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| 1b. Cable        | Gen. Westmoreland to Gen. Wheeler (1 p.)<br><i>Sanitized 9/21/05</i> | Aug. 1967 | A           |
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Box 13

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WHM, 3/20/84

DRAFT

MEMORANDUM FOR:

FROM:

SUBJECT: Proposed Executive Order restructuring  
and revising the President's Foreign  
Intelligence Advisory Board

Attached for your approval is a proposed Executive Order restructuring and revising the President's Foreign Intelligence Advisory Board.

The Board -- tentatively renamed the President's Advisory Board on the Foreign Intelligence Community (PABFIC) -- is proposed to have responsibilities significantly broader than those of its predecessor. These include:

- o Advising the President concerning its review of the foreign intelligence and counterintelligence activities of the United States government, including the quality of foreign intelligence collection and estimates; organization and management of the foreign intelligence community; and, in consultation with the Attorney General, the community's compliance with law.
- o Make recommendations to you with respect to matters identified to the Board by the Director of Central Intelligence, the Director of the FBI, the Secretary of Defense and other components of the foreign intelligence community.

In addition, PABFIC would be authorized to receive, investigate, consider and make appropriate recommendations with respect to



allegations of improprieties by intelligence community agencies made by employees of those agencies. The heads of foreign intelligence agencies would be authorized to seek the advice of PABFIC with respect to activities which are or may be improper, or give the appearance of impropriety. The directors of each foreign intelligence agency would be required to make available to PABFIC all information it required. The Inspector General of each foreign intelligence agency would be authorized to report directly to the Board, after notifying his agency head, concerning matters over which PABFIC has cognizance.

The proposed Executive Order states that you will designate from among the Board members a chairman "who shall devote substantial time to his duties with the Board." The order also indicates that PABFIC shall employ a staff headed by an Executive Secretary who shall be appointed by the President. If you approve the proposed executive order, a public announcement will be timed to coincide with your appointment of a new Chairman and additional PABFIC members. (Tentatively set for the week after your return from China.)

There is one substantive area of disagreement between your advisers concerning this proposed order. This issue, which requires your decision, is whether or not current employees of foreign intelligence community agencies may be detailed to the staff of PABFIC. (The entire staff of the current PFIAB are detailees. The current Executive Secretary is a reimbursable detailee from CIA, and the other professional staff member is a military officer detailed from the Navy. The clerical employees are reimbursable detailees from CIA, NSA and the State Department.)

As written, the proposed Executive Order would permit detailing of intelligence community employees to the staff of PABFIC, but provides a safeguard as follows:

"If the Executive Secretary or any member of the staff of the Board is appointed from an agency or department within the foreign intelligence community, then during his tenure with the Board, he shall be subject to no supervision, control, restriction or prohibition from such agency or department, and shall neither possess



nor exercise any supervision, control, powers or functions (other than as a member of the staff of the Board) with respect to such agency or department."

There are three alternatives:

1. Permit detailing because:

- . Because all of the PABFIC members are part-time advisers they will require a staff with in-depth knowledge of, and access to, all aspects of the community; as a practical matter, this expertise is available to the Board only if detailing is permitted.
- . The safeguards in the current draft are the same as those provided under the National Security Act, and will prevent detailed employees from being influenced by their parent agencies; use of detailees in the past has caused no serious problems.
- . Detailing would permit staff continuity at a time when there are substantial changes in the Board.
- . Because of its concern over the size of the White House staff, Congress may refuse to authorize new positions for PABFIC staff.

2. Prohibit detailing because:

- . PABFIC has been given new responsibilities which make it inappropriate for the "watch dogs" to be employees of an agency being overseen.



- . The public and the Congress may question the credibility of PABFIC's oversight functions if the Board is staffed by employees of the foreign intelligence community.
  - . The safeguards in the proposed Order are insufficient because any employee who continues to maintain a connection with an intelligence agency will inevitably be influenced in his work with the Board.
  - . To keep PABFIC "pure," Congress will authorize whatever ceiling spaces are necessary.
3. Permit only temporary detailees. There is a middle course under which temporary details of intelligence community employees might be authorized on a case-by-case basis by the Chairman of PABFIC. If you approve this approach, the applicable provision of the draft Executive Order would be revised to read as follows:

"Neither the Executive Secretary nor any other permanent staff member shall be employed by or under contract with an agency or department within the foreign intelligence community during their tenure with the Board. However, the Chairman of the Board may, from time to time, appoint for temporary service with the Board an employee of an agency or a department within the foreign intelligence community. In the event of such temporary appointment by the Chairman, such employee shall, during his tenure with the Board, be subject to no supervision, control, restriction or prohibition from such agency or department, and shall neither possess nor exercise any supervision, control, powers or functions (other than as a temporary member of the Staff of the Board) with respect to such agency or department."

Decision:

Prohibit detailing of intelligence community employees to the staff of PABFIC (recommended by:

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_



Permit detailing under the safeguards set forth in the proposed Order (recommended by:

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Permit detailing for temporary service only (recommended by:

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Subject to your resolution of the issue of whether intelligence agency employees may be detailed to serve on the PABFIC staff, all of your advisers recommend that you approve the proposed Executive Order.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_



PRESIDENT'S ADVISORY BOARD ON THE FOREIGN

INTELLIGENCE COMMUNITY

There is a need for improved review of the foreign intelligence community and advice to the President on the quality of the community's activities and its compliance with law and applicable Executive Orders. This order establishes the President's Advisory Board on the Foreign Intelligence Community to perform these tasks.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section 1. There is hereby established the President's Advisory Board on the Foreign Intelligence Community, hereinafter referred to as "the Board." It shall:

(a) advise the President concerning its review of the foreign intelligence and counterintelligence activities of the United States Government. The Board's areas of concern shall include quality of foreign intelligence collection and estimates, organization and management of the foreign intelligence community, and in consultation with the Attorney General, compliance of the foreign intelligence community with applicable provisions of the Constitution and laws of the United States, executive orders, and directives of the National Security Council;

(b) receive, consider, and make recommendations with respect to matters identified to the Board by the Director of Central





Intelligence, the Secretary of Defense, the Director of the Federal Bureau of Investigation and heads of other government departments of the foreign intelligence community.

(c) where appropriate, be utilized by the Director of Central Intelligence and the Attorney General in carrying out their responsibilities; and

(d) submit interim reports and recommendations, at least annually, to the President on its findings and appraisals.

Section 2. The Board may receive, investigate, consider, and make appropriate recommendations with respect to allegations of improprieties involving agencies within the foreign intelligence community made by employees of such agencies. In this connection, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, and the heads of other departments, agencies and organizations comprising the foreign intelligence community, and the Inspectors General thereof, after notification to their organization heads, may seek the advice of the Board with respect to activities or categories of activities which in the light of the statutory authority of any such agency, or any restrictions imposed by law or Executive Order, may have been, or, if implemented, might be, improper or appear to be improper. The Board shall consult the Attorney General with respect to any questions of legality. As



appropriate, the Chairman of the Board may designate a special panel of the Board to receive and make recommendations to the Board on such allegations.

Section 3. As used in this order, the term "foreign intelligence community" means those organizations (or subdivisions thereof) which collect, disseminate or evaluate foreign intelligence or counterintelligence.

Section 4. (a) In order to facilitate performance of the Board's functions, the Director of Central Intelligence, the Secretary of Defense, the Director of the Federal Bureau of Investigation and heads of other government departments of the foreign intelligence community shall regularly:

(1) make available to the Board all information with respect to foreign intelligence, foreign counterintelligence, and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order;

(2) notify the Board of major issues in the foreign intelligence community;

(3) identify to the Board specific operational issues or matters in which there is a potential for official or public concern;

(b) Each Inspector General (or other official with equivalent duties) of the foreign intelligence community shall have the authority to



report directly to the Board, after notifying the head of his organization concerning matters over which the Board has cognizance.

(c) The head of each organization in the foreign intelligence community shall designate in writing to the Board the name of an individual and office to serve as the primary point of contact in support of Board functions. In addition, the Board is authorized to call upon persons at all levels within the foreign intelligence community.

Section 5. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of ability, knowledge, diversity of background and experience, and with a view toward achieving continuity. The members shall receive compensation and allowances consonant with law.

Section 6. The President shall designate from among the Board members a Chairman who shall devote substantial time to his duties with the Board.

Section 7. The Board shall employ a staff headed by an Executive Secretary, who shall be appointed by the President.

(a) If the Executive Secretary or any member of the staff of the Board is appointed from an agency or department within the foreign intelligence community, then during his tenure with the Board, he shall be subject to no supervision, control, restriction or prohibition from such agency or department, and shall neither possess nor exercise



any supervision, control, powers or functions (other than as a member of the staff of the Board) with respect to such agency or department.

(b) The Executive Secretary shall be authorized, subject to the approval of the Board and in a manner consonant with law, to hire and fix the compensation of such additional personnel as may be necessary for performance of the Board's duties.

Section 8. Compensation and allowances of the Board, the Executive Secretary, and other members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the appropriation appearing under the heading "White House Office" in the Executive Office Appropriation Act or, to the extent permitted by law, from corresponding appropriations made in future years. Such payments shall be made without regard to the provisions of Section 3681 of the Revised Statutes and Section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

Section 9. The Board shall succeed to the records held by the President's Foreign Intelligence Advisory Board, established by Executive Order No. 11460 of March 20, 1969.

Section 10. Executive Order No. 11460 of March 20, 1969, is hereby revoked.





THE WHITE HOUSE

WASHINGTON

October 29, 1975

MEMORANDUM FOR: PHIL BUCHEN  
BILL COLBY  
HENRY KISSINGER  
ED LEVI  
JIM LYNN  
DON RUMSFELD  
JIM SCHLESINGER

FROM: JACK MARSH

SUBJECT: Draft Executive Order Imposing  
Restrictions on Intelligence Activities

Transmitted herewith is a draft of this executive order annotated with your comments, except those of DOD,\* which have not yet been received.

Unfortunately, this procedure of all interested parties commenting on a draft has not produced a final order, because the adoption of one party's suggestion often causes unanticipated problems for another party. For example, the last draft included for the first time information on foreign "persons" in the definition of "foreign intelligence." This has the unintended result of subjecting the Immigration and Naturalization Service to the order's restrictions since the information it collects is primarily on foreign persons.

In an effort to finalize this order, we are considering scheduling daily meetings until agreement is reached or fundamental disagreements are distilled for Presidential decision. These meetings should be attended by principals or delegates authorized to speak for principals in this matter.

The other substantive disagreements appear to relate to:

- (1) The exception for information from abroad or foreign sources about the domestic activities of

\* DOD Comments attached hereto.



U. S. citizens reasonably believed to be involved in international terrorist or narcotics activities or working in collaboration with a foreign nation or organization. (Section II (a) (2) (ii))

(2) The exception which would legitimate sharing of information on domestic activities of U. S. citizens among agencies. (Section II (a) (2) (v))

(3) The provision relating to electronic surveillance. (Section II (d))



DRAFT: October 28, 1975

EXECUTIVE ORDER \_\_\_\_\_

ESTABLISHING RESTRICTIONS ON FOREIGN  
INTELLIGENCE ACTIVITIES

Previous guidance on the relationship between the intelligence agencies and United States citizens was unclear. This order clarifies that relationship by detailing those activities which are prohibited. Without setting forth all restrictions under which foreign intelligence agencies are obliged to operate, nor derogating from any other laws, rules, regulations, or directives further restricting the activities of these agencies, it is hereby ordered as follows:

SECTION I. Definitions. As used in this Order the following terms shall have the meanings ascribed to them below:

- (a) "Collection" means the gathering and storage, or the gathering and forwarding, of information.
- (b) "Domestic activities" means activities within the United States.
- (c) "Foreign intelligence" means information, other than foreign counterintelligence, on the capabilities, intentions, and activities of foreign nations, organizations or persons.

(Note: Justice would refer to "activities of foreign powers or their agents," to assure that INS is not defined as a foreign intelligence agency.)





(d) "United States citizen" means United States citizens and other persons who have been accorded the legal rights of United States citizens.

(Note: CIA would include only citizens and "permanent resident aliens" in the definition.)

(e) "Foreign counterintelligence" means activities conducted to protect the United States and United States citizens from foreign espionage, sabotage, subversion, assassination, or terrorism.

(Note: OMB would have foreign counterintelligence mean "information on the capabilities, intentions and activities of foreign powers or their agents with respect to their collection, evaluation or dissemination of intelligence about the United States.")

(f) "Incidental reception" means the receipt of information, collection of which by an agency is otherwise prohibited by this order.

(Note: OMB and the Vice President would add to the definition "and which is collected in the course of an agency's authorized foreign intelligence or counterintelligence activities and without specific intent to secure such information from United States citizens.")

(g) "Foreign intelligence agency" means any department or agency of the United States government, or component thereof, which is primarily engaged in foreign intelligence or foreign counterintelligence activities.

SECTION II. The following activities shall not be conducted either by any foreign intelligence agency or by any other department or agency in pursuit of foreign intelligence or foreign counterintelligence:



(a) Collection, evaluation, correlation or analysis, of information concerning the domestic activities of United States citizens; provided, however, that nothing herein shall preclude:

(1) the collection, evaluation, correlation and analysis of information of foreign intelligence or foreign counterintelligence interest derived from public sources; or

(2) the collection, evaluation, correlation and analysis of:

(i) information on current or former employees (including military personnel and employees of other Federal departments or agencies detailed for service with the foreign intelligence agency); applicants for employment with such agency; voluntary sources or contacts or individuals who in good faith are reasonably believed to be potential sources or contacts; current and former contractors and current or former employees or applicants for employment by such contractors; and all persons not included above who must be given access to classified information which could disclose foreign intelligence



or foreign counterintelligence sources and methods; provided, however, that collection of such information is done only in accordance with law and by written authority from the head of such agency to determine the fitness of such persons to become or remain associated with such agency or to have such access, or in the case of a voluntary source or contact, to determine suitability or credibility.

(Note: CIA would add: "or in the case of a former employee to investigate matters related to his period of employment.")

(ii) information about a United States citizen who in good faith is reasonably believed to be involved in international terrorist or narcotics activities or working in collaboration with a foreign nation or organization, but only if the information is collected abroad or from foreign sources in the United States in the course of an authorized foreign intelligence or foreign counterintelligence activity.

(Note: OMB would substitute "working for" in place of "working in collaboration with.")

(iii) Foreign intelligence from United States citizens provided on a witting and voluntary



basis. The foreign intelligence agency shall disclose its identity when seeking such foreign intelligence within the United States from United States citizens. When collection of foreign intelligence within the United States results in the incidental reception of information from or about unknowing United States citizens, however, the receiving agency shall be permitted to make appropriate use of such information as permitted under this Order.

(iv) Administrative information of the kind customarily developed and utilized by most departments and agencies of the Federal government.

(v) Information provided by another Federal Agency which had been lawfully compiled by that agency in furtherance of its authorized mission and responsibility, when such information is provided:

(a) in furtherance of the authorized mission and responsibilities of the receiving agency;

(b) in good faith under a reasonable belief that the information is relevant to the receiving agency; and



(c) under such guidelines and procedures as may be issued by the Attorney General designed to ensure the protection of the constitutional and statutory rights of United States citizens.

(Note: OMB and the Vice President would delete subsection (v).)

(3) the transmission to any law enforcement agency with appropriate jurisdiction of any information concerning criminal activities that is received through incidental reception.

(b) Physical surveillance of United States citizens except to the extent that such surveillance is in accordance with law and is:

(1) Surveillance, upon written approval by the head of the foreign intelligence department or agency, of individuals currently or formerly employed by that agency, its present or former contractors, or such contractors' employees, for the purpose of protecting foreign intelligence sources and methods from unauthorized disclosure; or

(2) Surveillance of a person having contact with any persons described under subparagraph (1), or foreign nationals in the United States in connection with foreign intelligence or counterintelligence operations, but only to the extent necessary to identify such person.

(c) Electronic surveillance of United States citizens except in accordance with law and under procedures approved by the Attorney General.

(Note: The Vice President would refer to "monitoring the communications of United States citizens by electronic means except . . .")



(Note: Justice would substitute a new Section II(c): "Electronic surveillance of United States citizens except in accordance with law and under procedures approved by the Attorney General, and in no instance shall the Central Intelligence Agency engage within the United States in the electronic surveillance of United States citizens."

