

SECRET

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Tuesday - 4 February 1975

CIA INTERNAL USE ONLY

1. (Unclassified - DFM) Called Vince Puritano of the Inter-governmental Relations and Regional Operations Division, OMB, regarding their January 27th request for any legislation we wish to have submitted to the states. I told him we did not have any such legislation, and he said a written response would not be required.

2. (Internal Use Only - DFM) Received a call from Mr. Crowley, INR, regarding our position on S. Res. 6, introduced by Senator Richard S. Schweiker (R., Pa.), which would set up a Senate Select Committee similar to the one established by Senator John O. Pastore's (D., R. I.) resolution. I outlined our tentative position and told him I would get back to him with more details and possibly a draft when our response has been completed. He is very interested in following our lead in responding to the Committee.

3. (Unclassified - LLM) Advised Jack Pridgen, Press Secretary to Senator Lawton Chiles (D., Fla.) that the Director's letter to Senator Chiles concerning the outside activities of Agency physicians was being delivered to him today.

4. (Internal Use Only - LLM) Called Jane McMullan, Secretary, Senate Appropriations Committee, alerting her to my session with John Swearingen, Senate Rules and Administration Committee staff, and suggested that it is possible that the material Chairman John McClellan had submitted to the Ervin Select Committee for their review and report back to Chairman McClellan on their findings may in fact be considered to be the holdings of the Ervin Committee and subject to the requirements of S. Res. 369 which might permit access and treatment different than that intended by Chairman McClellan. McMullan thanked us for calling this to her attention and said she would look into it immediately.

5. (Internal Use Only - LLM) Wheaton Byers, PFIAB staff, called to discuss the possibility of a White House coordinator in connection with the Select Committee investigations on the Hill, etc. He said that Phil Buchen, Counsel to the President, was taken by the idea and would address this subject to PFIAB later this week. Mr. Knoche, Special Assistant to the Director, was advised.

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CLASSIFIED BY [redacted] DATE [redacted]
DECLASSIFY ON: [redacted]

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6. [redacted] IC staff, advised of a call from a Mr. Hunter of the Congressional Research Service on behalf of the Joint Budget Committee concerning the Agency. I provided [redacted] with Mr. Colby's recent letters to Comptroller General Staats and Deputy Comptroller Keller on the subject of providing information on Agency budget, personnel and organization and advised that as best as I can recall we had no previous dealings.

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[redacted]

8. (Confidential - GLC) Dorothy Fosdick, Professional Staff Director, Permanent Subcommittee on Investigations, Senate Government Operations Committee, called to ask if [redacted] OSR, could come up and brief Richard Perle, of the Subcommittee staff, and herself on the situation in the Soviet Union. She said they are particularly interested in the state of Mr. Brezhnev's health as well as the political and economic situation generally. I told her I would check and be back in touch with her. It was later determined that [redacted] was tied up tomorrow afternoon but I told Fosdick I would bring [redacted] OCI, up to provide the briefing she has requested.

25X1

25X1

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9. (Unclassified - GLC) Ralph Preston, Staff Assistant, House Appropriations Committee, called to say that former Representative William Minshall (R., Ohio) would be writing a letter to the Director and asked how the letter should be addressed. Preston also said that Jim Oliver, OMB, had been by to see him on several matters and he (Preston) would want to talk with John Warner, OGC, sometime in the near future. Preston is to call us later about this.

10. (Internal Use Only - RJK) Delivered to the offices of Senators George McGovern (D., S.D.), Edward M. Kennedy (D., Mass.), and Daniel K. Inouye (D., Hawaii) FBIS items in which their names were mentioned.

11. (Internal Use Only - RJK) Left with Chris Cowart, on the staff of the Senate Armed Services Committee, a copy of an article from the 4 February NID which Clark McFadden had requested.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

File 75-0171
January 27, 1975

Mr. George L. Cary
Legislative Counsel
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Colby:

The Washington Offices of the Council of State Governments, the National Governors' Conference, and the National Legislative Conference, operating as a joint entity, have requested assistance in developing legislative proposals for consideration by the State legislatures in their 1975-76 sessions. For over thirty years this service has been requested of Federal agencies by the States.

