding the October 7-8 Board meeting, which will be devoted to an examination of "Intelligence for the Future," and which will hopefully lay the foundation for an end-of-year report on this subject to the President.

Rather than extending the agenda over a three-day period (as had been suggested by the Chairman during the August meeting), we will schedule topics more tightly than usual; we may not invite guests to luncheon so as to reserve these periods for discussions by members only; and we will probably extend the working session into part of Friday afternoon.

We are now in the process of confirming the presentations. The Chairman has already spoken to most of the individuals who have been asked to make presentations to underscore the special importance which attaches to this meeting. The agenda is being structured to enable three distinct groupings of experts (selected Board members; government officials; and private citizens) to share their perceptions and foresight in addressing the following issues:

--"What will be the principal intelligence requirements of senior policy-makers during the period 1977 to 1985?"

(I. e., Project the most significant information gaps and uncertainties in the areas of politico-economic-military affairs, strategic weapons, scientific and technical intelligence, combat support, counter-intelligence, terrorism, etc. The objective in this context is to highlight the unexpected; there is no intent, nor is there a need, to develop a "laundry list" of requirements.)

--"What will be the principal needs of the intelligence system in order that it be capable of responding to the policy-makers' requirements?"

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

(I. e., How should the system be structured; what will the major constraints be on its performance and how might these constraints be mitigated? An objective in this context is to focus on what in the present structure is least likely to be adaptive to the emerging needs, and where the "fissures" are most likely to occur.)

--"What major conceptual and technological innovations are likely to emerge, or should be sought or stimulated, during this period which would significantly affect the policy-makers' requirements and the ability of the intelligence system to respond; and what actions might now be taken to better prepare for these innovations?"

(I. e., What Research and Development efforts should the US pursue most vigorously, given the nature of our intelligence interests during this period, and given the technology which we should anticipate will be employed by the intelligence targets selected? An objective in this context is to elicit and encourage creativity in the shaping of our intelligence system in the next decade.)

The following individuals have been asked to speak for 20 minutes on the variant of these issues most suited to his particular area of expertise; an additional period will be allocated for questions:

Board Members

Chairman Leo Cherne
Dr. Edward Teller
Mr. Robert Galvin
Mr. William Casey
Dr. John S. Foster, Jr.
Dr. William Baker
Dr. Edwin Land

Government Officials

Mr. George Bush, Director of Central Intelligence
Mr. William Hyland, Deputy Assistant to the President for
National Security Affairs
Mr. Robert Ellsworth, Deputy Secretary of Defense
Dr. Fred Ikle, Director, Arms Control and Disarmament Agency



FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

Private Citizens

Dr. James Schlesinger .
Dr. George Shultz
Gen. Andrew Goodpaster, USA (Ret.)

We will develop additional background material prior to the meeting and will hope to have available during our deliberations selected documents, including those the DCI promised to provide, which are relevant to this subject.

The views of all members are solicited in advance as to the planned structure of the meeting and as to additional questions which might be posed.



Lionel H. Olmer
Special Assistant to the
Executive Secretary



FOR OFFICIAL USE ONLY

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029599

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇNote

CREATOR'S NAME George Bush

CREATOR'S TITLE Director

RECEIVER'S NAME Brent Scowcroft

DESCRIPTION re Washington Star article

CREATION DATE 10/22/1976

VOLUME 1 page

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

declassified with portions exempted

DIRECTOR OF CENTRAL INTELLIGENCE

Add
me

22 October 1976

NOTE FOR: The Honorable Brent Scowcroft
Assistant to the President for
National Security Affairs

FROM : George Bush

Brent,

Attached is a copy of a letter I have sent this morning to Leo Cherne concerning the 20 October Washington Star article by William Beecher on our competitive analysis experiment. As you will note, I am deeply concerned that we continue to witness a continuing series of articles which bring into question the integrity of the Intelligence Community.

Also, for your information, I attach a copy of a column-by-column analysis of the Beecher article; it was prepared by [redacted] who is the manager of the competitive analysis experiment.