- (d) Testing of electronic surveillance equipment within the United States except in accordance with law and under procedures approved by the Attorney General.
- (e) Any opening of United States mail or examination of envelopes except in accordance with the provisions of United States postal laws and regulations.
- (f) Access to Federal income tax returns or tax information except in accordance with statutes and regulations.
- (g) Infiltration or secret participation in any organization composed primarily of United States citizens for the purpose of reporting on its activities or membership.
- (h) Experimentation with drugs on human subjects, except with the informed consent of each such human subject and in accordance with the guidelines of the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research.
- (i) Operation of a proprietary company on a commercially competitive basis with United States businesses except to the minimum extent necessary to establish commercial credibility. No investments by a proprietary company shall be made on the basis of any substantive



intelligence not available to the public.

SECTION III. Nothing in this Order shall prohibit the retention of information collected in violation of this Order as required by law for possible court action.

(Note: Justice would have Section III read: "Nothing in this Order prohibits an agency from retaining information when retention is required by law, such as retention required to preserve evidence or other information for possible court action.")

SECTION IV. No foreign intelligence agency shall:

(a) provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration or state or local police organizations of the United States except as expressly authorized by law; or

(b) participate in or fund any law enforcement activity within the United States except as may be authorized by law.

Provided, that this prohibition shall not preclude:

(1) Cooperation between a foreign intelligence agency and appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of the foreign intelligence agency or preventing espionage or other criminal activity related to foreign intelligence or foreign counterintelligence; or

(2) Provision of specialized equipment or technical knowledge for use by any other Federal department or agency.



(Note: The Vice President would delete equipment" in subsection (a), and have subsection (b) prohibit participation in or funding of "any police, law enforcement or internal security function within ...")

SECTION V. Foreign intelligence agency personnel may be detailed elsewhere within the Federal government as authorized by law.

Employees so detailed shall be responsible to the host agency and shall not report to their parent agency on the affairs of the host agency except as may be directed by the host agency. The head of the host agency and any subsequent successor shall be informed of the detailee's association with the parent agency.

(Note: NSC would reverse the order of IV and V.)

SECTION VI. Nothing in this Order shall prohibit any agency having law enforcement responsibilities from discharging such responsibilities pursuant to law. Nor shall this Order apply to any activities of the Federal Bureau of Investigation.





21 October 1975

MEMORANDUM FOR John O. Marsh, Jr.  
Counsellor to the President  
The White House

THROUGH: Captain Leland S. Kollmorgen, USN  
Military Assistant to the President

Secretary Schlesinger has asked me to forward several recommendations concerning the revised Executive Order Establishing Restrictions on the Intelligence Activities. The recommendations are as follows:

Section I(c) contains a definition of "foreign intelligence," which should be amended to take cognizance of the fact that a large and significant part of foreign intelligence is concerned with geographic areas in addition to activities of nations, organizations and persons. The following language is proposed:

"Foreign intelligence means information, other than foreign counterintelligence, on foreign areas and on the capabilities, intentions, and activities of foreign nations, organizations or persons."

Section I(e) defines "foreign counterintelligence" in such a manner as to possibly interfere with military department bilateral counter-espionage operations conducted in coordination with the FBI within the United States. Although the Order by its terms does not apply to the FBI, what the military departments do in consort with the FBI in the United States might be adversely affected by an imprecise definition of foreign counterintelligence. Recommend the definition read:

"Foreign counterintelligence activities conducted abroad to protect the United States and United States citizens from foreign espionage, sabotage, subversion, assassination, or terrorism."

Section II. Recommend the lead off sentence read as follows:

"The following activities shall not be conducted either by any foreign intelligence agency or by any other department or agency while primarily engaged in the pursuit of foreign intelligence or foreign counterintelligence." (Underlined portion added.)



LDY Red JED 210  
in WH 511 Rm.

This change is designed to provide for those borderline situations experienced by DoD components who have both criminal and counterintelligence responsibilities, and whose functions sometimes overlap, such as, for example, in espionage investigations which might have both a criminal/ investigative purpose as well as some fall out of a foreign counterintelligence nature.

Section II(a)(2)(ii) We strongly recommend elimination of the latter part of this subsection commencing with "but only if. . ." This is essential if the DoD is to continue to collect information in the United States and from domestic sources in the course of authorized counterintelligence operations. For example, the present wording limits any counterespionage operation or double-agent operation when the asset is in the United States or is a U. S. citizen, and would prevent collection of information on persons working in collaboration with a foreign nation unless the information is collected abroad or from foreign sources. While this may be acceptable to the CIA, it is clearly unreasonable and unacceptable if the DoD is to continue to accomplish its counterintelligence responsibilities done in conjunction with the FBI in CONUS.

Section II(a)(2)(v) which was inserted in this version in an effort to solve the problem of agencies having counterintelligence responsibilities both here and abroad does not really solve the problem of the Naval Investigative Service or the Air Force Office of Special Investigations. Both of these agencies have foreign counterintelligence, as well as law enforcement functions. Moreover, the provision for the Attorney General to issue guidelines and procedures begs the question concerning the overlap between foreign and domestic counterintelligence operations, which we in Defense have carefully regulated since 1971. We have no suggestions to cure this situation, except to note that this is the very reason why the FBI was exempted from the provisions of the Order.

Section II(b)(2) as now written is unacceptably narrow. As we read it, it would proscribe the physical surveillance of foreign espionage agents in contact with Department of Defense personnel beyond an effort to identify the foreign agent. This may be acceptable to the CIA which has no responsibility to investigate espionage but it is not acceptable to Defense which does have such responsibilities under the Delimitations Agreements with the FBI. Therefore, we recommend the paragraph in the prior version relating to surveillances run in coordination with the FBI be reinstated but expanded to permit surveillance for example, of a U. S. military person (not an employee of the foreign intelligence agency) in contact with foreign espionage agents. The new subsection would read:

"(3) Surveillance, in coordination with the FBI, of foreign nationals in the United States, or U. S. citizens employed by the United States government, in connection with foreign intelligence or counterintelligence operations."



With the addition of the above new subsection, Subsection II(b)(?) would be amended to read:

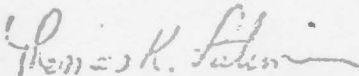
"Surveillance of a person involved with the persons described under subparagraph (1) above, but only to the extent necessary to identify such person."

In further comment upon Section II(b) relating to physical surveillances, we find it hard to believe that it is the intention of the President to absolutely proscribe the "surveillance" of persons who enter onto classified military reservations, are on government property generally, or wander into restricted areas. As now written, we could only follow such a person if he is an employee of the agency or "involved" with an employee of an agency, and then only to a limited extent necessary to identify such a person. Perhaps the general law enforcement exclusion preserves some rational basis for such a broad prohibition. Nevertheless, we feel there must be a more direct way than this of broadly proscribing surveillance of the private associational activities of U. S. citizens by agencies whose business it is to gather foreign intelligence.

Section II(c) relating to electronic surveillance, is objectionable in its present form. The following alternative language is proposed:

"Electronic surveillance the specific purpose of which is to obtain the communications of U. S. citizens, except in accordance with law and under procedures approved by the Attorney General."

Section II(e) concerning mail surveillances, should be limited to mail in U. S. postal channels. We would assume that mail which originates as "U.S. Mail" but is no longer in US postal channels, e.g., in international mail channels, is beyond any applicability of the U. S. Postal Laws and regulations, and that efforts to comply with such regulations would be inapposite.

  
Thomas K. Latimer  
The Special Assistant



# H. RES. 106

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1975

Ms. HOLTZMAN (for herself, Ms. ABZUG, Mr. BADILLO, Mr. BAUCUS, Mr. BROWN of California, Mr. CONYERS, Mr. DELLUMS, Mr. FORD of Tennessee, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. JENRETTE, Mr. KOCH, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. WAXMAN, Mr. WEAVER, and Mr. CHARLES H. WILSON of California) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

1       *Resolved*, That the President is directed to provide to  
2 the Committee on the Judiciary of the House of Representa-  
3 tives all the information in the possession of the White  
4 House and the Central Intelligence Agency relating to any  
5 of the following activities since January 1, 1960, engaged in  
6 by any person in the United States for the Central Intel-  
7 ligence Agency:

8           (1) each instance of surreptitious entry, breaking  
9       and entering, or burglary;



1 (2) each instance of intercepting and opening of  
2 mail;

3 (3) each instance of wiretapping or electronic sur-  
4 veillance, not pursuant to court order;

5 (4) each instance of collecting information and  
6 maintaining files on a citizen of, or person residing in,  
7 the United States (other than an employee of the Central  
8 Intelligence Agency), or on an association or group  
9 within the United States;

10 (5) each instance of a plan or attempt to do any of  
11 the acts enumerated in paragraphs (1) through (4),  
12 whether or not such plan or attempt was successfully  
13 carried out.

14 SEC. 2. With respect to each activity referred to in the  
15 first section of this resolution, the information required  
16 under the section shall include—

17 (1) the precise nature of each such activity;

18 (2) the identity of all persons, groups, and Gov-  
19 ernment agencies involved, including those undertaking  
20 the activity, those against whom the activity was under-  
21 taken, and those who cooperated in the activity;

22 (3) the dates, duration, and location of the activity;

23 (4) all persons authorizing the activity;

24 (5) the cost to the United States;

1 (6) whether and by whom any periodic review  
2 took place;

3 (7) whether, to what extent, and when each Presi-  
4 dent, the National Security Council, or the President's  
5 Foreign Intelligence Advisory Board was apprised of  
6 the activity at any time;

7 (8) the identity of any other persons or agencies  
8 who were informed of the activity or were given infor-  
9 mation acquired as a result of the activity;

10 (9) whether any evaluative report of the activity  
11 was made;

12 (10) whether and where there are records of the  
13 activity, or whether any report or other document relat-  
14 ing to the activity has been destroyed, and if so, when  
15 it was destroyed and by what authority;

16 (11) whether an opinion of counsel as to the legal-  
17 ity of the activity was obtained and, if so, the nature of  
18 that opinion; and

19 (12) what official action was taken on the basis of  
20 information acquired as a result of the activity.



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**RESOLUTION**

Directing the President to provide the Committee on the Judiciary of the House of Representatives certain information relating to certain activities of the Central Intelligence Agency.

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By Ms. HOLTZMAN, Ms. ABZUG, Mr. BADILLO, Mr. BAUCUS, Mr. BROWN of California, Mr. CONYERS, Mr. DELLUMS, Mr. FORD of Tennessee, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. JENNETTE, Mr. KOCH, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. WAXMAN, Mr. WEAVER, and Mr. CHARLES H. WILSON of California

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JANUARY 28, 1975

Referred to the Committee on the Judiciary

THE WHITE HOUSE

WASHINGTON

February 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

THRU:

JACK MARSH  
MAX FRIEDERSDORF  
VERN LOEN

FROM:

CHARLES LEPPERT, JR. *CLJ.*

SUBJECT:

Print Out of Bills introduced in the  
House of Representatives on Central  
Intelligence Agency

Attached for your information is the computer print out of the bills introduced in the House of Representatives during the 94th Congress, First Session, to February 12, 1975, which I mentioned I was obtaining per our telephone conversation.

Attachment



RED TAG

THE WHITE HOUSE

WASHINGTON

February 14, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

THRU:

JACK MARSH  
MAX FRIEDERSDORF  
VERN LOEN

FROM:

CHARLES LEPPERT, JR. *clj*

SUBJECT:

Print Out of Bills introduced in the  
House of Representatives on investi-  
gations of intelligence activities

Attached for your information is another print out of bills introduced in the House of Representatives during the 94th Congress, First Session, on investigations of intelligence activities and copies of H. Res 65, H. Res 71, H. Res. 106, H. Res 121, H. R. 1103, S. Res. 6, S. Res. 21, and H. Res. 138.

Attachment



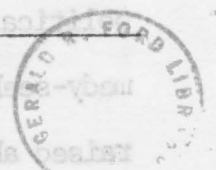


U.S. House of Representatives  
1616 Longworth Building  
Washington, D.C. 20515  
202-225-6163

Republican Policy Committee  
Rep. Barber B. Conable, Jr.  
(R-NY) Chairman

94th Congress  
First Session

February 17, 1975  
Statement #3



CONGRESSIONAL OVERSIGHT OF INTELLIGENCE ACTIVITIES

Recent books and press accounts of abuses in government intelligence activities at home and abroad have focused attention on the need for Congress to strengthen its oversight of this sensitive area. The Republican Policy Committee urges the concentration of effort in a single, bipartisan committee to investigate these reports, formulate such remedies as might be needed and provide continuing oversight of the intelligence activities necessary to national security. A joint House-Senate committee would, of course, be preferable.

What is at issue is not whether Congress should intensify its until now somewhat relaxed oversight of government intelligence, but rather how this task should be accomplished.

Our first concern is the alarming proliferation of intelligence oversight committees. A Presidential Commission was recently initiated with instructions to report its findings by April 4 this year. The Senate Appropriations Subcommittee on Intelligence Operations has begun hearings and the Senate Armed Services Central Intelligence Subcommittee is also conducting an investigation. On January 27 of this year, the Senate enacted S. Res. 21 to establish an 11-Member Select Committee to Study Government Operations With Respect to Intelligence Activities -- authorized \$750,000 and instructed to report by September 1. In the House, pursuant to the committee reforms of the 93rd Congress, the Foreign Affairs Committee plans to establish a Subcommittee on Oversight concerned with, among other topics, foreign intelligence. The House Armed Services Committee will maintain its Subcommittee on Intelligence. The Judiciary Subcommittee on Civil and Constitutional Rights has scheduled hearings later this week on the FBI's role in the alleged abuses, and the Subcommittee on Courts, Civil Liberties and Administration is conducting hearings on FBI and military surveillance.

Against this background of burgeoning intelligence oversight, the House later this week will consider whether to establish yet another House Select Committee on Intelligence. We support a single bipartisan inquiry and feel strongly that any Select Committee should preempt the separate inquiries by the standing committees. To allow further duplication and overlapping would be both a monumental waste of time when there are many equally-pressing problems facing the country and an unconscionable

waste of money when we should be cutting rather than creating new programs.

We fear that the growing number of investigative committees will favor partisan political publicity contests rather than the extremely serious fact-finding and remedy-seeking effort needed in response to the important and troubling questions raised about government intelligence activities. Such a multitudinous investigative approach could well prove counterproductive to the national interest if it led to harmful leaks of sensitive information. The fear of such leaks, furthermore, could well compromise the effectiveness of the oversight effort. It is imperative that careful safeguards be established to protect against the leaking of national security information.

The alleged improper conduct of Federal agencies concerns both Republicans and Democrats alike, and involves both Republican and Democratic administrations. Investigating these allegations should be the responsibility of a balanced nonpartisan committee with equal representation of both parties.

Approving a select committee pursuant to H. Res. 138 would be a step in the wrong direction. It promises to have strong partisan overtones; it is open-ended in both the scope of its investigation and its cost; it provides no safeguards for protecting sensitive information; and it would delay the establishment of the kind of continuing oversight function that is truly needed.

The Republican Policy Committee advocates the establishment of a single, non-partisan joint House-Senate permanent committee to monitor and investigate government intelligence activities, both at home and abroad, and where necessary to develop remedies to prevent future illegal activities. A committee of this type would merit considerable respect and prestige and would prove far more effective than the current trend toward the proliferation and resulting dissipation of effort.

We recognize that intelligence efforts are vital to national security and prefers the joint committee approach as the best way to monitor them and thereby guarantee that they will continue to function in the best interest of individual citizens and the entire nation.

\*\*\*\*\*

February 18, 1975

**MEMORANDUM FOR:**

**PHILIP W. BUCHEN**

**THRU:**

**JACK MARSH  
MAX FRIEDERSDORF  
VERN LOEN**

**FROM:**

**CHARLES LEPPERT, JR.**

**SUBJECT:**

**Resolutions of Inquiry and Other House  
bills relating to investigation of  
Intelligence Activities**

Attached per your request are two (2) copies of the resolutions of inquiry and other bills introduced in the House of Representatives relating to the investigation of intelligence activities. The bills are H. Res. 65, H. Res. 71, H. Res. 72, H. Res. 106, H. Res. 121, H. Res. 138, H. R. 1103, S. Res. 6 and S. Res. 21.