Coordination of this program is carried on by the Intergovernmental Relations and Regional Operations Division in the Office of Management and Budget. Any proposals for State legislation which your agency may wish to have circulated among the State legislatures by this procedure should be forwarded to the Office of Management and Budget. This Office will request the comments of other interested Federal agencies, advise you of the relationship of your proposal to the program of the President, and when appropriate, forward the idea to the Committee on Suggested State Legislation, Council of State Governments. The Council's Committee proposals will be circulated among State legislatures at their next sessions.

In some instances, legislative proposals emanating from State Governments and elsewhere will be submitted to Federal agencies for appropriate comment through the Office of Management and Budget.

In order to facilitate and expedite the procedure for bringing Federal concerns to the attention of State legislative bodies, your attention is invited to the Cumulative Index to Suggested State Legislation, 1941-1974, which replaces all previous index sources.

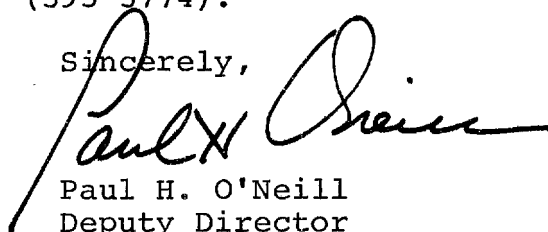
It will not be necessary to resubmit items previously given circulation unless there is a significant change in the situation. Your suggestions should be submitted to the Office of Management and Budget by March 1, 1975, to permit time for coordination with other Federal agencies and consideration by the Committee prior to its 1975 meeting.

The legislation contained in the annual Program of Suggested State Legislation is an overall State Government document which represents the suggestions of the Committee to their colleagues in the State legislatures. In order for the Committee on Suggested State Legislation to consider the proposals adequately, wherever possible, each proposal should be submitted in the form of a legislative draft if it is susceptible to this treatment. Otherwise, it should be submitted as a draft statement setting forth the problem and outlining approaches to its solution. We would appreciate receiving eight copies of the draft and each accompanying explanatory statement. (At a later date, it will be necessary to furnish copies of each proposal to the Council Committee for its consideration, and it would be advisable to retain the duplicating plates if they have been prepared.) In order to assure full attention for your suggestions, it is essential that the March 1, 1975 submittal date be observed.

We are further informed that special arrangements will be made to facilitate consideration of proposals contingent upon congressional action which may be taken after that date. These should be prepared by you and sent along as soon as possible. It would be helpful if you anticipate making such later proposals to inform us and give as much indication as possible of their substance.

In the event that there are questions concerning this procedure, please communicate with Mr. Vincent Puritano of the Office of Management and Budget staff (395-3774).

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul H. O'Neill". The signature is written in dark ink and is positioned above the typed name and title.

Paul H. O'Neill
Deputy Director

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OFFICE OF MANAGEMENT AND BUDGET

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TO THE HEADS OF DEPARTMENTS AND AGENCIES

Subject: Suggested State Legislation: Style Manual

Since 1941 Federal departments and agencies have had the privilege of submitting draft proposals to the Committee on Suggested State Legislation of the Council of State Governments. These suggestions from Federal agency sources are designed to make more effective Federal programs and activities through facilitating State legislative proposals for adoption by our State Legislatures. In this endeavor, therefore, we are improving the entire Federal process and assisting in the delivery of services at all levels of government -- Federal, State, county, city and special district.

The attached copy of the Style Manual was developed by the Council's Committee to meet the need for uniformity and standardization in presenting proposals to the Committee. It is being sent you for information and purpose of review prior to the next invitation letter soliciting proposals which OMB will be sending out before the end of the calendar year.

If you have any questions or desire additional information, please call Tom Graves of my staff (395-4934 or IDS 103-4934).

