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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : The Problem of Timing

1. This memorandum identifies an urgent problem for the future of the Agency and presents a recommendation for your action in Paragraph 7.

2. Now that most if not all of the issues related to the Executive Orders on restrictions on intelligence in the US and on a reorganized PFIAB have been settled, the Executive and Legislative Branches must face more fundamental issues of change in the organization and management of the Community and CIA. Change is under discussion in both Branches; the intelligence provisions of the National Security Act of 1947 are certain to be reconsidered and probably will be rewritten. Before this can be accomplished, however, Congress, the Administration and the Community itself will have to engage in lengthy and intensive debate on many complex matters.

3. We cannot confidently predict whether the House and Senate will be considering new legislation

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on intelligence by late in the spring of 1976 or whether requirements of the 1976 election will force the participants to set the investigations aside, with the result that recommended new legislation will not be addressed until a new Congress takes office in 1977. The latter, however, could well occur. One possibility, for instance, is that the Senate Committee will recommend formation of a temporary Joint Committee to study

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possible legislation. And in any case legislation acceptable to the Executive can be developed only through a time-consuming process of education and argument.

4. Whether the time is mid-1976 or early 1977, however, it is important to begin moving now to speed the process of bringing the investigations to a close and getting legislation drafted. Rudderless drift for as much as two years, during which CIA and the rest of the Intelligence Community will have no guidance as to the future shape or purpose of American intelligence, can only be damaging. The present fraying away of the morale and cohesion of CIA is one of the dangerous symptoms.

5. Moreover, important events are on the horizon that will require decision on things which may appear to be matters of detail but are in fact rooted in principle--and such decisions will depend on the future structure of the Community. One example is organization for [redacted] These decisions must fit into a larger blueprint for the Community if they are to make sense and to be something the Community can live with for years to come. No such blueprint can be prepared until the Legislative-Executive dialogue is over and

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there is clear understanding of the relative roles of the senior US intelligence officer, the central intelligence organization, and the Department of Defense. Moreover, should the President wish to appoint a new senior US intelligence officer, it is difficult to imagine a qualified candidate who would take the job until he knows how it is to be defined.

6. The chances of providing a strong, independent and objective national intelligence capability--the intent of Congress in 1947 (and there is no current reason to believe that intent has changed)--will measurably decline the longer that action on new legislation is delayed. What is needed is positive action to shortcut the process. There is no reason why informed debate cannot begin while the investigations are still in progress. If an active effort is launched now, it should be possible to arrive at an agreed package of changes early in 1976, and to enact these into statue before the political campaign. A long and destructive uncertainty for our national intelligence system might thus be avoided.

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add points on what congress wants

7. We recommend that the DCI suggest to the President that he:

--Call in the Congressional leadership, including the CIA oversight subcommittees and the Select Committees;

--Point out to them the destructive effects of delay, and urge that proposals for the future be decoupled from investigation and correction of past abuses;

--Request that they, in cooperation with the Executive, begin work now to develop whatever legislative proposals in the organizational field seem appropriate; and

--Set a target date of, perhaps, 1 February, for submission of agreed legislation to the Congress.

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SUGGESTED NEW PARAGRAPH SIX FOR DCI/ICS 3937 PAPER - "TIMING OF NEW LEGISLATION ON INTELLIGENCE

In the past several years, there have been 200 or so bills floated in the Congress concerning the intelligence community and the CIA in particular. None has received serious attention in the Congress until now. Even so, there is consideral uncertainty in the Congress of what is needed and how to go about it. Among the subjects of possible legislation are: curbs on domestic activities of USG foreign intelligence agencies; covert action; excessive secrecy; protection of vital secrets; role of economic intelligence in the national security intelligence structure; relationship between military intelligence organizations and the CIA; legislative and oversight jurisdiction within the Congress; and oversight, itself.

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