**Attachments**



94TH CONGRESS  
1ST SESSION

# H. RES. 65

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Ms. HOLTZMAN (for herself and Mr. JOHN L. BURTON) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

- 1       *Resolved*, That the President is directed to provide to  
2 the Committee on the Judiciary of the House of Repre-  
3 sentatives all information relating to any of the following  
4 activities since January 1, 1960, engaged in by any person  
5 in the United States for the Central Intelligence Agency:
- 6           (1) each instance of surreptitious entry, breaking  
7           and entering, or burglary;
- 8           (2) each instance of intercepting and opening of  
9           mail;
- 10          (3) each instance of wiretapping or electronic sur-  
11          veillance, not pursuant to court order;



1 (4) each instance of collecting information and  
 2 maintaining files on a citizen of, or person residing in,  
 3 the United States (other than an employee of the Cen-  
 4 tral Intelligence Agency), or on an association or group  
 5 within the United States;

6 (5) each instance of a plan or attempt to do any  
 7 of the acts enumerated in paragraphs (1) through (4),  
 8 whether or not such plan or attempt was successfully  
 9 carried out.

10 SEC. 2. With respect to each activity referred to in the  
 11 first section of this resolution, the information required under  
 12 the section shall include—

13 (1) the precise nature of each such activity;

14 (2) the identity of all persons, groups, and govern-  
 15 ment agencies involved, including those undertaking the  
 16 activity, those against whom the activity was undertaken,  
 17 and those who cooperated in the activity;

18 (3) the dates, duration, and location of the activity;

19 (4) all persons authorizing the activity;

20 (5) the cost to the United States;

21 (6) whether and by whom any periodic review took  
 22 place;

23 (7) whether, to what extent, and when each Pres-  
 24 ident, the National Security Council, or the President's

1 Foreign Intelligence Advisory Board was apprised of  
 2 the activity at any time;

3 (8) the identity of any other persons or agencies  
 4 who were informed of the activity or were given informa-  
 5 tion acquired as a result of the activity;

6 (9) whether any evaluative report of the activity  
 7 was made;

8 (10) whether and where there are records of the  
 9 activity, or whether any report or other document relat-  
 10 ing to the activity has been destroyed, and, if so, when  
 11 it was destroyed and by what authority;

12 (11) whether an opinion of counsel as to the legality  
 13 of the activity was obtained and, if so, the nature of  
 14 that opinion; and

15 (12) what official action was taken on the basis of  
 16 information acquired as a result of the activity.

94TH CONGRESS  
1ST SESSION

# H. RES. 65

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## RESOLUTION

Directing the President to provide to the Committee on the Judiciary of the House of Representatives information relating to certain activities of the Central Intelligence Agency.

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By Ms. HOLTZMAN and Mr. JOHN L. BURTON

JANUARY 14, 1975

Referred to the Committee on the Judiciary

94TH CONGRESS  
1ST SESSION

# H. RES. 71

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1975

MS. HOLTZMAN (for herself and Mr. JOHN L. BURTON) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

1       *Resolved*, That the President is directed to provide to  
2 the Committee on the Judiciary of the House of Representa-  
3 tives all the information in the possession of the White House  
4 and the Central Intelligence Agency relating to any of the  
5 following activities since January 1, 1960, engaged in by  
6 any person in the United States for the Central Intelligence  
7 Agency:

8           (1) each instance of surreptitious entry, breaking  
9           and entering, or burglary;

10          (2) each instance of intercepting and opening of  
11          mail;



1 (3) each instance of wiretapping or electronic sur-  
2 veillance, not pursuant to court order;

3 (4) each instance of collecting information and  
4 maintaining files on a citizen of, or person residing in,  
5 the United States (other than an employee of the Cen-  
6 tral Intelligence Agency), or on an association or group  
7 within the United States;

8 (5) each instance of a plan or attempt to do any of  
9 the acts enumerated in paragraphs (1) through (4),  
10 whether or not such plan or attempt was successfully  
11 carried out.

12 SEC. 2. With respect to each activity referred to in the  
13 first section of this resolution, the information required under  
14 the section shall include—

15 (1) the precise nature of each such activity;

16 (2) the identity of all persons, groups, and Govern-  
17 ment agencies involved, including those undertaking the  
18 activity, those against whom the activity was under-  
19 taken, and those who cooperated in the activity;

20 (3) the dates, duration, and location of the activity;

21 (4) all persons authorizing the activity;

22 (5) the cost to the United States;

23 (6) whether and by whom any periodic review  
24 took place;

25 (7) whether, to what extent, and when each

1 President, the National Security Council, or the Presi-  
2 dent's Foreign Intelligence Advisory Board was ap-  
3 prised of the activity at any time;

4 (8) the identity of any other persons or agencies  
5 who were informed of the activity or were given informa-  
6 tion acquired as a result of the activity;

7 (9) whether any evaluative report of the activity  
8 was made;

9 (10) whether and where there are records of the  
10 activity, or whether any report or other document re-  
11 lating to the activity has been destroyed, and if so, when  
12 it was destroyed and by what authority;

13 (11) whether an opinion of counsel as to the le-  
14 gality of the activity was obtained and, if so, the nature  
15 of that opinion; and

16 (12) what official action was taken on the basis of  
17 information acquired as a result of the activity.



94TH CONGRESS  
1ST SESSION

# H. RES. 71

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## RESOLUTION

Directing the President to provide to the Committee on the Judiciary of the House of Representatives certain information relating to certain activities of the Central Intelligence Agency.

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By Ms. HOLTZMAN and Mr. JOHN L. BURTON

JANUARY 16, 1975

Referred to the Committee on the Judiciary

# H. RES. 72

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1975

Ms. HOLTZMAN (for herself and Mr. JOHN L. BURTON) submitted the following resolution; which was referred to the Committee on Armed Services

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## RESOLUTION

1       *Resolved*, That the President is directed to provide, not  
2 later than ten days after the adoption of this resolution, to  
3 the House of Representatives the full and complete informa-  
4 tion contained in the report of William E. Colby delivered  
5 to the President on or about December 26, 1974, and re-  
6 lating to certain activities of the Central Intelligence Agency.  
7 The information shall be made available to each Member  
8 of the House of Representatives in accordance with pro-  
9 cedures adopted by the Speaker to assure the confidentiality  
10 of any classified information.

v.



94TH CONGRESS  
1ST SESSION

## H. RES. 72

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### RESOLUTION

Directing the President to provide to the House the information contained in the report of William E. Colby delivered to the President on or about December 26, 1974, and relating to certain activities of the Central Intelligence Agency.

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By Ms. HOLTZMAN and Mr. JOHN L. BURTON

JANUARY 16, 1975

Referred to the Committee on Armed Services

# H. RES. 106

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1975

Ms. HOLTZMAN (for herself, Ms. ABZUG, Mr. BADILO, Mr. BAUCUS, Mr. BROWN of California, Mr. CONYERS, Mr. DELLUMS, Mr. FORD of Tennessee, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. JENRETTE, Mr. KOCH, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. WAXMAN, Mr. WEAVER, and Mr. CHARLES H. WILSON of California) submitted the following resolution; which was referred to the Committee on the Judiciary

---

## RESOLUTION

1       *Resolved*, That the President is directed to provide to  
2 the Committee on the Judiciary of the House of Representa-  
3 tives all the information in the possession of the White  
4 House and the Central Intelligence Agency relating to any  
5 of the following activities since January 1, 1960, engaged in  
6 by any person in the United States for the Central Intel-  
7 ligence Agency:

8           (1) each instance of surreptitious entry, breaking  
9       and entering, or burglary;

1 (2) each instance of intercepting and opening of  
2 mail;

3 (3) each instance of wiretapping or electronic sur-  
4 veillance, not pursuant to court order;

5 (4) each instance of collecting information and  
6 maintaining files on a citizen of, or person residing in,  
7 the United States (other than an employee of the Central  
8 Intelligence Agency), or on an association or group  
9 within the United States;

10 (5) each instance of a plan or attempt to do any of  
11 the acts enumerated in paragraphs (1) through (4),  
12 whether or not such plan or attempt was successfully  
13 carried out.

14 SEC. 2. With respect to each activity referred to in the  
15 first section of this resolution, the information required  
16 under the section shall include—

17 (1) the precise nature of each such activity;

18 (2) the identity of all persons, groups, and Gov-  
19 ernment agencies involved, including those undertaking  
20 the activity, those against whom the activity was under-  
21 taken, and those who cooperated in the activity;

22 (3) the dates, duration, and location of the activity;

23 (4) all persons authorizing the activity;

24 (5) the cost to the United States;

1 (6) whether and by whom any periodic review  
2 took place;

3 (7) whether, to what extent, and when each Presi-  
4 dent, the National Security Council, or the President's  
5 Foreign Intelligence Advisory Board was apprised of  
6 the activity at any time;

7 (8) the identity of any other persons or agencies  
8 who were informed of the activity or were given infor-  
9 mation acquired as a result of the activity;

10 (9) whether any evaluative report of the activity  
11 was made;

12 (10) whether and where there are records of the  
13 activity, or whether any report or other document relat-  
14 ing to the activity has been destroyed, and if so, when  
15 it was destroyed and by what authority;

16 (11) whether an opinion of counsel as to the legal-  
17 ity of the activity was obtained and, if so, the nature of  
18 that opinion; and

19 (12) what official action was taken on the basis of  
20 information acquired as a result of the activity.

94TH CONGRESS  
1ST SESSION

## H. RES. 106

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### RESOLUTION

Directing the President to provide the Committee on the Judiciary of the House of Representatives certain information relating to certain activities of the Central Intelligence Agency.

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By Ms. HOLTZMAN, Ms. ABZUG, Mr. BADILLO, Mr. BAUCUS, Mr. BROWN of California, Mr. CONYERS, Mr. DELLUMS, Mr. FORD of Tennessee, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. JENNETTE, Mr. KOCH, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. WAXMAN, Mr. WEAVER, and Mr. CHARLES H. WILSON of California

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JANUARY 28, 1975

Referred to the Committee on the Judiciary

94TH CONGRESS  
1ST SESSION

# H. RES. 121

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1975

Mr. RHODES submitted the following resolution; which was referred to the  
Committee on Rules

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## RESOLUTION

1       *Resolved*, That there is hereby created a Select Com-  
2 mittee on Intelligence to be composed of twenty Members  
3 of the House of Representatives to be appointed by the  
4 Speaker; ten from the majority party and ten from the mi-  
5 nority party, one of whom he shall designate as chairman.  
6 Any vacancy occurring in the membership of the committee  
7 shall be filled in the manner in which the original appoint-  
8 ment was made.

9       The select committee is authorized and directed to con-  
10 duct a thorough and complete study and investigation of  
11 governmental operations with respect to intelligence activi-



1 ties and of the extent, if any, to which illegal, improper, or  
 2 unethical activities were engaged in by any agency of the  
 3 Federal Government or by any persons, acting individually  
 4 or in combination with others, with respect to any intelli-  
 5 gence activity carried out by or on behalf of the Federal  
 6 Government.

7 A majority of the members of the select committee  
 8 shall constitute a quorum for the transaction of business, but  
 9 the select committee may affix a lesser number as a quorum  
 10 for the purpose of taking testimony or depositions.

11 SEC. 2. The select committee is authorized and directed  
 12 to do everything necessary or appropriate to make the in-  
 13 vestigations and study specified in the preceding section.  
 14 Without abridging in any way the authority conferred upon  
 15 the select committee by the preceding sentence, the House  
 16 further expressly authorizes and directs the select committee  
 17 to make a complete investigation and study of the activities of  
 18 any agency or of any and all persons or groups of persons or  
 19 organizations of any kind which have any tendency to reveal  
 20 the full facts with respect to the following matters or ques-  
 21 tions:

22 (1) Whether the Central Intelligence Agency has  
 23 conducted an illegal domestic intelligence operation in  
 24 the United States.

25 (2) The conduct of domestic intelligence or coun-

1 terintelligence operations against United States citizens  
 2 by the Federal Bureau of Investigation or any other  
 3 Federal agency.

4 (3) The origin and disposition of the so-called  
 5 Huston Plan to apply United States intelligence agency  
 6 capabilities against individuals or organizations within  
 7 the United States.

8 (4) The extent to which the Federal Bureau of  
 9 Investigation, the Central Intelligence Agency, and  
 10 other Federal law enforcement or intelligence agencies  
 11 coordinate their respective activities, any agreements  
 12 which govern that coordination, and the extent to which  
 13 a lack of coordination has contributed to activities or  
 14 actions which are illegal, improper, inefficient, unethical,  
 15 or contrary to the intent of Congress.

16 (5) The extent to which the operation of domestic  
 17 intelligence or counterintelligence activities and the  
 18 operation of any other activities within the United States  
 19 by the Central Intelligence Agency conforms to the leg-  
 20 islative charter of that Agency and the intent of the  
 21 Congress.

22 (6) The past and present interpretation by the  
 23 Director of Central Intelligence of the responsibility to  
 24 protect intelligence sources and methods as it relates to  
 25 the provision in section 102 (d) (3) of the National



1 Security Act of 1947 (50 U.S.C. 403 (d) (3)) that  
2 “. . . that the agency shall have no police, subpena, law  
3 enforcement powers, or internal security functions. . . .”

4 (7) Nature and extent of executive branch over-  
5 sight of all United States intelligence activities.

6 (8) The need for specific legislative authority to  
7 govern the operations of any intelligence agencies of  
8 the Federal Government now existing without that  
9 explicit statutory authority, including but not limited to  
10 agencies such as the Defense Intelligence Agency and  
11 the National Security Agency.

12 The nature and extent to which Federal agencies  
13 cooperate and exchange intelligence information and  
14 the adequacy of any regulations or statutes which  
15 govern such cooperation and exchange of intelligence  
16 information.

17 (9) The extent to which United States intelligence  
18 agencies are governed by Executive orders, rules, or  
19 regulations either published or secret and the extent  
20 to which those Executive orders, rules, or regulations  
21 interpret, expand, or are in conflict with specific legis-  
22 lative authority.

23 (10) The violation or suspected violation of any  
24 State or Federal statute by any intelligence agency or  
25 by any person by or on behalf of any intelligence agency

1 of the Federal Government including but not limited  
2 to surreptitious entries, surveillance, wiretaps, or eaves-  
3 dropping, illegal opening of the United States mail, or  
4 the monitoring of the United States mail.

5 (11) The need for improved, strengthened, or con-  
6 solidated oversight of United States intelligence activi-  
7 ties by the Congress.

8 (12) Whether any of the existing laws of the  
9 United States are inadequate, either in their provisions  
10 or manner of enforcement, to safeguard the rights of  
11 American citizens, to improve executive and legislative  
12 control of intelligence and related activities, and to re-  
13 solve uncertainties as to the authority of United States  
14 intelligence and related agencies.

15 (13) Whether there is unnecessary duplication of  
16 expenditure and effort in the collection and processing  
17 of intelligence information by United States agencies.

18 (14) The extent and necessity of overt and covert  
19 intelligence activities in the United States and abroad.

20 (15) Such other related matters as the committee  
21 deems necessary in order to carry out its responsibilities  
22 under section (a).