[Handwritten Signature]
Robert H. Marik
Associate Director for
Management and Operations

Attachment

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1975
SUGGESTED
STATE LEGISLATION

VOLUME XXXIV

Style Manual

Developed by
The Committee on Suggested State Legislation

The Council of State Governments
Iron Works Pike
Lexington, Kentucky 40511

Style Manual

"Style," according to Webster, is the "custom or plan followed in . . . typographic arrangement or display." Although this means that style is arbitrary, it is helpful to establish some guidelines for copy submitted for publication in *Suggested State Legislation*. This should result in an internally consistent publication, expressing ideas in a concise and clear manner. A sample act follows the discussion below.

Introductory Matter

The first item in a draft proposal is its name. This is to be followed with a brief description stating why such an act is necessary, summarizing the contents of the act, and the person or group which drafted the act.

Next is the title, enacting clause, etc. This should not be expanded since there is diversity among the States as to what must be contained in these elements.

Standardized Sections

Section 1 is the "Short Title" and states how the act may be cited and Section 2 concerns itself with definitions, if necessary.

Often one finds a "Purpose Clause" at the beginning of an act. Although this clause may be necessary in some States, it is unnecessary for purposes of submission to *Suggested State Legislation*. The purpose of an act should be apparent from its content. Reasons for enactment of an act can be placed in the introductory matter for the reasons may become dated even though the act may still be vital.

At the end of the act there are usually three sections: "Severability" (if needed), "Repeal," and "Effective Date."

Form

Every line of the act is numbered. The line numbers begin anew with each section. Every section has a title, in brackets, which pinpoints the subject of the section.

One of the most significant items with so many variations is the enumeration of paragraphs within a section. If there is only one subsection to a section, it runs into the section heading and is not enumerated. If there are two or more subsections, each subsection begins on a new line and is enumerated. The enumerations for subsections, in order, are (a), (b), (c), etc. while the enumerations for paragraphs within a subsection are (a), (1), (i), (A).

Often it is necessary in draft legislation to indicate a state alternative to the name of an agency, the number of members on a committee, punishment for an offense, etc. In these cases brackets are used instead of parentheses.

To avoid an abundance of capitalization, which can prove distracting, most words are lower cased. For example, "director," "commissioner," or "agency"

are not capitalized. Neither should the names of departments be capitalized except for specific ones established by the act. To say that "regulations of this act are enforced by the Department of Health" would not apply to all States. It would be better to say, "regulations of this act are enforced by the [department of health]."

No footnotes are used. Instead, use is made of a "comment" paragraph which does not have line numbers and is placed at the end of the section or paragraph to which it applies.

Unnecessary Words and Phrases

Clarity is essential and excess verbiage eliminated in legislation. Some traps to be avoided are:

<i>Don't</i>	<i>Do</i>
There is hereby created a Division of Accounting	A Division of Accounting is established
The term "disaster" shall mean	"Disaster" means
Under the provisions of this act	Under this act
Until such time as the Director deems it necessary	Until the director considers it necessary
Paragraph (4) of subsection (c) of Section 25	Section 25(c)(4)
No person shall be entitled to	No person shall
On or before June 15, 1974	Before June 16, 1974
In cases in which this occurs	When this occurs
Give consideration to	Consider
He shall receive compensation of \$25,000 per year	His compensation is \$25,000 a year
No person shall engage in said business of applying pesticides	No person shall apply pesticides
It shall be incumbent upon the Director to	The director shall

Submission of Copy

All copy should be typed, double spaced, on one side of the paper, with at least one inch margins all around.

Sample Act as Submitted

Model Criminal Rehabilitation Research Act

The Problem. The criminal justice system neither deters nor rehabilitates as effectively as possible. Decisions with respect to sentencing and treatment continue to be handicapped by lack of scientific experience. New treatment programs are developed haphazardly, if at all, and their relative effectiveness is rarely evaluated. The results are wasted lives, needless public expenditures, and increased crime. Dissatisfaction with existing correctional institutions has increased and the demand for reform has intensified, but reform to be meaningful must be based on facts. . . .

The Purpose. The purpose of the suggested state legislation is to enable a State to facilitate research, including controlled experiments, in criminal sentencing and rehabilitation methods in order to determine the most effective and humane means of deterring crime and rehabilitating delinquent and criminal offenders. . . .

