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ROBERT McCLORY
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PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

U.S. INTERPARLIAMENTARY
UNION DELEGATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

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McHENRY COUNTY
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CRYSTAL LAKE, ILLINOIS 60014
(815) 459-3399

Executive Registry
82-13533

December 15, 1982

The Honorable William J. Casey
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

Dear Bill:

Enclosed is a blind copy of a letter which I am sending today to Chairman Edward Boland of the House Permanent Select Committee on Intelligence.

Sincerely,

Robert McClory
Member of Congress

RMcC/cs

Enclosure

DCI
EXEC
REG

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December 15, 1982

The Honorable Edward P. Boland
Chairman
Permanent Select Committee on Intelligence
H405 Capitol
Washington, D. C. 20515

Dear Eddie:

Thank you for your letter of December 13 in which you have drawn attention to the important paragraph in the report required under the Foreign Intelligence Surveillance Act.

In my view the paragraph to which you have made reference is of the utmost significance.

When my attention was first drawn to the 1981 report of the United States Foreign Intelligence Surveillance Court, I felt an immediate concern that the 431 applications would give rise to the suggestion that in view of this number of applications the Court should have denied some of the requests. Indeed, there is inherent in this suggestion the very real risk that the Court might in good faith refuse to approve a vital electronic surveillance project upon which our national security (indeed, our very survival) might depend.

The fact that the Court in its wisdom has thus far seen fit to respect the judgments and prerogatives of the Executive Branch in approving electronic surveillance projects provide little comfort--especially when the suggestion is made that the Court has served as a "rubber stamp." Another Court in another period of our history might well react to such criticism by delaying or denying electronic surveillance authority to the serious or critical welfare of the nation.

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Notwithstanding that I am leaving the Congress at the end of this year, I would urge upon the committee the most earnest consideration of an amendment to the Foreign Intelligence Surveillance Act to eliminate the Judiciary's involvement. In making this recommendation, I am fully aware of the heavy responsibility reposed in the House Select Committee on Intelligence as well as the comparable committee in the other body. Having participated in most of the hearings on the subject of covert actions, I am satisfied that our committee can provide the kind of oversight and protection which the individual rights of our citizens require without impairing in any way the legitimate intelligence activities essential to our national security.

Sincerely,

Robert McClory
Member of Congress

RMcC/cs

cc: The Honorable J. Kenneth Robinson
The Honorable G. William Whitehurst
The Honorable C. W. Bill Young
The Honorable Romano Mazzoli
Thomas K. Latimer
Patrick G. Long
Ira H. Goldman

bcc: The Honorable William J. Casey

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