23 SEC. 3. (a) To enable the select committee to make  
24 the investigation and study authorized and directed by this  
25 resolution, the House hereby authorizes the select committee

1 (1) to employ and fix the compensation of such clerical, in-  
 2 vestigatory, legal, technical, and other assistants as it deems  
 3 necessary or appropriate, but it may not exceed the normal  
 4 House salary schedules; (2) to sit and act at any time or  
 5 place during sessions, recesses, and adjournment periods of  
 6 the House; (3) to hold hearings for taking testimony on oath  
 7 or to receive documentary or physical evidence relating to  
 8 the matters and questions it is authorized to investigate or  
 9 study; (4) to require by subpoena or otherwise the attendance  
 10 as witnesses of any persons who the select committee believes  
 11 have knowledge or information concerning any of the matters  
 12 or questions it is authorized to investigate and study; (5)  
 13 to require by subpoena or order any department, agency,  
 14 officer, or employee of the executive branch of the United  
 15 States Government, or any private person, firm, or corpora-  
 16 tion, to produce for its consideration or for use as evidence  
 17 in its investigation and study any books, checks, canceled  
 18 checks, correspondence, communications, document, papers,  
 19 physical evidence, records, recordings, tapes, or materials re-  
 20 lating to any of the matters or questions it is authorized to  
 21 investigate and study which they or any of them may have  
 22 in their custody or under their control; (6) to make to the  
 23 House any recommendations it deems appropriate in respect  
 24 to the willful failure or refusal of any person to answer ques-  
 25 tions or give testimony in his character as a witness during

1 his appearance before it or in respect to the willful failure  
 2 or refusal of any officer or employee of the executive branch  
 3 of the United States Government or any person, firm, or  
 4 corporation to produce before the committee any books,  
 5 checks, canceled checks, correspondence, communications,  
 6 documents, financial records, papers, physical evidence,  
 7 records, recordings, tapes, or materials in obedience to any  
 8 subpoena or order; (7) to take depositions and other testi-  
 9 mony on oath anywhere within the United States;  
 10 (8) to procure the temporary or intermittent services of  
 11 individual consultants, or organizations thereof, in the  
 12 same manner and under the same conditions as a standing  
 13 committee of the House may procure such services under  
 14 section 202 (i) of the Legislative Reorganization Act  
 15 of 1946; (9) to use on a reimbursable basis, with the prior  
 16 consent of the Committee on House Administration,  
 17 the services of personnel of any such department or  
 18 agency; (10) to use on a reimbursable basis or otherwise  
 19 with the prior consent of the chairman of any com-  
 20 mittee or any subcommittee of the House the facilities or  
 21 services of any members of the staffs of such other House  
 22 committees or any subcommittees of such other House com-  
 23 mittees whenever the select committee or its chairman deems  
 24 that such action is necessary or appropriate to enable the  
 25 select committee to make the investigation and study author-

1 ized and directed by this resolution; (11) to have direct  
2 access through the agency of any members of the select  
3 committee or any of its investigatory or legal assistants  
4 designated by it or its chairman or the ranking minority  
5 member to any data, evidence, information, report, analysis,  
6 or document or papers, relating to any of the matters or  
7 questions which it is authorized and directed to investigate  
8 and study in the custody or under the control of any depart-  
9 ment, agency, officer, or employee of the executive branch  
10 of the United States Government, including any department,  
11 agency, officer, or employee of the United States Govern-  
12 ment having the power under the laws of the United States  
13 to investigate or alleged criminal activities or to prosecute  
14 persons charged with crimes against the United States and  
15 any department, agency, officer, or employee of the United  
16 States Government having the authority to conduct intelli-  
17 gence or surveillance within or outside the United States,  
18 without regard to the jurisdiction or authority of any other  
19 House committee, which will aid the select committee to  
20 prepare for or conduct the investigation and study authorized  
21 and directed by this resolution; and (12) to expend to the  
22 extent it determines necessary or appropriate any moneys  
23 made available to it by the House to perform the duties  
24 and exercise the powers conferred upon it by this resolution

1 and to make the investigation and study it is authorized by  
2 this resolution to make.

3 (b) Subpenas may be issued by the select committee  
4 acting through the chairman or any other member designated  
5 by him, and may be served by any person designated by  
6 such chairman or other member anywhere within the borders  
7 of the United States. The chairman of the select committee,  
8 or any other member thereof, is hereby authorized to admin-  
9 ister oaths to any witnesses appearing before the committee.

10 (c) In preparing for or conducting the investigation  
11 and study authorized and directed by this resolution, the  
12 select committee shall be empowered to exercise the powers  
13 conferred upon committees of the House by section 6002 of  
14 title 18, United States Code, or any other Act of Congress  
15 regulating the granting of immunity to witnesses.

16 SEC. 4. The select committee shall have authority to  
17 recommend the enactment of any new legislation or the  
18 amendment of any existing statute which it considers neces-  
19 sary or desirable to strengthen or clarify the national secu-  
20 rity, intelligence, or surveillance activities of the United  
21 States and to protect the rights of United States citizens  
22 with regard to those activities.

23 SEC. 5. The select committee shall make a final report  
24 of the results of the investigation and study conducted by

1 it pursuant to this resolution, together with its findings and  
2 its recommendations as to new congressional legislation it  
3 deems necessary or desirable, to the House at the earliest  
4 practicable date, but no later than September 1, 1975. The  
5 select committee may also submit to the House such interim  
6 reports as it considers appropriate. After submission of its  
7 final report, the select committee shall have three calendar  
8 months to close its affairs, and on the expiration of such  
9 three calendar months shall cease to exist.

10 SEC. 6. The expenses of the select committee through  
11 September 1, 1975, under this resolution shall not exceed  
12 \$750,000 of which amount not to exceed \$100,000 shall be  
13 available for the procurement of the services of individual  
14 consultants or organizations thereof. Such expenses shall be  
15 paid from the contingent fund of the House upon vouchers  
16 signed by the chairman of the select committee and approved  
17 by the Speaker.

18 SEC. 7. The select committee shall institute and carry  
19 out such rules and procedures as it may deem necessary to  
20 prevent (1) the disclosure, outside the select committee, of  
21 any information relating to the activities of the Central In-  
22 telligence Agency or any other department or agency of the  
23 Federal Government engaged in intelligence activities, ob-  
24 tained by the select committee during the course of its study  
25 and investigation, not authorized by the select committee

1 to be disclosed; and (2) the disclosure, outside the select  
2 committee, of any information which would adversely affect  
3 the intelligence activities of the Central Intelligence Agency  
4 in foreign countries or the intelligence activities in foreign  
5 countries of any other departemnt or agency of the Federal  
6 Government.

7 SEC. 8. As a condition for employment as described in  
8 section 3 of this resolution, each person shall agree not to  
9 accept any honorarium, royalty, or other payment for a  
10 speaking engagement, magazine article, book, or other en-  
11 deavor connected with the investigation and study under-  
12 taken by this committee.

13 SEC. 9. No employee of the select committee or any  
14 person engaged by contract or otherwise to perform services  
15 for the select committee shall be given access to any classi-  
16 fied information by the select committee unless such em-  
17 ployee or person has received an appropriate security clear-  
18 ance as determined by the select committee. The type of  
19 security clearance to be required in the case of any such  
20 employee or person shall, within the determination of the  
21 select committee, be commensurate with the sensitivity of  
22 the classified information to which such employee or person  
23 will be given access by the select committee.

94TH CONGRESS  
1ST SESSION

# H. RES. 121

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## RESOLUTION

To establish a select committee of the House to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government.

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By Mr. RHODES

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JANUARY 30, 1975

Referred to the Committee on Rules

# H. RES. 138

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## IN THE HOUSE OF REPRESENTATIVES

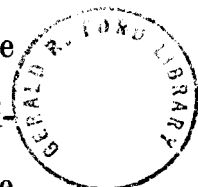
FEBRUARY 4, 1975

Mr. GLAIMO (for himself, Mr. NEDZI, Mr. MOSS, Mr. McFALL, Mr. BINGHAM, Mr. HARRINGTON, and Mr. DAVIS) submitted the following resolution; which was referred to the Committee on Rules

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## RESOLUTION

- 1     *Resolved*, That (a) there is hereby established in the  
2 House of Representatives a Select Committee on Intelligence  
3 to conduct an inquiry into the organization, operations, and  
4 oversight of the intelligence community of the United  
5 States Government.
- 6     (b) The select committee shall be composed of ten  
7 Members of the House of Representatives to be appointed  
8 by the Speaker in consultation with the chairmen of those  
9 standing committees having current jurisdiction over intelli-  
10 gence matters. The Speaker shall designate one of the  
11 Members as chairman.



1 (c) For the purposes of this resolution the select com-  
 2 mittee is authorized to sit during sessions of the House and  
 3 during the present Congress whether or not the House has  
 4 recessed or adjourned. A majority of the members of the  
 5 select committee shall constitute a quorum for the trans-  
 6 action of business except that the select committee may  
 7 designate a lesser number as a quorum for the purpose of  
 8 taking testimony.

9 SEC. 2. The select committee is authorized and directed  
 10 to conduct an inquiry into—

11 (1) the collection, analysis, use, and cost of in-  
 12 telligence information and allegations of improper ac-  
 13 tivities of intelligence agencies in the United States and  
 14 abroad;

15 (2) the procedures and effectiveness of coordina-  
 16 tion among and between the various intelligence com-  
 17 ponents of the United States Government;

18 (3) the nature and extent of executive branch  
 19 oversight and control of United States intelligence  
 20 activities;

21 (4) the need for improved or reorganized oversight  
 22 by the Congress of United States intelligence activities;

23 (5) the necessity, nature, and extent of overt and  
 24 covert intelligence activities by United States intelli-  
 25 gence instrumentalities in the United States and abroad;

1 (6) the procedures for and means of the protection  
 2 of sensitive intelligence information; and

3 (7) such other related matters as the select com-  
 4 mittee shall deem necessary to carry out the purposes  
 5 of this resolution.

6 SEC. 3. In carrying out the purposes of this resolution,  
 7 the select committee is authorized to inquire into the activi-  
 8 ties of the following:

9 (1) the National Security Council;

10 (2) the United States Intelligence Board;

11 (3) the President's Foreign Intelligence Advisory  
 12 Board;

13 (4) the Central Intelligence Agency;

14 (5) the Defense Intelligence Agency;

15 (6) the intelligence components of the Departments  
 16 of the Army, Navy, and Air Force;

17 (7) the National Security Agency;

18 (8) the Intelligence and Research Bureau of the  
 19 Department of State;

20 (9) the Federal Bureau of Investigation;

21 (10) the Department of the Treasury;

22 (11) the Energy Research and Development  
 23 Administration; and

24 (12) any other instrumentalities of the United  
 25 States Government engaged in or otherwise responsible

1 for intelligence operations in the United States and  
2 abroad.

3 SEC. 4. The select committee may require, by subpoena  
4 or otherwise, the attendance and testimony of such witnesses  
5 and the production of such books, records, correspondence,  
6 memorandums, papers, and documents as it deems necessary.  
7 Subpenas may be issued over the signature of the chairman  
8 of the select committee or any member designated by him,  
9 and may be served by any person designated by the chairman  
10 or such member. The chairman of the select committee, or  
11 any member designated by him, may administer oaths to  
12 any witness.

13 SEC. 5. To enable the select committee to carry out the  
14 purposes of this resolution, it is authorized to employ investi-  
15 gators, attorneys, consultants, or organizations thereof, and  
16 clerical, stenographic, and other assistance.

17 SEC. 6. The select committee shall establish and imple-  
18 ment such rules and procedures as it may deem necessary to  
19 prevent the unauthorized disclosure of information and testi-  
20 mony taken in executive session or obtained by other means.

1 SEC. 7. The select committee is authorized and directed  
2 to report to the House with respect to the matters covered  
3 by this resolution as soon as practicable but no later than  
4 January 31, 1976.

5 SEC. 8. The authority granted herein shall expire three  
6 months after the filing of the report with the House of  
7 Representatives.



94TH CONGRESS  
1ST SESSION

# H. RES. 138

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## RESOLUTION

Establishing a Select Committee on Intelligence.

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By Mr. GIAIMO, Mr. NEDZI, Mr. MOSS, Mr.  
McFALL, Mr. BINGHAM, Mr. HARRINGTON,  
and Mr. DAVIS

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FEBRUARY 4, 1975

Referred to the Committee on Rules

94TH CONGRESS  
1ST SESSION

# H. R. 1103

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. TEAGUE introduced the following bill; which was referred to the Committee on the Judiciary

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### A BILL

To impose certain safeguards on investigations carried out by Federal agencies.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3        That each officer or employee of any Federal agency who  
4        without a warrant or other process issued by a court attempts  
5        to obtain information, records, papers, or other matter from  
6        any person (other than another such officer or employee) in  
7        connection with any investigation for acts or omissions which  
8        under any law of the United States are punishable by fine,  
9        imprisonment, civil penalty, or forfeiture, shall first inform  
10       such person that he has a right (1) to refuse to provide such  
11       information, records, papers, or other matter; and (2) to



1 have an attorney representing him present during any sub-  
2 sequent discussion with such officer or agent. Any person  
3 may knowingly waive such rights.

4       SEC. 2. No information, records, papers, or other matter  
5 obtained by an officer or employee of any Federal agency  
6 from a person who was not, at the time they were obtained,  
7 informed of the rights set forth in the first section of this Act  
8 or from a person while such person was being denied either  
9 such right, may be received in evidence in any proceeding  
10 before any court or grand jury of the United States or before  
11 any Federal agency. This section shall only apply to in-  
12 formation, records, papers, or other matter obtained by such  
13 an officer or employee after the date of its enactment.

14       SEC. 3. Any officer or employee of any Federal agency  
15 who violates the first section of this Act or who obtains any  
16 information, records, papers, or other matter from any per-  
17 son while such person was being denied either of the rights  
18 set forth in such section shall, notwithstanding any other law,  
19 be suspended without pay as such an officer or employee  
20 for not less than thirty days, or discharged, by the head of  
21 such Federal agency.

22       SEC. 4. As used in this Act, the term "Federal agency"  
23 means any department, agency, or establishment in the  
24 executive branch of the Federal Government.

94TH CONGRESS  
1ST SESSION

**H. R. 1103**

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**A BILL**

To impose certain safeguards on investigations  
carried out by Federal agencies.

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By Mr. TEAGUE

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JANUARY 14, 1975

Referred to the Committee on the Judiciary

# S. RES. 6

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IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1975

Mr. SCHWEIKER (for himself and Mr. PROXMIRE) submitted the following resolution; which was referred to the Committee on Armed Services

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## RESOLUTION

To establish a select committee to conduct a study and investigation of the intelligence operations and activities of the intelligence community of the Federal Government, and to request the appointment of an independent Special Prosecutor.

1       *Resolved*, That (a) there is established a select commit-  
2       tee of the Senate, to be known as the Select Committee on  
3       Intelligence Operations and Activities (hereinafter referred  
4       to as the "select committee"), to conduct a study and in-  
5       vestigation of the intelligence operations and activities carried  
6       out by, under the direction or supervision of, or on behalf  
7       of the intelligence community of the Federal Government  
8       with a view to determining whether, and to what extent,



1 illegal, improper, or unethical actions, have been engaged  
 2 in by any persons, acting either individually or in combina-  
 3 tion with others, while carrying out intelligence operations  
 4 or activities or while acting under the guise of carrying out  
 5 such operations or activities.

6 (b) The select committee shall be composed of eight  
 7 Members of the Senate, four to be appointed by the majority  
 8 leader of the Senate and four to be appointed by the minority  
 9 leader of the Senate, but not more than two members of  
 10 the select committee may be members of subcommittees  
 11 having permanent jurisdiction over Central Intelligence  
 12 Agency authorizations or appropriations.

13 (c) The select committee shall select a chairman from  
 14 among its members from the majority party and a cochair-  
 15 man from the minority party. A majority of the members  
 16 of the select committee shall constitute a quorum thereof  
 17 for the transaction of business, except that the select com-  
 18 mittee may fix a lesser number as a quorum for the purpose  
 19 of taking testimony. Vacancies in the membership of the  
 20 select committee shall not affect the authority of the re-  
 21 maining members to execute the functions of the select  
 22 committee.

23 (d) For the purposes of paragraph 6 of rule XXV of  
 24 the Standing Rules of the Senate, service of a Senator as

1 a member or chairman of the select committee shall not  
 2 be taken into account.

3 SEC. 2. (a) The select committee is authorized and  
 4 directed to do everything necessary or appropriate to carry  
 5 out the study and investigation specified in the first section  
 6 of this resolution.

7 (b) Without limiting the foregoing, it shall also be the  
 8 function of the select committee to conduct a study and  
 9 investigation with respect to the charter of the Central  
 10 Intelligence Agency, including, but not limited to, a con-  
 11 sideration of the following matters:

12 (1) The extent to which the statutory authority of  
 13 the Central Intelligence Agency has been modified, ex-  
 14 panded, or diminished by executive orders, by National  
 15 Security Council actions, decrees, or directives, or by  
 16 other means.

17 (2) The effectiveness of civilian control of, and con-  
 18 gressional oversight over, the intelligence community of  
 19 the Federal Government, in insuring its operation within  
 20 existing statutory guidelines, and the impact which any  
 21 modifications of authority described in paragraph (1)  
 22 of this section may have had on such control and  
 23 oversight.

24 (3) The effectiveness of the existing charter in  
 25 guaranteeing individual constitutional rights and the

1 integrity of democratic institutions, consistent with the  
2 requirements of national security.

3 (4) The nature and extent of any Central Intel-  
4 ligence Agency activities performed on behalf of, or at  
5 the request of, other Government departments, agencies,  
6 or officials.

7 (5) The extent to which the Central Intelligence  
8 Agency activities duplicate or supersede the nonclassi-  
9 fied activities of other Government departments or  
10 agencies.

