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MEMORANDUM FOR GENERAL VANDENBERG

SUBJECT: Proposed Bill for the establishment of a Central Intelligence Agency.
Independent and Central Intelligence Agency. Section 2(d) is an
appropriate description.

In compliance with your request I submit herewith suggestions concerning the proposed bill, covering on specific minor points. I shall not burden this memorandum with them all, but the following are illustrative in several places the language seems difficult to follow and unnecessarily repetitious. I believe that a more serious objection than that of language, however, is the failure of the bill to define in clear terms the sense in which the word "intelligence" is used. For example, are "intelligence," "foreign intelligence," "intelligence relating to the national security," "strategic and national policy intelligence," "the national intelligence mission," and "intelligence affecting the national security," are used indiscriminately as though they were synonymous.

The failure to distinguish between "intelligence" and "foreign intelligence" will raise a serious question in many minds as to whether the real intent of the bill is actually the same as that stated in the "Purpose of the Act." The "declared policy" in section I(a) refers only to "foreign intelligence" and section I(b) states that it is the purpose of the Act to carry out that "declared policy." However, the same section, I(b), provides for several programs which embrace all existing intelligence activities of the Federal Government, both foreign and domestic. I fear that this will lead to the suspicion that the "National Intelligence Authority" and the "Central Intelligence Agency" will attempt to control, with the powers granted to them in this bill, the F.B.I. and other intelligence activities.

I fear that there are some serious omissions in the bill. For example, the functions and duties of the National Intelligence Authority are not specified. Although three paragraphs are devoted to an explanation of the membership of the National Intelligence Authority, nowhere is the purpose or the reason for its existence set forth. Although section 2(a)(1) states that the bill provides for a Director of Central Intelligence, the bill does not provide for such an officer. It refers from time to time to a "Director" but it does not state his exact title. On the other hand, the "Office of the Director" is referred to although no such office is provided for by the bill.

In some respects I consider that the proposed bill is self-contradictory. Section 2(d) states that "the responsibility and authority

of the Departments and other Agencies of the Government" with respect to intelligence shall not be affected by the establishment of the Central Intelligence Agency. The next paragraph, 2(e), is in direct contradiction to 2(d) in stating that the other intelligence agencies of the government are "directed" to make their facilities and services available to the Central Intelligence Agency. It is obvious that both the responsibility and the authority of existing government agencies are affected when they are "directed" to make their facilities available to the Central Intelligence Agency.

Section 2(b) refers twice to the "U. S. Air Force." Until an independent air force has been established, I wonder if this is an appropriate description.

I have a number of comments on specific minor points. I shall not burden this memorandum with them all, but the following are illustrative:

- (1) Page 1, Line 5: "Findings and Declaration,"
Comment: "Findings and" can be omitted. There are no "findings" here.
- (2) Page 1, Line 6: "interim period between"
Comment: Omit either "interim" or "between".
- (3) Page 1, Line 7: "foreign intelligence"
Query: Is "foreign intelligence" or "intelligence" meant here?
- (4) Page 1, Line 9: "elected representative"
Comment: "elected" should be omitted. The Government officials directly concerned with intelligence and the national security are not "elected." Neither the Secretaries of State, War or Navy, nor the Chief of Staff of the Army and the Chief of Naval Operations are "elected."
- (5) Page 1, Line 11: "intelligence"
Query: Is "intelligence" or "foreign intelligence" meant here?
- (6) Page 1, Lines 15 & 16: "processing, analysis and dissemination of foreign intelligence"
Comment: This seems unnecessarily difficult. Would not "acquisition and analysis" be a satisfactory substitute?
- (7) Page 1, Line 17: "officers and departments"
Suggestion: Substitute "officials"
- (8) Page 1, Line 20: "to effectuate the policies"
Suggestion: Substitute "carry out the policy"

- (9) Page 1, Lines 23 & 24: "to develop maximum efficiency"
 Comment: Would the sentence be improved by the elimination of this phrase?
- (10) Page 1, Lines 25 & 26: Suggestion: Rewrite this sentence to read: "A program for the analysis and evaluation of foreign intelligence."
- (11) Page 2, Lines 1 - 3: Suggestion: Rewrite to read: "A program for distribution of intelligence material to appropriate Government officials."
- (12) Page 2, Lines 4 - 7: Suggestion: Rewrite to read: "A program to procure all available foreign intelligence and to take such other measures in the field of foreign intelligence as will best ensure the national defense."
- (13) Page 2, Line 11: Suggestion: Omit the phrase "which shall be composed of"
- (14) Page 2, Lines 12 & 13:
 Comment: The legal titles of these officers are the "Secretary of State," "The Secretary of War" and "The Secretary of the Navy."
- (15) Page 2, Lines 21 & 22: "by and with the consent of the Senate"
 Comment: The customary phrase is "with the advice and consent of the Senate."
- (16) Page 2, Lines 22 - 24: Comment: The sentence beginning "The term of each voting member..." is unnecessary inasmuch as three are members ex-officio, and the fourth is the personal representative of the President. It goes without saying that he holds office at the pleasure of the President.
- (17) Page 3, Line 7: "hereinafter in this act"
 Comment: "in this act" is unnecessary.

The above comments go to the wording of the proposed bill. There are certain questions of policy about which I feel considerable concern, but I shall reserve comment on those unless you request it. I have directed my attention in this memorandum to the question of draftsmanship.

Sincerely yours,

/s/ Clark M. Clifford
 CLARK M. CLIFFORD
 Special Counsel to the President