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LLA Circuit
Foreign Service

OLC #78-1564

OGC 78-2894
3 May 1978

MEMORANDUM FOR: Acting Legislative Counsel

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Congressional Briefings -- Hughes-Ryan Amendment

1. It has come to my attention that over the last several months there have been a number of oral and possibly written presentations to the SSCI, the HPSCI and possibly other congressional committees concerning matters which pertain to Section 662 of the Foreign Assistance Act of 1961, as amended (Hughes-Ryan Amendment). I am not certain I [redacted] am being routinely advised of the substance of these presentations. This Office, as you are aware, has been and continues to produce a large number of opinions concerning the Hughes-Ryan Amendment and its effect upon Agency operations. As you are also aware, we view the Hughes-Ryan Amendment as affecting more than propaganda and paramilitary activities but as having a potential impact on all Agency operations abroad which are not "solely to obtain necessary intelligence." STAT

2. I think that failing to routinely advise us of the substance of oral and written presentations to the Congress which touch on the Hughes-Ryan Amendment has the potential for placing the Agency in a rather awkward position. There is the possibility that this Office could either deliver an opinion on a particular subject or in our continuing dialogue with the Department of Justice on the Hughes-Ryan Amendment make various statements which conflict with statements made by other Agency officers to the oversight or to other congressional committees. It would be much appreciated if I [redacted] could receive a copy of written presentations or possibly a copy of the memorandum or record of discussions which have taken place. In those cases where only transcripts are available either here or on the Hill, I would appreciate it i[redacted] were given the opportunity to review them. We are, of course, available to consult with you as well as other Agency officials prior to their testifying before the congressional committees on matters concerning the Hughes-Ryan Amendment.

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3. As a final point, I would like to request that you establish, if you have not already done so, or you allow this Office to establish, a specific file containing extracts from transcripts and memoranda (of conversations and copies of presentations) to congressional committees notifying them of Presidential findings and how we are implementing them. I feel this is required since it appears that in interpreting particularly the so-called World Wide Findings the Department of Justice places emphasis on what has been said to the committees about our implementation of them. Thus, there is a need for this information to be more easily retrievable and available to this Office.

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Anthony A. Lapham

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