11 (6) The effectiveness of existing charter provisions  
12 in maximizing legitimate intelligence coordination and  
13 evaluation, while minimizing covert operations.

14 (7) The extent of any involvement by the intelli-  
15 gence community of the Federal Government in the  
16 private sector of the domestic economy, and the effective-  
17 ness of existing statutes in defining such involvement  
18 consistent with the national interest.

19 (c) As used in this resolution, the term "intelligence  
20 community of the Federal Government" includes—

- 21 (1) the United States Intelligence Board;  
22 (2) the Central Intelligence Agency;  
23 (3) the Defense Intelligence Agency;  
24 (4) the Intelligence and Reports Bureau of the  
25 Department of State;

- 1 (5) the National Security Agency;  
2 (6) the intelligence components of the Army,  
3 Navy, and Air Force;  
4 (7) the Atomic Energy Commission;  
5 (8) the Federal Bureau of Investigation;  
6 (9) the Department of the Treasury; and  
7 (10) any other department, agency, bureau, or  
8 office engaged in or responsible for intelligence opera-  
9 tions or activities for or on behalf of the Federal Govern-  
10 ment.

11 SEC. 3. (a) To enable the select committee to make  
12 the investigation and study authorized and directed by this  
13 resolution, such committee is authorized (1) to employ and  
14 fix the compensation of such clerical, investigatory, legal,  
15 technical, and other assistants as it deems necessary or  
16 appropriate; (2) to sit and act at any time or place during  
17 sessions, recesses, and adjournment periods of the Senate;  
18 (3) to hold hearings for taking testimony on oath or to  
19 receive documentary or physical evidence relating to the  
20 matters and questions it is authorized to investigate or  
21 study; (4) to require by subpoena or otherwise the attendance  
22 as witnesses of any persons who the select committee believes  
23 have knowledge or information concerning any of the matters  
24 or questions it is authorized to investigate and study; (5)  
25 to require by subpoena or order any department, agency,

1 officer, or employee of the executive branch of the United  
 2 States Government, or any private person, firm, or corpora-  
 3 tion, or any officer or former officer or employee of any  
 4 firm or corporation employed by the United States to conduct  
 5 any intelligence operations or activities for the United States,  
 6 to produce for the consideration of the select committee or  
 7 for use as evidence in its investigation and study any books,  
 8 checks, canceled checks, correspondence, communications,  
 9 documents, financial records, papers, physical evidence,  
 10 records, recordings, tapes, or materials relating to any of  
 11 the matters or questions it is authorized to study and investi-  
 12 gate which they or any of them may have in their custody  
 13 or under their control; (6) to make to the Senate any  
 14 recommendations it deems appropriate in respect to the  
 15 willful failure or refusal of any person to appear before it in  
 16 obedience to a subpoena or order, or in respect to the willful  
 17 failure or refusal of any person to answer questions or give  
 18 testimony in his character as a witness during his appear-  
 19 ance before it, or in respect to the willful failure or refusal  
 20 of any officer or employee of the executive branch of the  
 21 United States Government or any person, firm, or corpora-  
 22 tion, or any officer or former officer or employee of any  
 23 firm or corporation employed by the United States to conduct  
 24 any intelligence operations or activities for the United States,  
 25 to produce before the committee any books, checks, canceled

1 checks, correspondence, communications, documents, finan-  
 2 cial records, papers, physical evidence, records, recordings,  
 3 tapes, or materials in obedience to any subpoena or order, to  
 4 (7) to take depositions and other testimony on oath anywhere  
 5 where within the United States or in any other country;  
 6 (8) to procure the temporary or intermittent services of  
 7 individual consultants, or organizations thereof, in the same  
 8 manner and under the same conditions as a standing com-  
 9 mittee of the Senate may procure such services under section  
 10 202 (i) of the Legislative Reorganization Act of 1946; (9) to  
 11 to use on a reimbursable basis, with the prior consent of the  
 12 Government department or agency concerned and the Com-  
 13 mittee on Rules and Administration, the services of personnel  
 14 of any such department or agency; (10) to use on a reim-  
 15 bursable basis or otherwise with the prior consent of the  
 16 chairman of any other of the Senate committees or the chair-  
 17 man of any subcommittee of any committee of the Senate  
 18 the facilities or services of any members of the staffs of  
 19 such other Senate committees or any subcommittees of such  
 20 other Senate committees whenever the select committee or  
 21 its chairman deems that such action is necessary or appro-  
 22 priate to enable the select committee to make the investi-  
 23 gation and study authorized and directed by this resolution;  
 24 (11) to have access to any data, evidence, information,  
 25 report, analysis, or document or papers relating to any of the



1 matters or questions which it is authorized and directed to  
 2 investigate and study in the custody or under the control  
 3 of any department, agency, officer, or employee of the  
 4 executive branch of the United States Government having  
 5 the power under the laws of the United States to investigate  
 6 any alleged criminal activities or to prosecute persons charged  
 7 with crimes against the United States which will aid the  
 8 select committee to prepare for or conduct the investigation  
 9 and study authorized and directed by this resolution; and  
 10 (12) to expend to the extent it determines necessary or  
 11 appropriate any moneys made available to it by the Senate  
 12 to perform the duties and exercise the powers conferred  
 13 upon it by this resolution and to make the investigation and  
 14 study it is authorized by this resolution to make.

15 (b) Subpenas may be issued by the select committee  
 16 acting through either of the cochairmen or any other mem-  
 17 ber designated by either of them, and may be served by any  
 18 person designated by such chairman or other member any-  
 19 where within the borders of the United States. Either co-  
 20 chairman of the select committee, or any other member there-  
 21 of, is hereby authorized to administer oaths to any witnesses  
 22 appearing before the committee.

23 (c) In preparing for or conducting the investigation  
 24 and study authorized and directed by this resolution, the  
 25 select committee shall be empowered to exercise the powers

1 conferred upon committees of the Senate by section 6002 of  
 2 title 18 of the United States Code or any other Act of Con-  
 3 gress regulating the granting of immunity to witnesses.

4 SEC. 4. The select committee shall have authority to  
 5 recommend the enactment of any new legislation relating  
 6 to the intelligence operations or activities of the Federal  
 7 Government which the select committee considers necessary  
 8 or desirable as the result of its study and investigation.

9 SEC. 5. The select committee shall make an interim  
 10 report of its findings not later than six months after the date  
 11 this resolution is agreed to, and a final report of the results  
 12 of the investigation and study conducted by it pursuant to  
 13 this resolution, together with its findings and its recommenda-  
 14 tions for any new legislation it deems necessary or desirable,  
 15 to the Senate at the earliest practicable date, but no later  
 16 than February 28, 1976. The select committee may also  
 17 submit to the Senate such additional interim reports as it  
 18 considers appropriate. After submission of its final report,  
 19 the select committee shall have ninety days to close its  
 20 affairs, and on the expiration of such ninety days shall cease  
 21 to exist.

22 SEC. 6. Expenses of the select committee under this res-  
 23 olution shall be paid from the contingent fund of the Senate  
 24 upon vouchers approved by either of the two cochairmen of  
 25 the select committee.

1       SEC. 7. (a) It is the sense of the Senate that the  
2 President immediately designate an individual of the high-  
3 est character and integrity from outside the executive  
4 branch to serve as special prosecutor for the Government  
5 of the United States in any and all criminal investigations,  
6 indictments, and actions arising from any violations of the  
7 National Security Act of 1947 or the Central Intelligence  
8 Agency Act of 1949 by any person acting individually or  
9 in combination with others.

10       (b) It is further the sense of the Senate that the Presi-  
12 dent should grant such special prosecutor all authority  
13 necessary and proper to the effective performance of his  
14 duties and should submit the name of such designee to the  
15 Senate, requesting a resolution of approval of such designee.

94TH CONGRESS  
1ST SESSION

**S. RES. 6**

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**RESOLUTION**

To establish a select committee to conduct a study and investigation of the intelligence operations and activities of the intelligence community of the Federal Government, and to request the appointment of an independent Special Prosecutor.

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By Mr. SCHWEIKER and Mr. PROXMIRE

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JANUARY 15, 1975

Referred to the Committee on Armed Services

94TH CONGRESS  
1ST SESSION

# S. RES. 21

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1975

Mr. PASTORE submitted the following resolution; which was ordered to be placed on the calendar (under general orders)

JANUARY 27, 1975

Considered, amended, and agreed to

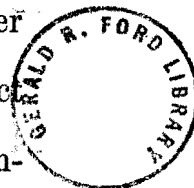
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# RESOLUTION

To establish a select committee of the Senate to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government.

1       *Resolved*, To establish a select committee of the Senate  
2 to conduct an investigation and study of governmental op-  
3 erations with respect to intelligence activities and of the  
4 extent, if any, to which illegal, improper, or unethical activ-  
5 ities were engaged in by any agency of the Federal Govern-  
6 ment or by any persons, acting individually or in combination  
7 with others, with respect to any intelligence activity carried  
8 out by or on behalf of the Federal Government; be it further

9       *Resolved*, That (a) there is hereby established a select  
10 committee of the Senate which may be called, for con-



1 venience of expression, the Select Committee To Study  
 2 Governmental Operations With Respect to Intelligence Ac-  
 3 tivities to conduct an investigation and study of the extent, if  
 4 any, to which illegal, improper, or unethical activities were  
 5 engaged in by any agency or by any persons, acting either  
 6 individually or in combination with others, in carrying out  
 7 any intelligence or surveillance activities by or on behalf  
 8 of any agency of the Federal Government.

9 (b) The select committee created by this resolution  
 10 shall consist of eleven Members of the Senate, six to be  
 11 appointed by the President of the Senate from the majority  
 12 Members of the Senate upon the recommendation of the  
 13 majority leader of the Senate, and five minority Members of  
 14 the Senate to be appointed by the President of the Senate  
 15 upon the recommendation of the minority leader of the  
 16 Senate. For the purposes of paragraph 6 of rule XXV of the  
 17 Standing Rules of the Senate, service of a Senator as a  
 18 member, chairman, or vice chairman of the select committee  
 19 shall not be taken into account.

20 (c) The majority members of the committee shall select  
 21 a chairman and the minority members shall select a vice  
 22 chairman and the committee shall adopt rules and procedures  
 23 to govern its proceedings. The vice chairman shall preside  
 24 over meetings of the select committee during the absence  
 25 of the chairman, and discharge such other responsibilities

1 as may be assigned to him by the select committee or the  
 2 chairman. Vacancies in the membership of the select com-  
 3 mittee shall not affect the authority of the remaining mem-  
 4 bers to execute the functions of the select committee and  
 5 shall be filled in the same manner as original appointments  
 6 to it are made.

7 (d) A majority of the members of the select committee  
 8 shall constitute a quorum for the transaction of business, but  
 9 the select committee may affix a lesser number as a quorum  
 10 for the purpose of taking testimony or depositions.

11 SEC. 2. The select committee is authorized and directed  
 12 to do everything necessary or appropriate to make the in-  
 13 vestigations and study specified in subsection (a) of the  
 14 first section. Without abridging in any way the authority  
 15 conferred upon the select committee by the preceding  
 16 sentence, the Senate further expressly authorizes and directs  
 17 the select committee to make a complete investigation and  
 18 study of the activities of any agency or of any and all persons  
 19 or groups of persons or organizations of any kind which  
 20 have any tendency to reveal the full facts with respect to  
 21 the following matters or questions:

22 (1) Whether the Central Intelligence Agency has  
 23 conducted an illegal domestic intelligence operation in  
 24 the United States.

1 (2) The conduct of domestic intelligence or coun-  
 2 terintelligence operations against United States citizens  
 3 by the Federal Bureau of Investigation or any other  
 4 Federal agency.

5 (3) The origin and disposition of the so-called Hus-  
 6 ton Plan to apply United States intelligence agency  
 7 capabilities against individuals or organizations within  
 8 the United States.

9 (4) The extent to which the Federal Bureau of In-  
 10 vestigation, the Central Intelligence Agency, and other  
 11 Federal law enforcement or intelligence agencies coordi-  
 12 nate their respective activities, any agreements which  
 13 govern that coordination, and the extent to which a lack  
 14 of coordination has contributed to activities or actions  
 15 which are illegal, improper, inefficient, unethical, or con-  
 16 trary to the intent of Congress.

17 (5) The extent to which the operation of domestic  
 18 intelligence or counterintelligence activities and the  
 19 operation of any other activities within the United States  
 20 by the Central Intelligence Agency conforms to the leg-  
 21 islative charter of that Agency and the intent of the  
 22 Congress.

23 (6) The past and present interpretation by the  
 24 Director of Central Intelligence of the responsibility to  
 25 protect intelligence sources and methods as it relates to

1 the provision in section 102 (d) (3) of the National  
 2 Security Act of 1947 (50 U.S.C. 403 (d) (3)) that  
 3 "... that the agency shall have no police, subpoena, law  
 4 enforcement powers, or internal security functions. . . ."

5 (7) Nature and extent of executive branch over-  
 6 sight of all United States intelligence activities.

7 (8) The need for specific legislative authority to  
 8 govern the operations of any intelligence agencies of  
 9 the Federal Government now existing without that  
 10 explicit statutory authority, including but not limited to  
 11 agencies such as the Defense Intelligence Agency and  
 12 the National Security Agency.

13 The nature and extent to which Federal agencies  
 14 cooperate and exchange intelligence information and  
 15 the adequacy of any regulations or statutes which  
 16 govern such cooperation and exchange of intelligence  
 17 information.

18 (9) The extent to which United States intelligence  
 19 agencies are governed by Executive orders, rules, or  
 20 regulations either published or secret and the extent  
 21 to which those Executive orders, rules, or regulations  
 22 interpret, expand, or are in conflict with specific legis-  
 23 lative authority.

24 (10) The violation or suspected violation of any  
 25 State or Federal statute by any intelligence agency or

1 by any person by or on behalf of any intelligence agency  
 2 of the Federal Government including but not limited  
 3 to surreptitious entries, surveillance, wiretaps, or eaves-  
 4 dropping, illegal opening of the United States mail, or  
 5 the monitoring of the United States mail.

6 (11) The need for improved, strengthened, or con-  
 7 solidated oversight of United States intelligence ac-  
 8 tivities by the Congress.

9 (12) Whether any of the existing laws of the  
 10 United States are inadequate, either in their provisions  
 11 or manner of enforcement, to safeguard the rights of  
 12 American citizens, to improve executive and legislative  
 13 control of intelligence and related activities, and to re-  
 14 solve uncertainties as to the authority of United States  
 15 intelligence and related agencies.

16 (13) Whether there is unnecessary duplication of  
 17 expenditure and effort in the collection and processing  
 18 of intelligence information by United States agencies.

19 (14) The extent and necessity of overt and covert  
 20 intelligence activities in the United States and abroad.

21 (15) Such other related matters as the committee  
 22 deems necessary in order to carry out its responsibilities  
 23 under section (a).

