Approved For Release 2005/08/03 : CIA-RDP81-00818R000100050034-2

TRANSMITTAL SLIP | DATE 25 August 72

TO: Mr. Houston

ROOM NO.	BUILDING

REMARKS:

1. During the session that Mr. Maury had with Chairman Nedzi yesterday on the Aspin letter, they apparently covered the Ervin Bill also and Nedzi was interested in the ramifications of a suit in District Court, and the attached is intended as an answer to Nedzi's question.

2. Mr. Maury might send the attached along with a note or he might use it in an oral briefing, if you agree.

25X1

[redacted]

FROM: Assistant Legislative Counsel

ROOM NO.	BUILDING	EXTENSION

FORM NO. 241 1 FEB 55 REPLACES FORM 30-8 WHICH MAY BE USED. (47)

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SUITS FOR PROTECTION OF CONSTITUTIONAL RIGHTS OF GOVERNMENT EMPLOYEES

Section 204 of H. R. 12652 permits direct suits against Government officials in their personal capacity regardless of pecuniary injury and, for most of the Government, without the necessity of first pursuing and exhausting administrative remedies. The threat of personal law suits obviously would inhibit effective and vigorous management and would reach throughout the ranks of the civil service.

The language of 204 provides that: "Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, <u>or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation.</u>"

Department of Justice officials have testified that the above underscored language could involve a suit for personal damages.

Once personal litigation is authorized, whether it be a suit for damages or an injunction, the doors are wide open for vindictive or harassing litigation.

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AMENDMENTS TO H. R. 12652 (SENATE VERSION)

FOR CIA AND NSA EXEMPTIONS

(a) Amend section 209 as follows:

"This Act shall not be applicable to the Federal Bureau of Investigation, the Central Intelligence Agency and the National Security Agency."

(b) Strike the proviso in section 201(k).

(c) Strike sections 206, 207 and 208.

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