George Bush
George Bush

Attachments
as stated

Approved For Release 2004/08/11 : NLF-PAF-17-4-6-7

DECLASSIFIED, with portions exempt
AUTHORITY DAC 3/11/04 NSE-PAF-17-4-6-7
BY 1 NLF, DATE 4/29/09



36

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029600

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇLetter

CREATOR'S NAME George Bush

CREATOR'S TITLE Director

RECEIVER'S NAME Leo Cherne

RECEIVER'S TITLE Chairman

DESCRIPTION re newspaper accounts

CREATION DATE 10/22/1976

VOLUME 2 pages

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029601

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇReport

DESCRIPTION comments on newspaper article

CREATION DATE 10/1976

VOLUME 4 pages

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

THE WHITE HOUSE
WASHINGTON

MEETING WITH THE PFIAB

Friday, December 3, 1976

2:00 p.m. (1 hour)

The Cabinet Room

From: Brent Scowcroft



I. PURPOSE

To express your appreciation to Board members for their service; and to provide an opportunity for the Board to report on its activities.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

A. Background: It is the PFIAB's custom to report on the activities at the end of each year. The Board views this year's meeting as especially significant because it has been unusually active since you reconstituted it last March. They will inform you of their concern about certain new restrictions imposed on foreign intelligence collection activities, problems associated with economic intelligence collection and analysis, difficulties in the counterintelligence field and an experiment in competitive estimating on strategic topics. The Board will also present the results of a special study it has done for you concerning intelligence requirements for the future. This will be based on what the members perceive will be the international situation in 1980's.

Finally, the Board will seek your guidance on the posture they should assume during the remainder of the transition period. Several members apparently feel they have some important advice to provide.



B. Participants: Stephen Ailes, Admiral George W. Anderson, Leslie C. Arends, William O. Baker, William J. Casey, Leo Cherne, John S. Foster, Jr., Robert W. Galvin, Gordon Gray, Edwin H. Land, General Lyman L. Lemnitzer, Clare Boothe Luce, Robert D. Murphy, Edward Teller, Edward Bennett Williams, Brent Scowcroft, William G. Hyland, Samuel M. Hoskinson, Wheaton B. Byers and Lionel H. Olmer.

C. Press Plan: No press coverage



III. TALKING POINTS

1. I welcome this opportunity to not only receive your annual report but to thank the Board members for your service to the country and my Administration. The Board has lived up to my publicly expressed opinion at the time it was reconstituted (March 11, 1976) that it would play an "indispensable role" in advising on the effectiveness of our foreign intelligence efforts.
2. While it is unlikely that all of you will be reappointed, the fruits of your work should not be lost to the new Administration. This year's annual report, and especially the study on intelligence requirements for the future, should be made available through appropriate channels to the next Administration.
3. For 20 years successive President's have found it useful to have independent and nonpartisan advice concerning the national foreign intelligence effort. There is no reason to abandon that practice now and it is my hope that the Board will be reconstituted and serve my successor as well as it has served me.



6342

70 12/2 1420

D
Fly

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION

December 1, 1976

MEMORANDUM FOR: BRENT SCOWCROFT ✓

FROM: SAMUEL M. HOSKINSON SH

SUBJECT: PFIAB Meetings

At Tab I is a Briefing Paper for the President concerning his meeting with PFIAB on Friday (3 December) afternoon (2 p.m.). It should be a fairly straightforward session with the Board recounting its activities since it was reconstituted in March and seeking transition period guidance. The results of the study you requested concerning intelligence requirements for the future will also be presented.

The Board should have no particular axes to grind with you at lunch on 2 December. This is the last meeting before the Board resigns and they have for all practical purposes completed their work. Mostly they should be interested in the visions of the future perceived by both you and Secretary Kissinger and what can be done to preserve PFIAB in the Carter Administration.

RECOMMENDATION

That you send the Briefing Paper at Tab I to the President.