24 SEC. 3. (a) To enable the select committee to make  
 25 the investigation and study authorized and directed by this

1 resolution, the Senate hereby empowers the select committee  
 2 as an agency of the Senate (1) to employ and fix the com-  
 3 pensation of such clerical, investigatory, legal, technical,  
 4 and other assistants as it deems necessary or appropriate,  
 5 but it may not exceed the normal Senate salary schedules;  
 6 (2) to sit and act at any time or place during sessions,  
 7 recesses, and adjournment periods of the Senate; (3) to hold  
 8 hearings for taking testimony on oath or to receive docu-  
 9 mentary or physical evidence relating to the matters and  
 10 questions it is authorized to investigate or study; (4) to  
 11 require by subpoena or otherwise the attendance as witnesses  
 12 of any persons who the select committee believes have  
 13 knowledge or information concerning any of the matters  
 14 or questions it is authorized to investigate and study; (5)  
 15 to require by subpoena or order any department, agency,  
 16 officer, or employee of the executive branch of the United  
 17 States Government, or any private person, firm, or corpora-  
 18 tion, to produce for its consideration or for use as evidence  
 19 in its investigation and study any books, checks, canceled  
 20 checks, correspondence, communications, document, papers,  
 21 physical evidence, records, recordings, tapes, or materials re-  
 22 lating to any of the matters or questions it is authorized to  
 23 investigate and study which they or any of them may have  
 24 in their custody or under their control; (6) to make to the  
 25 Senate any recommendations it deems appropriate in respect

1 to the willful failure or refusal of any person to answer ques-  
 2 tions or give testimony in his character as a witness during  
 3 his appearance before it or in respect to the willful failure  
 4 or refusal of any officer or employee of the executive branch  
 5 of the United States Government or any person, firm, or  
 6 corporation to produce before the committee any books,  
 7 checks, canceled checks, correspondence, communications,  
 8 document, financial records, papers, physical evidence,  
 9 records, recordings, tapes, or materials in obedience to any  
 10 subpoena or order; (7) to take depositions and other testi-  
 11 mony on oath anywhere within the United States or in any  
 12 other country; (8) to procure the temporary or intermit-  
 13 tent services of individual consultants, or organizations there-  
 14 of, in the same manner and under the same conditions as  
 15 a standing committee of the Senate may procure such serv-  
 16 ices under section 202 (i) of the Legislative Reorganiza-  
 17 tion Act of 1946; (9) to use on a reimbursable basis, with  
 18 the prior consent of the Committee on Rules and Adminis-  
 19 tration, the services of personnel of any such department  
 20 or agency; (10) to use on a reimbursable basis or other-  
 21 wise with the prior consent of the chairman of any sub-  
 22 committee of any committee of the Senate the facilities or  
 23 services of any members of the staffs of such other Senate  
 24 committees or any subcommittees of such other Senate com-  
 25 mittees whenever the select committee or its chairman deems

1 that such action is necessary or appropriate to enable the  
 2 select committee to make the investigation and study author-  
 3 ized and directed by this resolution; (11) to have direct  
 4 access through the agency of any members of the select  
 5 committee or any of its investigatory or legal assistants  
 6 designated by it or its chairman or the ranking minority  
 7 member to any data, evidence, information, report, analysis,  
 8 or document or papers, relating to any of the matters or  
 9 questions which it is authorized and directed to investigate  
 10 and study in the custody or under the control of any depart-  
 11 ment, agency, officer, or employee of the executive branch  
 12 of the United States Government, including any department,  
 13 agency, officer, or employee of the United States Govern-  
 14 ment having the power under the laws of the United States  
 15 to investigate any alleged criminal activities or to prosecute  
 16 persons charged with crimes against the United States and  
 17 any department, agency, officer, or employee of the United  
 18 States Government having the authority to conduct intelli-  
 19 gence or surveillance within or outside the United States,  
 20 without regard to the jurisdiction or authority of any other  
 21 Senate committee, which will aid the select committee to  
 22 prepare for or conduct the investigation and study authorized  
 23 and directed by this resolution; and (12) to expend to the  
 24 extent it determines necessary or appropriate any moneys



1 made available to it by the Senate to perform the duties  
2 and exercise the powers conferred upon it by this resolution  
3 and to make the investigation and study it is authorized by  
4 this resolution to make.

5 (b) Subpenas may be issued by the select committee  
6 acting through the chairman or any other member designated  
7 by him, and may be served by any person designated by  
8 such chairman or other member anywhere within the borders  
9 of the United States. The chairman of the select committee,  
10 or any other member thereof, is hereby authorized to admin-  
11 ister oaths to any witnesses appearing before the committee.

12 (c) In preparing for or conducting the investigation  
13 and study authorized and directed by this resolution, the  
14 select committee shall be empowered to exercise the powers  
15 conferred upon committees of the Senate by section 6002 of  
16 title 18, United States Code, or any other Act of Congress  
17 regulating the granting of immunity to witnesses.

18 SEC. 4. The select committee shall have authority to  
19 recommend the enactment of any new legislation or the  
20 amendment of any existing statute which it considers neces-  
21 sary or desirable to strengthen or clarify the national secu-  
22 rity, intelligence, or surveillance activities of the United  
23 States and to protect the rights of United States citizens  
24 with regard to those activities.

1 SEC. 5. The select committee shall make a final report  
2 of the results of the investigation and study conducted by  
3 it pursuant to this resolution, together with its findings and  
4 its recommendations as to new congressional legislation it  
5 deems necessary or desirable, to the Senate at the earliest  
6 practicable date, but no later than September 1, 1975. The  
7 select committee may also submit to the Senate such interim  
8 reports as it considers appropriate. After submission of its  
9 final report, the select committee shall have three calendar  
10 months to close its affairs, and on the expiration of such  
11 three calendar months shall cease to exist.

12 SEC. 6. The expenses of the select committee through  
13 September 1, 1975, under this resolution shall not exceed  
14 \$750,000 of which amount not to exceed \$100,000 shall be  
15 available for the procurement of the services of individual  
16 consultants or organizations thereof. Such expenses shall be  
17 paid from the contingent fund of the Senate upon vouchers  
18 approved by the chairman of the select committee.

19 SEC. 7. The select committee shall institute and carry  
20 out such rules and procedures as it may deem necessary to  
21 prevent (1) the disclosure, outside the select committee, of  
22 any information relating to the activities of the Central In-  
23 telligence Agency or any other department or agency of the  
24 Federal Government engaged in intelligence activities, ob-

1 tained by the select committee during the course of its study  
2 and investigation, not authorized by the select committee  
3 to be disclosed; and (2) the disclosure, outside the select  
4 committee, of any information which would adversely affect  
5 the intelligence activities of the Central Intelligence Agency  
6 in foreign countries or the intelligence activities in foreign  
7 countries of any other department or agency of the Federal  
8 Government.

9     SEC. 8. As a condition for employment as described in  
10 section 3 of this resolution, each person shall agree not to  
11 accept any honorarium, royalty or other payment for a  
12 speaking engagement, magazine article, book, or other en-  
13 deavor connected with the investigation and study under-  
14 taken by this committee.

15     SEC. 9. No employee of the select committee or any  
16 person engaged by contract or otherwise to perform services  
17 for the select committee shall be given access to any classi-  
18 fied information by the select committee unless such em-  
19 ployee or person has received an appropriate security clear-  
20 ance as determined by the select committee. The type of  
21 security clearance to be required in the case of any such  
22 employee or person shall, within the determination of the  
23 select committee, be commensurate with the sensitivity of  
24 the classified information to which such employee or person  
25 will be given access by the select committee.

94TH CONGRESS  
1ST SESSION

## S. RES. 21

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### RESOLUTION

To establish a select committee of the Senate to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government.

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By Mr. PASTORE

JANUARY 21, 1975

Ordered to be placed on the calendar (under general orders)

JANUARY 27, 1975

Considered, amended, and agreed to

THE WHITE HOUSE  
WASHINGTON

Date

2/21/75

TO:

~~Kendall~~  
~~O'Donnell~~  
 ~~Bennett~~ ✓  
 ~~Leppert~~ *et.*  
~~Woithuis~~

FROM:

~~Vern Leen~~

*Vera*

Please handle \_\_\_\_\_

Please see me \_\_\_\_\_

For Your Information X \_\_\_\_\_

For Comment \_\_\_\_\_

Other:

*Please return  
to Vera for subject  
file.*



THE WHITE HOUSE  
WASHINGTON

February 19, 1975

MEMORANDUM FOR: PHILIP BUCHEN  
THROUGH: JOHN MARSH  
MAX FRIEDERSDORF  
FROM: VERN LOEN VL  
SUBJECT: H. Res. 138, Select Committee  
on Intelligence

The House Rules Committee yesterday granted an open rule with one hour of debate on this resolution (attached) after adopting minor amendments.

When the resolution reaches the House floor today, Representative John Anderson, (R-Ill.) plans to offer the attached amendments which would provide for equal Minority party representation on the Select Committee, tighten up on security procedures and limit expenditures to \$750,000. Also, he would require a report from the Committee by September 1, 1975, instead of January 31, 1976.

Anderson obviously does not expect to win on all of these amendments, but it should provoke a good floor fight and possibly place some constraints upon the conduct of the investigation.



#1. On page 1, strike lines 6 through 11 and insert in lieu thereof the following:

"(b) The select committee shall be composed of ten Members of the House of Representatives to be appointed by the Speaker as follows: (1) five from the majority party, after consultation with the chairmen of those standing committees having current jurisdiction over intelligence matters; and (2) five from the minority party after consultation with the minority leader of the House. The Speaker shall designate one of the Members as chairman."

#2. On page 4, strike lines 17 through 20 and insert in lieu thereof the following:

"Sec. 6. (a) The select committee shall institute and carry out such rules and procedures as it may deem necessary to prevent (1) the disclosure, outside the select committee, of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the select committee during the course of its study and investigation, not authorized by the select committee to be disclosed; and (2) the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government;

(b) No employee of the select committee or any person engaged by contract or otherwise to perform services for the select committee shall be given access to any classified information by the select committee unless such employee or person has received an appropriate security clearance as determined by the select committee. The type of security clearance to be required in the case of any such employee or person shall, within the determination of the select committee, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by the select committee.

(c) As a condition for employment as described in section 5 of this resolution, each person shall agree not to accept any honorarium, royalty, or other payment for a speaking engagement, magazine article, book, or other endeavor connected with the investigation and study undertaken by this committee."

#3. On page 5, at line 1, insert the following new section and redesignate sections 7 and 8 as sections 8 and 9, respectively:

"Sec. 7. The expenses of the select committee under this resolution shall not exceed \$750,000 of which amount not to exceed \$100,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the House upon vouchers signed by the chairman of the select committee and approved by the Speaker."

#4. On page 5, strike all of line 4 and insert in lieu thereof the following:

3/11 [1975] 10:45

Call from Dennis Taylor:

"Late last night the Majority changed today's legislative program.

The two resolutions of inquiry, H. Res. 129 and H. Res. 172, have been indefinitely postponed.

Following, the remaining two items on today's program,, we will take up funding resolutions for some 10 House Committees.

VERN  
DOUG  
CHARLEY ✓

FYT

Vera -



April 22, 1975

Dear Pete:

Thank you for your April 21 letter to the President with the enclosures regarding the Vietnam situation and the "screening" of intelligence information.

You may be assured that your letter will be passed along for the President's early attention.

With kind regards,

Sincerely,

Vernon C. Loen  
Deputy Assistant  
to the President

Honorable Paul N. McCloskey, Jr.  
House of Representatives  
Washington, D. C. 20515

bcc w/inc to Max Friedersdorf - FYI  
bcc w/inc to Jack Marsh - FYI  
bcc w/inc to General Scowcroft - for further handling

VCL/ef





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April 21, 1975

*emp*  
Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D.C. 20500

*MIF*  
Dear Mr. President:

On Friday, March 14, I reported to you on the factual situation in Vietnam as I had observed it during the period February 23-March 2. In the last section of that report I expressed concern that the hard intelligence summaries prepared by the CIA could be distorted by their passage through the hands of State and Defense Department people who desired that intelligence summaries be supportive of past or current policy success.

On April 17, several of us sent you a letter in the same vein, suggesting that it was imperative that the intelligence estimates of CIA not be screened by policy-makers before reaching your desk.

I have just learned of a specific case of such military and State "screening" which is not only an outrageous example of the modification of intelligence information, but which may very well have had a significant impact on the ultimate sad result in Vietnam. Enclosed are copies of cables from General Westmoreland, General Abrams, and the State Department's Robert Komer, in mid-August, 1967, which clearly reflect command influence, if not distortion, on the intelligence-reporting function of the CIA.

In August, 1967, our Embassy and MACV people in Saigon were attempting to show a continuing success in reducing the numbers of the Viet Cong (VC). The CIA had estimated a VC strength figure which included Viet Cong self-defense (SD) and secret self-defense (SSD) forces. The total estimated figure, including those forces, was 420,000-431,000, as compared to the previously-released figure of 299,000.



You will note from General Abrams' cable, concurred in by General Westmoreland, that DOD asked that the intelligence estimate be reduced to remove the SS and SSD forces since these forces included a sizable number of old people and women, and cast doubt on the "image of success" DOD had "been projecting over the recent months . . . ."

Apparently, the generals were successful; the enemy order-of-battle strength was reduced as they requested. Five months later, however, during the Tet offensive of 1968, it appeared that VC forces were much stronger than estimated. The suddenness of the VC's initial successes, coupled with the long record of government representations that the VC was deteriorating in both strength and will, contributed materially to turning the tide of public opinion in America against both the war in Vietnam and the credibility of America's military leadership. This despite the fact that Tet, 1968, represented a real victory on our part, and effectively removed the VC as a competent military strike force.

You will note from the enclosed cables that Abrams and Westmoreland felt the CIA's figures would cause the press to draw:

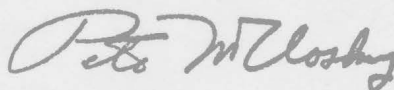
" . . . an erroneous and gloomy conclusion as to the meaning of the increase. All those who have an incorrect view of the war will be reinforced and the task will become more difficult."

I hope it is not presumptuous to suggest that in retrospect it was Generals Abrams and Westmoreland who had the incorrect view of the war. Their deception, of course, delayed the American people's perception of the true circumstances in Vietnam. More importantly, the "command position" of Generals Westmoreland and Abrams, if included in the National Intelligence Estimate thereafter sent to the President, may well have delayed President Johnson's perception of the true situation in Vietnam.

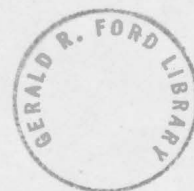
I call this to your attention, Mr. President, because I think it would be helpful to your own policy judgments to make sure that current intelligence estimates are not screened by Defense or State Department personnel at this crucial and difficult time.

I am sure that most of your former colleagues join me in hoping for your successful resolution of our present difficulties in Southeast Asia.

Best regards,



Paul N. McCloskey, Jr.



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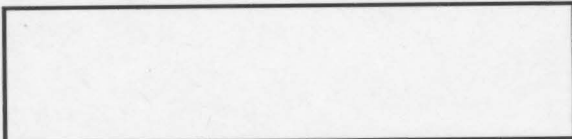
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O 212041Z ZYH ZFF-1 ZFD

FM GEN WHEELER, CJCS

TO MR. HELMS, DIR CIA

ZEM

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BY lh NARA, DATE 8/10/09 9/21/05

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FM GEN ABRAMS DEPCOMUSMACV

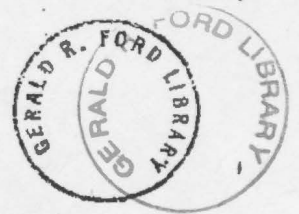
TO GEN WHEELER JCS WASH DC

ADM SHARP CINCPAC HAWAII

GEN WESTMORELAND COMUSMACV

ZEM

~~SECRET~~ MAC 7840 EYES ONLY



1. ~~COM~~ MACV REPRESENTATIVES TO THE DIA CONFERENCE DEALING WITH ORDER OF BATTLE STRENGTH FOR ENEMY FORCES IN SOUTH VIETNAM REPORT THAT THERE IS A CONTINUING CONTROVERSY REGARDING THE INCLUSION OF THE

ARMY review(s) completed.

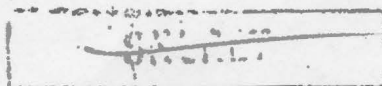
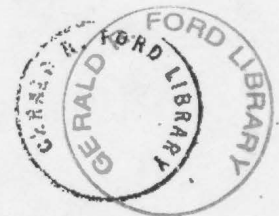
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FORCES (SSD) IN THE DRAFT NIE 14.5-67. IN GENERAL WESTMORELAND'S TEMPORARY ABSENCE, I THINK IT APPROPRIATE TO MAKE THE COMMAND POSITION ON THE INCLUSION OF THESE STRENGTH FIGURES CLEAR.

2. ~~(S)~~ IF SD AND SSD STRENGTH FIGURES ARE INCLUDED IN THE 431-49  
120  
OVERALL ENEMY STRENGTH, THE FIGURE WILL TOTAL 423,300 - 431,200<sup>211-3</sup>  
DEPENDING ON MINOR VARIATIONS. THIS IS IN SHARP CONTRAST TO THE CUR-  
RENT OVERALL STRENGTH FIGURE OF ABOUT 299,000 GIVEN TO THE PRESS HERE.

3. ~~(S)~~ FROM THE INTELLIGENCE VIEWPOINT, THE INCLUSION OF SD  
AND SSD STRENGTH FIGURES IN AN ESTIMATE OF MILITARY CAPABILITIES IS  
HIGHLY QUESTIONABLE. THESE FORCES CONTAIN A SIZABLE NUMBER OF WOMEN  
AND OLD PEOPLE. THEY OPERATE ENTIRELY IN THEIR OWN HAMLETS. THEY  
ARE RARELY ARMED, HAVE NO REAL DISCIPLINE, AND ALMOST NO MILITARY  
CAPABILITY. THEY ARE NO MORE EFFECTIVE IN THE MILITARY SENSE THAN  
THE DOZENS OF OTHER NONMILITARY ORGANIZATIONS WHICH SERVE THE VC CAUSE  
IN VARIOUS ROLES.

