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Cont. on Foreign Service

DCI/IC-78-0048
21August 1978

OLC #78-5123

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

STAT

FROM: [redacted]
Deputy to the DCI for Resource Management

SUBJECT: Reporting to the Congress on Foreign Intelligence Liaison Relationships

1. Action Requested: That you provide verbal guidance to the NFIB on the above subject.

2. Background:

a. In April a group, representing those NFIB agencies with foreign intelligence liaison responsibilities, met to discuss the need for uniform guidelines for handling Congressional inquiries regarding such relationships.

b. The group was convened in response to concern voiced by OLC and OGC regarding the lack of uniformity and coordination of Community responses to Congressional requests in this area. Reporting guidelines could have prevented the difficulties encountered by DIA in March when the HPSCI requested from it a list of all DIA bilateral intelligence arrangements.

c. Using as background the 1976 DDO guidelines (developed jointly with the SSCI), the following principles were offered for consideration:

(1) Whenever possible, information about intelligence relationships should be provided only in response to requests from committees with intelligence oversight responsibilities.

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(2) Whenever possible, responses should be to specific queries regarding specific countries or services. Information should be limited to the identity of the country and the service, the agency working with that service, the general purpose of the relationship and, when necessary for oversight purposes, the resources and manpower involved.

(3) In the event of allegations of improper activities on the part of the foreign intelligence or security service, every effort should be made to provide information bearing on the allegation. Where this would depart from (1) and (2) above, the matter should be referred to the DCI who will attempt to resolve the matter with the requesting Committee, or if no resolution is possible, consult with the President.

(4) Whenever possible, responses to inquiries concerning liaison relationships (except those reported under the Case-Zablocki Act) should be answered orally and off the record.

d. The draft guidelines for responding to Congressional inquiries regarding liaison relationships were unduly ponderous and displayed an unrealistic assessment of the latitude available to the Community in responding to such requests.

e. In spite of these inadequacies, the drafting exercise was useful in that it emphasized the need for uniformity and coordination to those involved. It also demonstrated your interest in exercising your responsibilities in this area as set forth in E.O. 12036.

3. Recommendation: It is recommended that:

a. You orally reiterate for the benefit of the NFIB the principles set forth in paragraph 2.c, above, giving these application throughout the Intelligence Community.

b. You express your concern for the handling of all Congressional liaison matters in a secure, uniform and coordinated manner, and, with regard to Congressional inquiries regarding intelligence liaison activities, designate your Office of Legislative Counsel as contact point to be kept informed regarding such inquiries on your behalf.

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c. You mention to the intelligence oversight committee chairmen that you have issued this guidance to the NFIB in the hope of achieving a secure, complete and consistent liaison relationship with the Congress.

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