This draft legislation was developed by the Criminal Sentencing Project of Yale Legislative Services. A comprehensive report on Criminal Rehabilitation, including a detailed commentary to the suggested legislation, can be obtained from Yale Legislative Services, Yale Law School, New Haven, Connecticut 06520.

Suggested Legislation

(Title, enacting clause, etc.)

1 Section 1. [Short Title.] This act may be cited as the [State] Criminal
2 Rehabilitation Research Act.

1 Section 2. [Definitions.] As used in this act:

2 (1) "Commission" means the Rehabilitation Research Commission.

3 (2) "Commissioner" means a member of the Rehabilitation Re-
4 search Commission.

5 (3) "Offender" means a person adjudicated delinquent or convicted
6 of a criminal offense under the laws and ordinances of the State and its
7 political subdivisions.

1 Section 4. [Rehabilitation Research Commission.]

2 (a) A Rehabilitation Research Commission is established to review,
3 approve, and facilitate research directed at the rehabilitation of delinquent
4 and criminal offenders and to disseminate the results of such research to
5 correctional officials and other interested individuals and agencies.

6 [(b) The commission shall consist of 10 members appointed by the
7 Governor with the advice and consent of the [Senate] as follows:

8 (1) Two members shall be members of the state bar and one of
9 these representatives shall be a judge in the [highest state trial court
10 with a criminal jurisdiction].

11 (2) Two members shall at the time of their appointment occupy an
12 administrative or executive position in state or local government. One
13 of these members shall be an official of the [state department of correc-
14 tions].

15 (3) Two members shall be social scientists.

16 (4) Four additional members shall be selected by the Governor.]

Comment: It is suggested that some commission members be ex-offenders.

* * *

1 Section 5. [Jurisdiction and Guidelines.]

2 (a) To be considered by the commission, a research proposal must:

3 (1) Involve the impact of one or more modes of sentencing or
4 treatment of juvenile or adult offenders.

5 (2) Have as its primary goal the successful and humane rehabilita-
6 tion of offenders.

7 (3) Be capable of completion with the assistance of the powers
8 herein given the commission without violating any law of this State or
9 the United States.

10 (4) Contain reasonable assurances that the proposal will not:

11 (i) Unduly interfere with the major objectives or operations of
12 any state, local, or private agency.

13 (ii) Tend to undermine the human dignity of the offenders or
14 staff involved or violate their rights to privacy or result in the unethical
15 use of any records or information made available or discovered in the
16 course of the research.

17 (b) In reaching a decision whether to approve a research proposal,
18 the commission shall consider the following criteria:

19 (1) Relevance to important legal and penal questions.

20 (2) Potential practical applicability compared to the costs of con-
21 ducting the research, including administrative feasibility, number of of-
22 fenders involved, and proposed duration.

23 (3) Methodological rigor.

* * *

1 Section 7. [Powers.]

2 (a) Every court and public agency or institution whose cooperation is
3 necessary for the completion of a research project shall actively assist
4 the project and comply with every reasonable and lawful request of the
5 commission.

* * *

115 (k) In addition to the authority granted in other subsections of this
116 act or under any other law of this State, the commission may make,
117 amend, or rescind such rules and regulations and exercise such other
118 powers as may be appropriate to effectuate the purposes and provisions
119 of this act.

* * *

123 [(m) The commission, in order to further the purposes of this act, is
124 authorized to initiate an action in mandamus in the State [court of
125 appropriate jurisdiction] against any public official; provided, however,
126 that if the writ is directed against a judge of the [highest state trial court
127 having criminal jurisdiction] the petition may be initiated in the State
128 [court of appropriate jurisdiction].]

Comment: A State could adopt this provision when the power of the commis-
sion to compel compliance with its lawful requests and directives is in doubt.

* * *

1 Section 10. [*Severability*.] [Insert severability clause.]

1 Section 11. [*Repeal*.] [Insert repealer clause.]

1 Section 12. [*Effective Date*.] [Insert effective date.]