Attachment

NSC CORRESPONDENCE PROFILE

DOC		RECD			LOG NUMBER
MO	DA	MO	DA	HR	
12	1	12	1	14	7606342

INITIAL ACTION O

SOURCE/CLASS/DESCRIPTION

TO: PRES _____
 SCOWCROFT ✓
 HYLAND _____
 DAVIS _____

FROM: SECRETARY Washington S/S _____

SECDEF _____
 DCI _____
 STATE EXSEC _____
 OTHER _____

UNCLAS LOG IN/OUT
 LOU NO FORN MODIS
 C EYES ONLY EXDIS
 S CODEWORD
 TS SENSITIVE

SUBJECT: Taliban for his mtg w/
PT-IA6 Members 3 Dec 1976

DISTRIBUTION/INITIAL ACTION ASGMT

INTERNAL ROUTING AND DISTRIBUTION					REC CY FOR	ACTION REQUIRED
	ACTION	CONCUR- RENCE	COOR- DINATE	INFO		
ADV CYS S'CROFT/WGH						MEMO FOR SCOWCROFT. _____
STAFF SECRETARY						MEMO FOR PRES. _____
CONGRESSIONAL						REPLY FOR _____
ECONOMIC						APPROPRIATE ACTION _____
EUR/CANADA/OCEANS						MEMO _____ TO _____
FAR EAST/PRC						RECOMMENDATIONS _____
INTELLIGENCE						JOINT MEMO _____
LATIN AMERICA						REFER TO _____ FOR: _____
MID EAST/NO. AFRICA						ANY ACTION NECESSARY? _____
NSC PLANNING						CONCURRENCE _____
PROGRAM ANALYSIS						DUE DATE: _____
SCIENTIFIC						COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)
SUB-SAH/AFRICA/UN						

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	STATUS	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	DUE	CY TO
12/1		Scott	x	has fathering	12/3	
12/2		Rob	P	Taliban		
12/6		Rob	C	Obt per Dayton		

NSC/S DISP INSTR

DISPATCH _____ NOTIFY _____

SPECIAL DISPOSITION: _____

SPECIAL INDEXING: _____

SUSPENSE CY ATTACHED _____

MICROFILM & FILE ROOMS

M/F'D _____

REC 08 1976

CRT ID: _____

OPEN NY

CLOSE LL

NS DY
 WH SA FP
 PA

5a

MEMORANDUM

NATIONAL SECURITY COUNCIL

6798

701
leaf

~~SECRET~~/SENSITIVE

ACTION

January 14, 1977

MEMORANDUM FOR: BRENT SCOWCROFT
FROM: SAMUEL M. HOSKINSON
SUBJECT: Bush Comments on PFIAB Report



~~ST~~

Too late to
send to the
President.
Attach to PFIAB
Report.
B

Attached (TAB 1) is a memo you could use in forwarding George Bush's comments on PFIAB's report on "Intelligence for the Future" to the President. It is a bit defensive in tone but responsive.

At this late date there is nothing new the Administration can do in this area. These documents should, however, be a good basis for the "new start" next week!

RECOMMENDATION

That you send the memo at TAB 1 to the President.

Attachments

TAB 1 w/TAB A

not really
worth it

~~SECRET~~/SENSITIVE

DECLASSIFIED

E.O. 12958 (as amended) SEC 3.3

NSC Memo, 3/30/03, Subj: Reg. Guidelines

By: HRC NARA Date: 2/18/10



5b

MEMORANDUM

6798

THE WHITE HOUSE
WASHINGTON

INFORMATION

~~SECRET~~/SENSITIVE

MEMORANDUM FOR: THE PRESIDENT
FROM: BRENT SCOWCROFT
SUBJECT: CIA Comments of PFIAB Report

George Bush has sent you his comments on the report the PFIAB prepared for you on "Intelligence for the Future" (TAB A). He considers it to be "thorough in its presentation and thoughtful in content." He wishes to assure you that "senior officers of the various organizations dealing with foreign intelligence are aware of the problems cited by PFIAB and that work is in train on nearly all of them."

