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26 March 1973

MEMORANDUM FOR: Executive Secretary, CIA Management Committee

THROUGH : General Counsel

SUBJECT : OGC History

REFERENCE : Memorandum to EXDIR from OGC, 6 February 1973

1. At the Deputies meeting of 18 January cited in Reference, Mr. Houston proposed that in lieu of writing an organizational history, OGC compile a series of leading cases involving CIA activities and responsibilities. Discussing this theme on 15 February, Mr. Houston and I agreed that an effort along these lines would be a more useful investment than an organizational history. I suggested in addition that the text and annotations be preceded by historical introductions which would trace the evolution of the legislation and judicial decisions on the general subject of the topics under consideration.

2. I submitted for Mr. Houston's consideration a draft list of topics relating to the nature and extent of the authority of the Agency and the Director, including his authority to appoint and dismiss personnel, his financial accountability, and the legal status of the secrecy agreement (see attached list of Proposed OGC Historical Topics). Mr. Houston reacted sympathetically to this list, but thought that some of the topics, such as financial accountability

might be more relevantly discussed in the topical and component histories in other parts of the historical program. He thought that OGC might want to add to the list certain more explicitly legal topics, such as the impact of executive privilege on testimony in the courts by Agency personnel.


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3. Summarizing, it was agreed that,

a. OGC proposes to produce a series of handbooks of court cases in which the Agency has been involved in important ways. The cases involve a number of areas of law, including among others various authorities of the Director. In addition to the actual text of the court decisions, the handbooks will include other significant papers involved in the litigation, relevant internal CIA memoranda and papers and brief historical accounts of the background and significance.


b. The CIA Historical Staff will submit for OGC review, annotation, and coordination the portions of CIA histories written by other components, which involve legal authorities and judicial interpretation.


Bernard Dreil
Chief, CIA Historical Staff

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Attachment

Concur:


General Counsel

28 Mar. '73

Date

/s/ W. E. Colby

5 APR 1973

Executive Secretary, CIA
Management Committee

Date

20 February 1973

Proposed OGC Historical Topics

Basic legislation

Authority of DCI

Coordination

Financial accountability

Appointment of personnel; dismissal, do.

Protection of Sources and Methods

Secrecy obligations of former employees

Declassification of documents

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Received



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Bill:			
<p>You will recall that at a meeting of the Deputies several weeks back Agency histories were discussed and you and I discussed the OGC history in particular. Following that meeting I addressed a memorandum to you setting out the scope and nature of the OGC history in line with that discussion. Bernie Drell's comments of 26 March on my memorandum, for your concurrence, also attached, were worked out in conjunction with us and I believe are in accord with your views, as well as mine. I recommend your approval of his memorandum.</p>			
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General Counsel, [redacted]			3/28/73
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