4. ~~(S)~~ THE PRESS REACTION TO THESE INFLATED FIGURES IS OF MUCH  
GREATER CONCERN. WE HAVE BEEN PROJECTING AN IMAGE OF SUCCESS OVER THE  
RECENT MONTHS, AND PROPERLY SO. NOW, WHEN WE RELEASE THE FIGURE OF  
420-431,000, THE NEWSMEN WILL IMMEDIATELY SEIZE ON THE POINT THAT THE  
ENEMY FORCE HAS INCREASED ABOUT 120-130,000, ALL AVAILABLE CAVEATS  
AND EXPLANATIONS WILL NOT PREVENT THE PRESS FROM DRAWING AN ERRONEOUS  
AND GLOOMY CONCLUSION AS TO THE MEANING OF THE INCREASE. ALL THOSE  
WHO HAVE AN INCORRECT VIEW OF THE WAR WILL BE REENFORCED AND THE  
TASK WILL BECOME MORE DIFFICULT.



SHOULD BE OMITTED ENTIRELY FROM THE ENEMY STRENGTH TABLES IN THE FORTH COMING NIE. THIS WILL PREVENT THE POSSIBILITY THAT THEY CAN BE ADDED TO THE VALID FIGURES, AND AN ERRONEOUS CONCLUSION DRAWN AS TO AN ENEMY STRENGTH INCREASE.

6. (U) I REALIZE THAT YOU ARE FULLY AWARE OF THE IMPLICATIONS SET FORTH ABOVE, AND THAT YOU SHARE OUR CONCERN. NEVERTHELESS, THE MATTER IS SO CRUCIAL HERE THAT I THINK IT ADVISABLE TO MAKE OUR POSITION KNOWN TO YOU.

7. I AM INFORMED THAT JOE FRIED OF THE NEW YORK DAILY NEWS RESIDENT IN SAIGON HAS THE GIST OF THE NEW INTELLIGENCE EXAMINATION AND THE TOTAL FIGURE OF ABOUT 420,000. ZORTHIAN AND SIDLE HAVE TALKED TO HIM AND HOPEFULLY HAVE PERSUADED HIM THAT ANY NEW FIGURES WOULD BE PREMATURE NOW.

480



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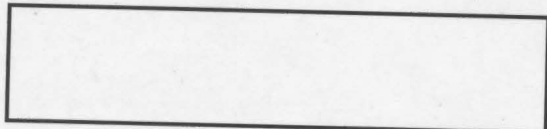
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FM GEN WHEELER CJCS

TO MR HELMS DIR CIA

ZEM

O 200913Z ZYH ZFF-4

FM GEN WESTMORELAND COUSAMACV

TO GEN WHEELER CJCS WASH

ADM SHARP CINCPAC HAWAII

ZEM

~~SECRET~~ MAC 7859 EYES ONLY

I HAVE JUST READ GEN ABRAMS MAC 784F, AND I AGREE. I DO NOT CONCUR WITH THE INCLUSION OF SD AND SSD STRENGTH FIGURES IN THE OVERALL ENEMY STRENGTH. IT DISTORTS THE SITUATION AND MAKES NO SENSE. NO POSSIBLE EXPLANATIONS COULD PREVENT THE ERRONEOUS CONCLUSIONS THAT WOULD RESULT.  
WARM REGARDS.

BT5

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DIRECTOR

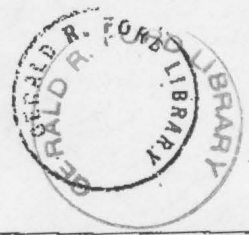
FOR CARVER FROM KOMER

1. UNDERSTAND FROM MACV THAT O/NE INSISTING ON INCLUSIONS  
 120,000 SDF AND SSDF IN NEW NIE FIGURES, THUS GIVING TOTAL OF 435,000  
 FOR ENEMY O/B.

2. YOU ARE FAMILIAR WITH NEW MACV FIGURES WHICH REPRESENT  
 MAJOR STEP FORWARD TOWARD SOUNDER ANALYSIS. I CANNOT SEE CASE FOR  
 INCLUDING VAGUE ESTIMATES OF LOW GRADE PART-TIME HAMLET SELF-DEFENSE  
 GROUPS, MOSTLY WEAPONLESS, IN NEW O/B. FOR  
DO WE INCLUDE RDPGS, HAMLET MILITIA, OR COMBAT YOUT ON GIV SIDE.

3. MACV IS DETERMINED STICK BY ITS GUNS, AND YOU CAN WELL  
 IMAGINE RUCKUS WHICH WOULD BE CREATED IT IF CAME OUT AS EVERYTHING  
 TENDS TO ON VIETNAM THAT AGENCY AND MACV FIGURES WERE SO WIDELY  
 DIFFERENT. ANY EXPLANATION <sup>AS</sup> ~~IS~~ TO WHY WOULD SIMPLY LEAD PRESS TO  
 CONCLUDE THAT MACV WAS DELIBERATELY OMITTING SDF/SSDF CATEGORY IN  
 ORDER DOWNGRADE ENEMY STRENGTH. THUS CREDIBILITY GAP WOULD BE  
 FURTHER WIDENED AT VERY TIME WHEN IN FACT WE ARE MOVING TOWARD MUCH  
 MORE VALID ESTIMATES.

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IN [ ] PAGE 2

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4. ALSO UNDERSTAND THAT NIE PROJECTS 15,000 MAN ENEMY STRENGTH INCREASE BY END OF YEAR. ON WHAT IS THIS BASED? IT IS CONTRARY TO WHOLE TREND OF ANALYSIS OUT HERE, INCLUDING HIGHER ENEMY LOSS RATES,

PAGE 2 SAIGON

[ ]

~~SECRET~~

25X1

NEW OFFICIAL MACV ESTIMATE THAT IN-COUNTRY RECRUITING JANUARY-MAY 1967 PROBABLY DOWN TO 3500 PER MONTH, AND LACK OF ANY EVIDENCE THAT INFILTRATION RATE UP IF INDEED IT IS AVERAGING AS HIGH AS LAST YEAR.

5. WILL YOU PLEASE HELP STRAIGHTEN OUT THIS MATTER, WHICH <sup>OF</sup> CONCERN TO WHOLE TOP LEVEL HERE. SURE YOU AGREE THAT WE HAVE ENOUGH REAL PROBLEMS WITHOUT ADDING ON PAPER WARS.

~~SECRET~~

\* PARTITION BEING SVCD FOR CONFIRMATION

BT



THE WHITE HOUSE  
WASHINGTON

Send President's statements  
on appointing members to the  
Foreign Intelligence Advisory  
Board to:

Rep. Michael Harrington  
Room 405 - CHOB

Attn: Stan Wallerstein

225-8020

SEND BY MESSENGER

(Called Stan Wallerstein to tell  
him statements were being sent  
by messenger)

VH 8/5 11:35



THE WHITE HOUSE

WASHINGTON

October 10, 1975

MEMORANDUM FOR:

PHIL BUCHEN  
BILL COLBY  
HENRY KISSINGER  
ED LEVI  
JIM LYNN  
DON RUMSFELD  
JIM SCHLESINGER

FROM:

JACK MARSH

SUBJECT:

Executive Order Establishing  
Restrictions on the Intelligence  
Agencies

The attached redraft of the executive order restricting activities of foreign intelligence agencies incorporates the views of the various concerned agencies as expressed in yesterday's meeting.

Your attention is called to several sections of the executive order over which differences of opinion still exist:

(1) This redraft contains, in Section II(c), the same language concerning electronic interception of wire or oral communication as did the previous draft. The Attorney General would instead have the order prohibit:

"Electronic surveillance conducted within the United States without (i) the consent of the subject, or one of the parties under surveillance, or (ii) without prior written authorization of the Attorney General."



(2) Section II(a)(2)(ii), exempting collection of information on domestic activities of United States citizens which is collected abroad or from a foreign source, has been limited in this draft to persons "who in good faith are reasonably believed to be involved in international terrorist or narcotics activities or working in collaboration with foreign nations or organizations." The CIA would additionally include persons who are believed to be "a source of valuable foreign intelligence information." The scope of this exception remains to be defined.

(3) A concern has been expressed that counterintelligence activities will be unduly constricted under the current draft. The domestic and foreign aspects of counterintelligence activities often cannot be easily separated, and there exists a legitimate need for sharing of information on counterintelligence leads between domestic and foreign collecting agencies. One possible solution is the addition of an exception, which would be Section II(a)(2)(v), as follows:

(v) Information provided by another federal agency which had been lawfully compiled by that agency in furtherance of its authorized mission and responsibility, when such information is provided:


(a) in furtherance of the authorized mission and responsibilities of the receiving agency;

(b) in good faith under a reasonable belief that the information is relevant to the receiving agency; and

(c) under guidelines and procedures issued by the Attorney General designed to ensure the protection of the constitutional and statutory rights of United States citizens.

In view of these still unresolved issues, a meeting will be scheduled for Tuesday, October 14 to put together the final executive order to go to the President, including optional language if there is no consensus on portions of the order.

Attachment



EXECUTIVE ORDER \_\_\_\_\_

ESTABLISHING RESTRICTIONS ON FOREIGN  
INTELLIGENCE ACTIVITIES

Previous guidance on the relationship between the intelligence agencies and United States citizens was unclear. This order clarifies that relationship by detailing those activities which are prohibited. Without setting forth all restrictions under which foreign intelligence agencies are obliged to operate, nor derogating from any other laws, rules, regulations, or directives further restricting the activities of these agencies, it is hereby ordered as follows:

SECTION I. Definitions. As used in this Order the following terms shall have the meanings ascribed to them below:

- (a) "Collection" means the gathering and storage, or the gathering and forwarding, of information.
- (b) "Domestic activities" means activities within the United States.
- (c) "Foreign intelligence" means information, other than foreign counterintelligence, on the capabilities, intentions, and activities of foreign nations, organizations or persons.
- (d) "United States citizen" means United States citizens and other persons who have been accorded the legal rights of United States citizens.



(e) "Foreign counterintelligence" means activities conducted to protect the United States and United States citizens from foreign espionage, sabotage, subversion, assassination, or terrorism.

(f) "Incidental reception" means the receipt of information, whose collection by an agency is otherwise prohibited by this order.

(g) "Foreign intelligence agency" means any department or agency of the United States government, or component thereof, which is primarily engaged in foreign intelligence or foreign counterintelligence.


SECTION II. The following activities shall not be conducted either by any foreign intelligence agency or by any other department or agency in pursuit of foreign intelligence or foreign counterintelligence:

(a) Collection, evaluation, correlation or analysis, of information concerning the domestic activities of United States citizens; provided, however, that nothing herein shall preclude:

(1) the collection, evaluation, correlation and analysis of information of foreign intelligence or foreign counterintelligence interest derived from public sources; or

(2) the collection, evaluation, correlation and analysis of:

(i) information on current or former employees (including employees of other Federal departments or agencies detailed for service with the foreign intelligence agency and military personnel); applicants for employment with such agency; voluntary sources or contacts or individuals who in good faith are reasonably believed to be potential sources or contacts; current and former contractors and current or former employees or applicants for employment by such contractors; and all persons not included above who must be given access to classified information or information which could disclose foreign intelligence or foreign counterintelligence sources and methods; provided, however, that the same is done only in accordance with law and by authority from the head of such agency to determine the fitness of such persons to become or remain associated with such agency or to have such access, or in the case of a voluntary source or contact, to determine suitability or credibility.



(ii) information about a United States citizen who in good faith is reasonably believed to be involved in international terrorist or narcotics activities or working in collaboration with a foreign nation or organization, but only if the information is collected abroad or from foreign sources in the course of an authorized foreign intelligence or foreign counterintelligence activity in the United States.

(iii) Foreign intelligence from United States citizens provided on a witting and voluntary basis. The foreign intelligence agency shall disclose its identity when seeking such foreign intelligence within the United States from United States citizens. When collection of foreign intelligence within the United States results in the incidental reception of information from or about unknowing United States citizens, however, the receiving agency shall be permitted



to make appropriate use of such information as permitted under this Order.

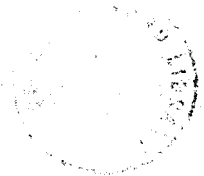
(iv) Administrative information of the kind customarily developed and utilized by most departments and agencies of the Federal government.

(3) the transmission to any law enforcement agency with appropriate jurisdiction of any information concerning criminal activities that is received through incidental reception.

(b) Physical surveillance of persons within the United States except to the extent that such surveillance is not in violation of the law and is:

(1) Surveillance, in coordination with the Federal Bureau of Investigation, of foreign nationals in the United States in connection with foreign intelligence or counterintelligence operations;

(2) Surveillance, upon written approval by the head of the foreign intelligence department or agency, of individuals currently or formerly employed by that agency, its present or former contractors, or such contractors' employees, for the purpose of protecting foreign intelligence sources and methods from unauthorized disclosure; or



(3) Surveillance of a person involved with the persons described under subparagraphs (1) or (2), but only to the extent necessary to identify such person.

(c) Electronic interception of wire or oral communication the specific purpose of which is to obtain the communications of United States citizens within the United States without the consent of the subject or one of the parties thereof or without prior written authorization of the Attorney General.

(d) Testing of electronic surveillance and monitoring equipment within the United States in violation of law. Testing permitted by law shall be conducted with the consent of the persons monitored unless:

(1) it is impractical to test such surveillance and monitoring equipment in a manner that would include consent; and

(2) any communication intercepted is disclosed only to test engineers and is destroyed immediately upon termination of the test program.

(e) Any opening of United States mail or examination of envelopes except in accordance with provisions of United States postal laws and regulations.



(f) Access to Federal income tax returns or tax information except in accordance with statutes and regulations.

(g) Infiltration in the United States of any organizations of United States citizens. "Infiltration" shall mean secret participation in an organization for the purpose of reporting on it.

(h) Experimentation with drugs on human subjects, except with the informed consent of each such human subject and in accordance with the guidelines of the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research.

(i) Operation of a proprietary company on a commercially competitive basis with United States businesses except to the minimum extent necessary to establish commercial credibility. No investments by a proprietary company shall be made on the basis of any substantive intelligence not available to the public.

SECTION III. Nothing in this Order shall prohibit the retention of information collected in violation of this Order as required by law for possible court action.

SECTION IV. No foreign intelligence agency shall:

(a) provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration or state

or local police organizations of the United States except as expressly authorized by law; or

(b) participate in or fund any law enforcement activity within the United States except as may be authorized by law.

Provided, that this prohibition shall not preclude:

(1) Cooperation between a foreign intelligence agency and appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of the foreign intelligence agency or preventing espionage or other criminal activity related to foreign intelligence or foreign counterintelligence; or

(2) Provision of specialized equipment or technical knowledge for use by any other Federal department or agency.

SECTION V. Foreign intelligence agency personnel may be detailed elsewhere within the Federal government as authorized by law.

Employees so detailed shall be responsible to the host agency and shall not report to their parent agency on the affairs of the host agency except as may be directed by the host agency. The head of the host agency and any subsequent successor shall be informed of the detailee's association with the parent agency.

SECTION VI. Nothing in this Order shall prohibit any agency having law enforcement responsibilities from discharging such responsibilities pursuant to law. Nor shall this Order apply to any activities of the Federal Bureau of Investigation.

THE WHITE HOUSE

WASHINGTON

October 24, 1975

MEMORANDUM FOR: PHIL BUCHEN  
BILL COLBY  
HENRY KISSINGER  
ED LEVI  
JIM LYNN  
DON RUMSFELD  
JIM SCHLESINGER

FROM: JACK MARSH

SUBJECT: Revised Executive Order on the  
President's Advisory Board on the  
Foreign Intelligence Community

Transmitted herewith is a draft of the executive order on the PABFIC that reflects your comments on the draft circulated last week.

Only one substantive difference remains concerning this executive order: will the Board be allowed to have staff employees detailed from the foreign intelligence community? The draft circulated on October 16 allowed detailing. Comments received from OMB, the NSC and Peter Wallison opposed any detailing. If the draft is amended to disallow detailing, section 7(a) would read:

(a) Neither he nor any other permanent staff member shall be employed by or under contract with an agency or department within the foreign intelligence community during their tenure with the Board.



