The So-Called Holtzman Amendment

An amendment introduced by Representative Elizabeth Holtzman

(D., N.Y.), and passed by the House of Representatives in H.R. 8152--

Amending Title I of the Omnibus Crime Control and Safe Streets Act of

1968--is, in effect, a reaction to publicity precipitated as a result of Central

Intelligence Agency assistance to a number of domestic law enforcement

organizations. The assistance given was in the form of briefings on a

variety of subjects such as the procedures for the processing, analyzing,

filing, and retrieving of information, security devices and procedures, and

metal and explosives detection techniques. These briefings were given in

response to requests from the various recipients.

In responding to this criticism--on the ground that it was a violation

of the National Security Act provision that "the Agency shall have no police,

subpoena, law-enforcement powers, or internal-security functions:"--

the Agency stated that it did not consider that the activities in question violated

either the letter or the spirit of that restriction. Futhermore, in the Agency's

judgment, they were entirely consistent with the provisions of the Omnibus

Crime Control and Safe Streets Act.

In enacting that law it was a declared policy and purpose of Congress

"to assist State and local governments in strengthening and improving law

enforcement at every level by national assistance" and to ". . . encourage

research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 USCA 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its functions (42 USCA 3756).

Notwithstanding this, the Director of Central Intelligence upon review of these activities has directed that such activities be undertaken in the future only in the most compelling circumstances and with his personal approval. He added that the Agency would, of course, continue to comply with applicable laws and regulations regarding coordination with other Federal agencies.

We believe it would be unwise to place a restriction in the law which would preclude the Central Intelligence Agency from ever cooperating with the Law Enforcement Assistance Administration under any circumstance no matter how compelling. The Agency does not object to this legislation from the standpoint of its own activities, since it in no way impairs the discharge of its foreign intelligence responsibilities. However, we believe that denying any law enforcement organization access to any information which might be useful to that organization under any circumstance in combating crime and in attempting to make the streets of the United States safe is a mistake. The

CIA Subcommittee(s) have this matter under current consideration. It is our view, in accordance with the philosophy expressed by Mr. Schlesinger, that a decision on a matter of this sort should be made on the basis of a considered judgment by senior officials of the Government. Furthermore, if any restrictions are to be established we feel that these restrictions should be a matter of internal regulation and not a matter of flat unyielding statutory prohibition. For this reason we oppose any amendment which would preclude CIA cooperation with the LEAA under any and all conceivable circumstances.

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TO: Mr. James Calloway
      Committee on Appropriations
      United States Senate

    We do not feel strongly on this
matter and would not want to be involved
in a fight on the floor.

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