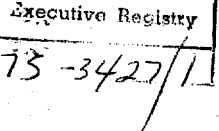


CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505



16 DEC 1975

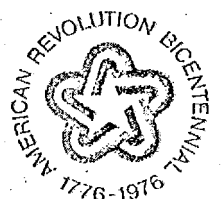
Honorable Abraham Ribicoff, Chairman
Committee on Government Operations
United States Senate
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your request for comments on S. 495. Entitled the "Watergate Reorganization and Reform Act," the bill seeks to establish certain Federal agencies, effect certain reorganization of the Federal Government, and implement a broad range of reforms in the operation of the Federal Government.

The only provision of S. 495 which deals directly with intelligence matters is Section 204. This section would prohibit an individual employed by, or detailed to, any agency of the Executive Office of the President from, directly or indirectly, engaging in intelligence gathering activities concerning the national security unless specifically authorized to do so by statute. This section could affect the National Security Council, the Central Intelligence Agency, and the President's Foreign Intelligence Advisory Board, to the extent that these organizations could be considered "agenc[ies] of the Executive Office of the President" and to the extent that their respective foreign intelligence responsibilities are not specifically authorized by statute:

a. The National Security Council exists to help the Chief Executive carry out his special powers and responsibilities in the field of foreign affairs. The statement on Organization and Functions of the Executive Office of the President, 14 F.R. 7856, as amended 17 F.R. 6204; 18 F.R. 5668, locates the Council in the Executive Office of the President. The Council was established by the National Security Act of 1947 "to advise the President with respect to the integration of domestic, foreign, and military policies relating to the National Security...." The critical role played by the Council in foreign intelligence matters is a natural concomitant to this general statutory charge and reflects the collective judgment of successive Presidents on how best to conduct this Executive branch function. It is also implicit in the various provisions of the Act which place the Council in a supervisory position over the Central Intelligence Agency.



In any event, the present language of Section 204 raises many definitional questions. For example, "intelligence gathering" could include any process of obtaining information, such as reading a newspaper account of a foreign development.

No other provisions of S. 495 would have an immediate impact on this Agency in terms of diminishing the authority of the Director or altering the mission of the Agency. However, we believe that the enactment of Section 102 would be ill-advised.

Section 102 would authorize the Congressional Legal Counsel created therein, upon the request of three Senators or twelve Representatives, to cooperate with private parties bringing civil actions against Executive agencies or officers and employees of the Executive branch. It would also authorize the Counsel to intervene in any action in which there is placed in issue the constitutionality or interpretation of any law of the United States. In addition, the Counsel would be authorized to render opinions on the legality of Executive branch activity and to enforce these opinions through civil actions brought in United States courts, without regard to the usual requirements of standing, whenever requested by six Senators or twenty-four Representatives.

This proposal raises fundamental questions of propriety and constitutional law, and we defer to the Department of Justice's position on these matters. From a practical standpoint, however, Section 102 would seriously disrupt the relationships between Executive agencies and Congress.

This Agency believes that a relationship of mutual cooperation and trust must subsist between the Congress and the foreign intelligence agencies of the government. Effective oversight by the Congress depends on it, and the appropriate dissemination of substantive foreign intelligence information to the Congress requires it. Under Section 102 a tiny fraction of the Congress could undermine this relationship and cast the Congress and this Agency into an adversary posture, by embroiling Congress in protracted litigation over matters which could otherwise be resolved in the customary way -- under the Constitution -- in which Congress fixes the content of Federal law, namely by enacting or amending legislation.

The Office of Management and Budget has advised there is no objection, to the submission of this report from the standpoint of the administration's program.

Sincerely,

W. E. Colby

W. E. Colby
Director

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United States Senate

COMMITTEE ON
GOVERNMENT OPERATIONS
WASHINGTON, D.C. 20510

February 13, 1975

Office of Congressional Affairs
Central Intelligence Agency
Washington, D.C. 20505

Re: S. 495

Dear Sirs:

Attached is a copy of a bill which has been referred to the Government Operations Committee for consideration.

The committee would appreciate your views regarding the provisions of this bill and any recommendations which you may have concerning possible committee action.

Please transmit your reply in quadruplicate.

Your prompt attention would be appreciated. Thank you for your cooperation.

Sincerely,
Abe Ribicoff

Abe Ribicoff
Chairman

Enclosure

ROUTING AND RECORD SHEET

3427/1

SUBJECT: (Optional)

FROM: Legislative Counsel
7D49 HQ

EXTENSION

NO.

DATE

12 December 1975

25X1

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

No.	Officer designation, room number, and building	DATE		OFFICER'S INITIALS
		RECEIVED	FORWARDED	
1.	Director	12/16	12/16	wcc/blp
2.				
3.				
4.				
5.	OLC 7D35 HQ			
6.				
7.				
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OMB has cleared our report on S. 495, the Watergate Reorganization and Reform Act of 1975, with modifications in the first and last paragraphs of page 2 and the first paragraph on page 3. Attached for your reference is the original version with the amended sentences in brackets. Because of these changes, your signature is again required on this report

STATINTL