The PFIAB report and George Bush's comments are both very useful documents. As you indicated earlier, these documents will be passed on to the new administration for their edification.

Attachment
TAB A



~~SECRET~~/SENSITIVE

DECLASSIFIED
E.O. 12958 (as amended) SEC 8.3
NSC Memo, 8/22/80, State Dept. Guidelines
142 NARA Date 2/18/10

5c

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 029602

REASON FOR WITHDRAWAL ÇNational security restriction

TYPE OF MATERIAL ÇLetter

CREATOR'S NAME George Bush

CREATOR'S TITLE Director

RECEIVER'S NAME The President

DESCRIPTION re observations on PFIAB report

CREATION DATE 01/10/1977

VOLUME 6 pages

COLLECTION/SERIES/FOLDER ID . 034900233

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
AGENCY FILE

BOX NUMBER 19

FOLDER TITLE President's Foreign Intelligence
Advisory Board (11)

DATE WITHDRAWN 03/02/2010

WITHDRAWING ARCHIVIST HJR

58

NSC CORRESPONDENCE PROFILE

DOC		RECD			LOG NUMBER
MO	DA	MO	DA	HR	
1	10	1	12	19	7706798 19

INITIAL ACTION O

SOURCE/CLASS/DESCRIPTION

TO: PRES _____ FROM: SECSTATE _____ S/S _____ UNCLAS LOG IN/OUT
 SCOWCROFT _____ SECDEF _____ LOU NO FORM NODIS
 HYLAND _____ DCI _____ X REF _____ C EYES ONLY EXDIS
 DAVIS _____ STATE EXSFC _____ S CODEWORD
 OTHER 1 _____ TS SENSITIVE

SUBJECT: COMMENTS + RECOMMENDATIONS ON PFIAB
DEC 2
12/2 MEMO ON "INTELLIGENCE FOR THE FUTURE"

DISTRIBUTION/INITIAL ACTION ASGMT

INTERNAL ROUTING AND DISTRIBUTION					REC CY FOR	ACTION REQUIRED
ADV CY	ACTION	CONCURRENCE	COORDINATE	INFO		
<u>S</u> SCOWCROFT WGH				<u>V</u> <u>GENG</u>		MEMO FOR SCOWCROFT. _____
STAFF SECRETARY						MEMO FOR PRES. _____ <u>XX</u>
CONGRESSIONAL						REPLY FOR _____
ECONOMIC				<u>X</u>		APPROPRIATE ACTION _____
EUR/CANADA/OCEANS				<u>X</u>		MEMO _____ TO _____
FAR EAST/PRC						RECOMMENDATIONS _____
INTELLIGENCE	<u>X</u>				<u>X</u>	JOINT MEMO _____
LATIN AMERICA						REFER TO _____ FOR: _____
MID EAST/NO. AFRICA						ANY ACTION NECESSARY? _____
NSC PLANNING						CONCURRENCE _____
PROGRAM ANALYSIS						DUE DATE: _____
SCIENTIFIC				<u>X</u>		COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)
SUB-SAH/AFRICA/UN						

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	STATUS	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	DUE	CY TO
<u>2/14</u>		<u>Scowt</u>	<u>X</u>	<u>Per for info</u>	<u>(1/20)</u>	
<u>1/20</u>		<u>NSC/S</u>	<u>C</u>	<u>too late to send to Pres per Scowt</u>		

NSC/S DISP INSTR

DISPATCH _____ NOTIFY _____

SPECIAL DISPOSITION: _____

SPECIAL INDEXING: C/R = 7606395

SUSPENSE CY ATTACHED _____

MICROFILM & FILE ROOMS

M/F'D _____ BY _____

CRT ID: _____ IF _____

OPEN 45 _____ NS DY _____

CLOSE 45 _____ WH SA FP _____

PA 45