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OLC 78-2835/4
8 August 1978

Justice Dept.

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senate and House Appropriations Staffers re Justice Appropriations Report Language

1. At the request of the Department of Justice, CIA representatives met with Senate and House Appropriations staffers in order to describe for them the probable effect on CIA overseas operations if a certain provision of the Senate Report on Justice's Appropriations bill is carried out. The provision calls upon the Immigration and Naturalization Service, under the direction of the Attorney General, to deny entry visas to and expel from the United States Soviet Bloc intelligence officers. Present at the meeting were:

---Mr. Warren W. Kane, Staff, Senate Appropriations Committee

---Mr. Burkett Van Kirk, Senate Appropriations Committee Staff

---Mr. Dempsey B. Mizelle, House Appropriations Subcommittee on State, Justice, Commerce and Judiciary Staff

---Mr. Michael Wenk, Department of Justice, Office of Program Review and Budget

---Mr. Michael Roper, Department of Justice, Office of Program Review

STAT ---[redacted], SE Division of DDO, CIA

STAT --[redacted], Office of Legislative Counsel, CIA

2. CIA staffers made it clear to the assembled Congressional staffers that our purpose in coming forward was not to take a position, one way or the other, on the domestic effects of such report language, but merely to ensure that the Committees were fully and currently informed as to the possible ramifications that such procedures might have on CIA operations and personnel abroad. Two basic problems were presented. The first dealt with

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the probable retaliatory effect that such across-the-board denial of entry visas and expulsion provisions would incur on CIA officers and possibly other U.S. officials abroad. Secondly, it was stated that recent history indicates that, rather than limit the hostile intelligence presence in the United States, such expulsions would only force the Soviet and Bloc intelligence services to utilize both illegals (NOC officers) and unknown or "clean" intelligence operatives under diplomatic cover. The net result being an increase in detection problems for the FBI. [redacted] STAT

3. The Congressional staffers made two points in general. They first stated that Senator Hollings' intent (as author of the measure) was certainly not to lessen either our overseas intelligence collection capabilities nor to make the work of spotting spies in the United States more difficult for the FBI. The purpose of the language was rather to ensure that in the future the Attorney General pay more heed to the growing number of foreign intelligence operatives in this country and, inasmuch as it is possible, take affirmative measures to limit that hostile presence. They went on to state that, should the Attorney General next year, appear before the Committee with explanations as to why the measures were not carried out in full, the Committee (Senator Hollings) would certainly understand.

4. The staffers also made note of the fact that neither Judge Webster nor Secretary of State Vance had objected to this report language during closed hearings wherein it was reportedly raised. The staffers, understandably, felt uneasy about going back to Senator Hollings at this late hour with objections from Justice and the Intelligence Community.

5. Subsequent discussions between this Agency and State reveal that State Department is firmly opposed to this language and agrees that it cannot appear in conference report language. We are currently working out a joint strategy to insure that it does not. STAT

[redacted]
Assistant Legislative Counsel

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