

The original documents are located in Box 16, folder “Intelligence - Rockefeller Commission: Subpoena Powers” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

WASHINGTON

January 17, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF

THRU: VERN LOEN *VL*

FROM: CHARLIE LEPPERT *CLg.*

SUBJECT: Subpoena Power for Commission on CIA Activities

Jim Cline advises that he sees no problem in the House Judiciary Committee for legislation granting the Commission subpoena (limited) powers. Cline says the Democrats on the Committee would probably demand that the Commission have subpoena powers. While I was there, Chairman Rodino called and asked Cline to research the matter and its effect on the Judiciary Committee. Cline says Rodino's position at this time is that the Commission has a job to do and if he can help he will do so by giving them what tools he can to permit the Commission to do its job. But -- before giving a final response he wants some research on it done.

Also conferred with Frank Polk. He said he would check with Hutchinson on the matter and get back to me. Frank Polk raised two questions which should be considered:

- 1 - Whether the legislation would be referred to Judiciary and felt that Armed Services had primary jurisdiction; and
- 2 - the House Rules now provide for joint and sequential referral of legislation.

Polk called back at 5 p. m. after checking with Hutchinson, who stated that

- 1 - he felt the bill would go to Armed Services Committee;
- 2 - the Administration probably should not try to get the bill referred to Judiciary over Armed Services;
- 3 - Most GOP Members would favor such legislation; and
- 4 - most Democrats would not favor the bill because House Rules now provide that all standing Committees of the House have subpoena powers and therefore the Democrats would not want the Commission

to have that power. To permit the Commission to have that power would take the spotlight away from the Congressional committees investigating the CIA. Hutchinson therefore felt that with the Democratic majority the outlook for passage of such legislation was not good.

January 21, 1975

MEMORANDUM FOR:

MAX FRIEDERSDORF

THRU:

VERN LOEN

FROM:

CHARLIE LEPPERT

SUBJECT:

**Subpoena Power for Presidential
Commission on CIA**

Jim Cline of House Judiciary Committee advises that the unofficial request for subpoena power for the President's Blue Ribbon Panel to investigate CIA activities is going to meet with problems.

At Chairman Rodino's request some research has been done to the effect that there are some reasons for not granting the Presidential panel the subpoena powers. The points made to me are as follows:

1. There is no Congressional representation on the Presidential Panel as there has been in previous Presidential commissions including the Warren Commission on which President Ford was a member. The Presidential CIA Panel is all from the public sector.
2. Purpose or charge to the Presidential Panel is to look into the possible violation of the CIA charter. This involves an interpretation of Congressional intent and any violation of that intent. This is a question for the Congress to determine and not a public panel.
3. The Warren Commission and others were fact finding panels and not seeking to determine a violation of a Congressionally granted charter.
4. The CIA is a creation of the Congress and any investigation of its activities legal or illegal is properly the jurisdiction of the Congress.

cc: Bennett



RED TAG

THE WHITE HOUSE

WASHINGTON

February 11, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

THRU:

JACK MARSH
MAX FRIEDERSDORF
VERN LOEN

FROM:

CHARLES LEPPERT, JR. *clg.*

SUBJECT:

Proposed legislation on subpoena Powers
for Rockefeller CIA Commission

Talked to Jim Cannon of the Vice President's staff today regarding the introduction of proposed legislation per the attached memo. Cannon was unaware of the proposed legislation providing subpoena powers for the Rockefeller CIA Commission and inquired about the source of the proposed legislation. Cannon requested an opportunity to check out the need for the legislation and he was informed of the request of Chairman Rodino of the House Judiciary Committee for clarification of the Vice President's public statement that subpoena powers for the CIA Commissions were not necessary.

cc: Doug Bennett

JAN 17 1975

MEMORANDUM FOR PHILIP W. BUCHEN
Counsel to the President

Attached is draft legislation to confer subpoena and oath-giving authority upon the Rockefeller CIA Commission. It is based on the statute which conferred similar authority upon the Warren Commission (established to investigate the assassination of President Kennedy), P.L. 88-202, 77 Stat. 362 (approved December 13, 1963).

The Warren Commission was also accorded the power to confer immunity from prosecution, so as to compel testimony otherwise subject to Fifth Amendment privilege. We have not included such a provision in the attached draft, since we do not think it politic to seek it.

Laurence H. Silberman
Deputy Attorney General

Attachment



Resolved by the Senate and House of Representatives of
the United States of America in Congress assembled, That

(a) For the purposes of this joint resolution, the term "Commission" means the Commission appointed by the President by Executive Order 11828 dated January 4, 1975.

(b) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpoena issued to any person under subsection (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(d) Process and papers of the Commission, its members, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses



in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) All process of any court to which application may be made under this Act may be served in the judicial district wherein the person required to be served resides or may be found.



THE WHITE HOUSE

WASHINGTON

February 12, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX FRIEDERSDORF

VERN LOEN

FROM:

CHARLES LEPPERT, JR. *CLJr.*

SUBJECT:

Subpoena Powers for Rockefeller CIA
Commission

Checked with House Judiciary Committee this morning as requested and no bills have been introduced and referred to that Committee providing subpoena powers for the Rockefeller CIA Commission as of February 11, 1975.

cc: Bennett