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Office of Legislative Counsel

13 NOV 1978

NOTE TO: DCI

VIA : DDCI

25X1 FROM : [redacted]
Acting Legislative Counsel

SUBJECT: Letters to Bayh and Boland Regarding Reporting on Activities of Questionable Legality or Priority

I believe you should sign the attached letters to Chairmen Bayh and Boland. The whole issue of reporting on abuses to the oversight committees has been with us since the Senate Select Committee was established in 1976, and now the President has issued instructions pursuant to Executive Order 12036.

However, I want to advise you that we may well hear more from the Committees on this. S. Res. 400 states that it is the sense of the Senate that Agency heads should report to the SSCI immediately upon discovery violations of constitutional rights, law, Executive Order, Presidential directives, or Agency rules or regulations. The Charter of the House Select Committee has no similar provision. President Carter's letter states that he will determine the manner and timing of reports to the Congress, only after he has reviewed the CIA, IOB, and where appropriate Attorney General reports on an incident or activity. This ~~implies he can decide~~ Congress will not be notified. The contrast between the two positions is startling, and may prompt an appeal from the SSCI.

STAT [redacted]

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