The arguments in favor of not prohibiting detailing of intelligence community employees to the PABFIC include: (a) the restrictions contained in Section 7 will effectively prevent PABFIC staff employees from being either influenced by their parent agencies or having undue influence over their parent agencies; (b) use of detailed employees in the past has caused no serious problems; (c) if detailing is not prohibited, the current staff members can continue to serve the new board.

The arguments in favor of prohibiting detailing include:  
(a) the restrictions currently contained in Section 7 are insufficient because any employee who continues to maintain a connection with an intelligence agency will be in some way influenced in his work with the Board by that connection;  
(b) the PABFIC is being given new responsibilities which make it inappropriate for an overseer to be an employee of the agency being monitored; (c) the public and Congress will not accept the PABFIC as a sufficiently detached body to perform oversight functions if it is staffed by employees of the intelligence agencies.



PRESIDENT'S ADVISORY BOARD ON THE FOREIGN

INTELLIGENCE COMMUNITY

There is a need for improved review of the foreign intelligence community and advice to the President on the quality of the community's activities and its compliance with law and applicable Executive Orders. This order establishes the President's Advisory Board on the Foreign Intelligence Community to perform these tasks.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section I. There is hereby established the President's Advisory Board on the Foreign Intelligence Community, hereinafter referred to as "the Board." It shall:

(a) advise the President concerning its review of the foreign intelligence and counterintelligence activities of the United States Government. The Board's areas of concern shall include quality of foreign intelligence collection and estimates, organization and management of the foreign intelligence community, and compliance of the foreign intelligence community with applicable provisions of the Constitution and laws of the United States, executive orders, and directives of the National Security Council;

(b) receive, consider, and make recommendations with respect to matters identified to the Board by the Director of Central





Intelligence, the Secretary of Defense, the Director of the Federal Bureau of Investigation and heads of other government departments of the foreign intelligence community.

(c) where appropriate, be utilized by the Director of Central Intelligence and the Attorney General in carrying out their responsibilities; and

(d) submit interim reports and recommendations, at least annually, to the President on its findings and appraisals.

Section 2. The Board may receive, investigate, consider, and make appropriate recommendations with respect to allegations of improprieties involving agencies within the foreign intelligence community made by employees of such agencies. In this connection, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, and the heads of other departments, agencies and organizations comprising the foreign intelligence community, and the Inspectors General thereof, after notification to their organization heads, may seek the advice of the Board with respect to activities or categories of activities which in the light of the statutory authority of any such agency, or any restrictions imposed by law or Executive Order, may have been, or, if implemented, might be, improper or appear to be improper. As appropriate, the Chairman of the Board may designate a special panel of the Board to receive and make recommendations to the Board on such allegations.



Section 3. As used in this order, the term "foreign intelligence community" means those organizations (or subdivisions thereof) which collect, disseminate or evaluate foreign intelligence or counterintelligence.

Section 4. (a) In order to facilitate performance of the Board's functions, the Director of Central Intelligence, the Secretary of Defense, the Director of the Federal Bureau of Investigation and heads of other government departments of the foreign intelligence community shall regularly:

(1) make available to the Board all information with respect to foreign intelligence, foreign counterintelligence, and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order;

(2) notify the Board of major issues in the foreign intelligence community;

(3) identify to the Board specific operational issues or matters in which there is a potential for official or public concern;

(b) Each Inspector General (or other official with equivalent duties) of the foreign intelligence community shall have the authority to report directly to the Board, after notifying the head of his organization concerning matters over which the Board has cognizance.

(c) The head of each organization in the foreign intelligence



community shall designate in writing to the Board the name of an individual and office to serve as the primary point of contact in support of Board functions. In addition, the Board is authorized to call upon persons at all levels within the foreign intelligence community.

Section 5. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of ability, knowledge, diversity of background and experience, and with a view toward achieving continuity. The members shall receive compensation and allowances consonant with law.

Section 6. The President shall designate from among the Board members a Chairman who shall devote substantial time to his duties with the Board.

Section 7. The Board shall employ a staff headed by an Executive Secretary, who shall be appointed by the President.

(a) If the Executive Secretary or any member of the staff of the Board is appointed from an agency or department within the foreign intelligence community, then during his tenure with the Board, he shall be subject to no supervision, control, restriction or prohibition from such agency or department, and shall neither possess nor exercise any supervision, control, powers or functions (other than as a member of the staff of the Board) with respect to such agency or department.

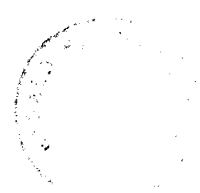


(b) The Executive Secretary shall be authorized, subject to the approval of the Board and in a manner consonant with law, to hire and fix the compensation of such additional personnel as may be necessary for performance of the Board's duties.

Section 8. Compensation and allowances of the Board, the Executive Secretary, and other members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the Executive Office Appropriation Act or from corresponding appropriations made in future years. Such payments shall be made without regard to the provisions of Section 3681 of the Revised Statutes and Section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

Section 9. The Board shall succeed to the records held by the President's Foreign Intelligence Advisory Board, established by Executive Order No. 11460 of March 20, 1969.

Section 10. Executive Order No. 11460 of March 20, 1969, is hereby revoked.



THE WHITE HOUSE

WASHINGTON

October 31, 1975

Dear Mr. Chairman:

I am writing to urge the Select Committee not to make public the report on the subject of assassinations which I understand is currently in preparation. Reviews of the Select Committee's draft assassination report by officials of the Departments of State and Defense and the Central Intelligence Agency, who examined it at the request of your Committee, have been submitted to me by the heads of those departments and the agency. Under separate cover, I am providing these classified reviews for your consideration. Their substance was previously communicated to the Select Committee staff by the reviewing officials. I also want to offer my views on this matter and appeal to the Committee not to release this report publicly.

It is my opinion that public disclosure now of information I provided to the Senate Select Committee concerning allegations of political assassination activities of the United States Government will result in serious harm to the national interest and may endanger individuals.

As I stated publicly when the allegations were published, the very idea that any person or organization within the United States Government could consider assassination as an acceptable act is abhorrent. I know you share this view and a determination to make certain that such deeds will not take place in the future.

To facilitate legitimate investigation of allegations related to assassination, I have endeavored to make available all the materials in the Executive Branch on this subject to the Select Committees of



the Senate and the House and the Department of Justice. This was done under procedures designed to serve the national interest. The materials were turned over in classified form. You will recall that I said on June 9, 1975:

"I know that the Members of the Congress involved will exercise utmost prudence in the handling of such information."

It is not a question of withholding information required by the Select Committee to carry out its inquiry into these allegations which relate entirely to past Administrations of both parties. On the contrary, I have endeavored to make all of the information available to your Committee so that legislation can be proposed, if necessary, and to the Justice Department to facilitate any investigation indicated. However, we must distinguish between disclosure to the Select Committee of sensitive information and publication of that information which is harmful to the national interest and may endanger the physical safety of individuals.

There is no question about access to these materials by appropriate officials. The only issue concerns publication which obviously cannot be limited to Members of Congress and other American citizens.

Public release of these official materials and information will do grievous damage to our country. It would likely be exploited by foreign nations and groups hostile to the United States in a manner designed to do maximum damage to the reputation and foreign policy of the United States. It would seriously impair our ability to exercise a positive leading role in world affairs.

I am convinced that publication at this time will endanger individuals named in the report or who can be identified when foreign agents carefully study it. I am sure none of us want such an unfortunate result. I urge that we avoid any action that would bring it about.



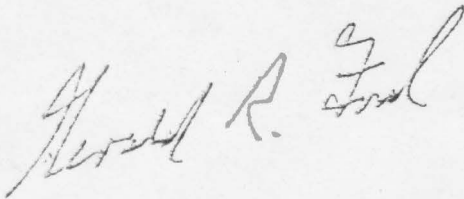
I have sought to balance the competing interests involved in this matter. I made relevant intelligence information and documents available to the appropriate Committees of Congress and the Department of Justice. However, to protect our national defense and ability to conduct foreign affairs as well as the traditional American right of individual privacy, I have provided most of this information in classified form.

There can be legislation, if deemed necessary, and prosecutions, if warranted. But let us do this without the damage to the United States, which will occur if this information is made available to actual and potential enemies of the United States.

For the reasons set out above, I appeal to you and your colleagues on the Senate Select Committee to oppose publication of this report on alleged assassination activity.

I am sure the Select Committee will recognize the enormous responsibility it has to see to it that serious damage will not result to the United States by the publication of this report and will recognize also the duty which I have to emphasize the disastrous consequences which can occur by publication.

Sincerely,

A handwritten signature in cursive script that reads "Gerald R. Ford". The signature is written in dark ink and is positioned above the typed name of the recipient.

The Honorable Frank Church  
Chairman  
Select Committee to Study  
Governmental Operations with  
Respect to Intelligence Activities  
United States Senate  
Washington, D. C. 20510



SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

G 308 DSOB

Ext. 1700

Frank Church (Idaho)  
Chairman  
Philip Hart (Mich)  
Walter Mondale (Minn)  
Walter Huddleston (Ky)  
Robert Morgan (NC)  
Gary Hart (Colo)

*John Tower (Tex)*  
*Vice Chairman*  
*Howard Baker (Tenn)*  
*Barry Goldwater (Ariz)*  
*Charles McC. Mathias, Jr. (Md)*  
*Richard S. Schweiker (Pa)*





THE WHITE HOUSE  
WASHINGTON

November 17, 1975

MEMORANDUM FOR JACK MARSH  
FROM: RAYMOND J. WALDMANN *RJW*  
SUBJECT: PLAN FOR DEVELOPING LEGISLATION  
AND PRESIDENTIAL POLICY POSITIONS

1. Planning Group Members

Steering Group: Marsh, Chairman  
Buchen  
Scowcroft  
Lynn

Members: Colby, CIA  
Rumsfeld/Hall, Defense  
Kissinger/Hyland, State  
Levi/Scalia, Justice  
Ogilvie, OMB

2. Schedule

Fri, Nov 14 Begin NSC study (due December 12)  
Tues, Nov 18 Hold briefing meeting of Planning Group  
Fri, Nov 21 Submit draft "Review of Background Information" to  
Planning Group for review.

This information memo is designed to summarize background information for the President. It will contain three sections:

1. Description of the intelligence community.
2. Tentative identification of the issues.
3. Recommendations of past studies.



- Sat, Nov 22 Discuss draft in Planning Group.
- Mon, Nov 24 Submit "Review of Background Information" to President for his consideration.
- Mon, Nov 24 -  
Fri, Dec 5 Solicit and analyze views and recommendations for legislation and Presidential policy positions from key non-government persons (using format proposed in the Appendix to Tab III, modified as necessary).
- Thurs, Dec 4 Submit draft "Review of Issues" to Planning Group for review.

This action memo is designed to secure Presidential views on major issues to be addressed by legislation, Executive Order and policy. It will contain statements of goals and objectives and an outline for legislation dealing with:

1. Congressional concerns.
2. Public accountability.
3. Executive accountability.
4. Improved management.
5. Organizational arrangements, etc.

- Fri, Dec 5 Discuss draft in Planning Group.
- Mon, Dec 8 Submit "Review of Issues" to President.
- Tues, Dec 9 Planning Group meet with President for his reactions.
- Fri, Dec 12 Circulate NSC study to ICG.



Tues, Dec 16 Submit draft "Options on Policy Issues" to Planning Group for review.

This decision memo is intended to pose policy options for legislation, Executive Orders and the State of the Union Message. It would be based on the NSC study and the President's reactions to the "Review of Issues".

Thurs, Dec 18 Submit "Options on Policy Issues" to President.

Sat, Dec 20 ICG meet with President for his decisions.

Tues, Jan 6 Submit, if necessary, more detailed legislative, Executive Order and State of the Union Message issues to President for his decision.

Sat, Jan 10 Submit draft of the State of the Union Message language to speechwriters.

Sat, Jan 10 Submit draft legislation to OMB for agency clearance.



FILE Charles Zippert

JUL 30 1976

TO: Participants in 7/30 meeting on S.3197  
FROM: Antonin Scalia

The purpose of the meeting will be to review the present status of the legislation, including the outcome of the executive session of the subcommittee yesterday. Please bring with you the bill and the set of proposed modifications discussed at the last meeting, marked 7/27.

There is enclosed a revised definition section which is now under discussion. You will note that it reverts to our original proposal of omitting any definition of "clandestine intelligence activities." It meets the objections of many Senators by requiring that such activities be connected with violations of United States law, except for a residual category ((2)(C)) as to which some of the more rigid safeguards previously suggested by committee staff are accepted.

The new definitions would also eliminate the limitation "not substantially composed of permanent resident aliens or citizens of the United States" which was previously attached to the description of "entity directed and controlled by a foreign government." To compensate, however, an additional restriction is proposed to be added to the minimization procedures.

Other changes from the 7/27 draft will be described orally.

Dated: July 29, 1976



Definitions - pp. 2-4

(The bill would permit electronic surveillance of a foreign power, or a foreign agent.)

(1) "Foreign power" means --

- (A) a foreign government or any component thereof, whether or not recognized by the United States;
- (B) a faction of a foreign nation or nations, not substantially composed of permanent resident aliens or citizens of the United States.
- (C) an entity which is directed and controlled by a foreign government or governments;
- (D) a foreign-based terrorist group; or
- (E) a foreign-based political organization which is not substantially composed of permanent resident aliens or citizens of the United States.

(2) "Foreign agent" means --

- (A) a person who is not a permanent resident alien or citizen of the United States and who is an officer or employee of a foreign power;
- (B) a person who knowingly --
  - (i) engages in clandestine intelligence activities for or on behalf of a foreign power, which activities involve or will involve a violation of United States law; or



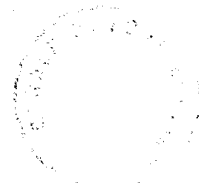
- (ii) conspires with, aids or abets such a person, knowing that such person is engaged in such clandestine intelligence activities for or on behalf of a foreign power.
- (C) a person who, acting pursuant to the direction of an intelligence service or intelligence network of a foreign power, knowingly collects information for or transmits information to such intelligence service or intelligence network in a manner which is intended to conceal the nature of such information or the fact of such collection or transmission.
- (D) a person who knowingly --
  - (i) engages in, or acts in furtherance of sabotage activities pursuant to the direction of a foreign power; or
  - (ii) conspires with, aids, or abets such a person, knowing that such person is engaged in sabotage activities for or on behalf of a foreign power; or
- (E) a person who knowingly --
  - (i) engages in, or acts in furtherance of terrorist activities pursuant to the direction of a foreign power; or



- (ii) conspires with, aids, or abets such a person, knowing that such person is engaged in terrorist activities for or on behalf of a foreign power.
  
- (3) "Sabotage activities" means activities prohibited by Title 18, U.S. Code, Sections .
  
- (4) "Terrorist activities" means activities which --
  - (A) are criminal acts which are violent or dangerous to human life; and
  - (B) appear intended to --
    - (i) intimidate or coerce the civilian population, or
    - (ii) influence the policy of a government by intimidation or coercion.
  
- (5) "Foreign intelligence information" means --
  - (A) information which relates to, and is deemed necessary for the United States to protect itself against, actual or potential attack or other similarly grave hostile acts of a foreign power or foreign agent;
  - (B) information with respect to a foreign power or foreign territory, which relates to, and because of its importance is deemed essential to --



- (i) the national defense, or the military or economic security of the Nation, or
  - (ii) the conduct of the foreign affairs of the United States;
- (C) information which relates to, and is deemed necessary to the ability of the United States to protect itself against --
- (i) the clandestine intelligence activities of a foreign power; or
  - (ii) the sabotage activities of a foreign power; or
- (D) information which relates to, and is deemed necessary to the ability of the United States to protect itself or another nation from the terrorist activities of a foreign power.
- (7) "Electronic surveillance" means (no change).
- (8) "Attorney General" means (no change).





PROPOSED ADDITION TO MINIMIZATION PROCEDURES

In the event the target of an electronic surveillance is an entity which is directed and controlled by a foreign government, and such entity is substantially composed of permanent resident aliens or citizens of the United States, reasonable steps shall be taken to insure that no conversation or communication of a permanent resident alien or citizen shall be acquired, unless there is probable cause to believe such person is an agent of a foreign power.

