

INTERNAL SECURITY OLC 74-1869  
19 August 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Legislative Interdepartmental Group Meeting, 19 August 1974

1. On Monday, 19 August 1974, I attended a meeting of the Legislative Interdepartmental Group (LIG) in the Roosevelt Room of the White House from 1500 hours until 1620 hours. Tom Korologos chaired in the absence of Bill Timmons, who was travelling with the President. Those present also included:

Max Friedersdorf and Pat O'Donnell, White House  
Congressional Liaison staff  
Assistant Secretary Linwood Holton, with aide, State  
Department  
Assistant Secretary Jack M. Maury, with aides, Defense  
Department  
Matthew Harvey, AID  
Dick Kennedy and Robert McFarlane, National Security Council  
Stan Ebner and B. A. Bridgewater, OMB  
Representative of USIA

2. General.

a. Tom Korologos said we will have to play "catch up ball" until the new Administration settles down and it is more important than ever to close all loops, coordinate with sister agencies, and tie-in back to the White House legislative group in the event we get queries from some of the new players. While the new theme obviously is compromise, that doesn't mean sell out, and we should assume unless we hear to the contrary that all existing positions on legislation are fundamentally sound.

b. Bridgewater recommended that the President spend an hour and a half or so with the leadership to review concepts and reopen communications on Congress' legitimate interest in the foreign affairs

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area, and the desirability of flexibility for the President as contrasted with the restrictive measures on executive action being enacted and proposed within the Congress. All concurred this was the first order of business.

3. Foreign Assistance Act. There was a review and discussion of about a dozen troublesome items in the legislation, including:

a. Indochina Funding Levels. Holton made a strong case against imposing country levels in legislation which inevitably leads to the development of country lobbies. The President and the Secretary of State should make appropriate contacts on the Hill.

b. Cambodia Personnel Ceiling. Although it was agreed that the principle of such a ceiling was objectionable, AID and State claimed that this was not a high-priority item, and we should not use up too many chips on this issue.

c. Phase-out of Military Missions.

d. Cost Reduction of Military Missions.

25X6 e. Elimination of Authority to Draw Down DOD Stocks. Korologos pointed out the [redacted] if such a provision had been in existence during the October Mideast war.

f. Redefinition of Excess Defense Articles.

g. Military Aid to Korea.

h. Arm Sales Command Channels.

i. Interest Rates on Credit Sales.

j. Restrictions on Aid to Chile. Korologos juxtaposed the assistance Peru is receiving.

k. Striking Presidential Waiver Authorities.

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1. Police Training. I advised of our information that the amendment by Senator James Abourezk (D., S. Dak.), which would have impaired our functioning, had been narrowed down by the Committee to apply only to funds authorized under the foreign assistance bill, although this, of course, did not help AID, and that this favorable action may well have been taken as a result of the Director's letter to Senator J. W. Fulbright (D., Ark.). I reported speculation that Representative Michael Harrington (D., Mass.) would propose a similarly broad amendment in House committee, but that he had been soundly defeated on a proposal concerning the Agency's covert action and may be deterred from introducing similar amendments. Harvey of AID said Harrington had "shot his wad" on the bill.

25X1 4. DOD Appropriations. It was reported that the bill probably will come up this week, but that Senator John Tower (R., Tex.) is nervous that it may be moving too fast, and that it may be best to defer it until after the recess. [redacted] said there was something to this; Holton's rejoinder was that one seldom comes back from visiting his constituents with a message to vote more money, but then agreed with [redacted] observation that the members most likely will be returning with the definite message that the public wants Congress to support the President, and this would help sustain the President's position with respect to the bill.

25X1 a. \$5 billion Senate cut. The President had attempted to persuade Senators John L. McClellan (D., Ark.) and Milton R. Young (R., N. Dak.) that the cut was too deep, without success. DOD is quite confident that in conference they can recoup back one-half of the difference between the \$5 billion Senate cut and the \$3.6 billion House cut.

b. \$700 million MASF ceiling. The tactic, as in the case of the budget cut, will be strictly defensive to stave off any further cuts. Senator William Proxmire (D., Wis.) may move to cut the MASF ceiling to \$550 or \$500 million. Apparently Senator John C. Stennis (D., Miss.) would support a supplemental in January 1975. At present, even with the stepped-up North Vietnamese activities, some important sentiment is running against further aid. Some have even cited the stepped-up activity as evidence that we ought to get out completely. Congress will be influenced by the situation in Vietnam at the time the supplemental is submitted.

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c. Troop Reduction of 25,000. Senators Mike Mansfield (D., Mont.), Hubert H. Humphrey (D., Minn.), or others may propose a greater troop cut, and Maury is preparing papers to be used to oppose a 75,000; 50,000; and 25,000 troop cut.

d. Miscellaneous. In regard to the reduction of RDT&E, efforts with Senator McClellan would be counterproductive, but there is some hope that Senator Thomas J. McIntyre (D., N. H.) might be helpful. The problem, as explained, is that the Committee lumped together a large number of small, worthwhile programs, believing that it was one large program and could stand the reduction. Finally, a "Dear Colleague" letter is being circulated to impose a \$295 billion overall spending limit.

5. State Authorization.

a. Base Agreements. Quick Senate action on that bill with its assorted amendments was due to the presence of the Russian parliamentarians and a wish to impress them that the Congress can move fast. Chairman Wayne L. Hays (D., Ohio), Subcommittee on State Department Organization and Foreign Operations, House Foreign Affairs Committee, has promised that the Committee would report out a clean bill, and was confident he could eliminate the Senate amendments except for the Clifford P. Case (R., N. J.) amendment requiring congressional approval of base agreements involving military personnel strength of 500 or more. If passed, Holton would recommend a veto. It is counterproductive to approach Case, as he is wedded to the concept.

b. Role of the Ambassador. Korologos said the most pressing problem was the role of the ambassador amendment, and I reported our conversation with Hays this morning and work with Al Westphal, Foreign Affairs Committee staff, and Congressmen Peter H. B. Frelinghuysen (R., N. J.), Dante B. Fascell (D., Fla.), and Vernon W. Thomson (R., Wis.). McFarlane cautioned that we not compromise on principle, and I said we were only talking about a back-up position in the event an amendment is proposed and cannot be defeated on the floor, and that the constitutional argument against the proposition appeared to appeal to Hays.

c. Cuba. Korologos tried to get a sense of the group on the provision dealing with the review of U. S. policy toward Cuba, but the only statements hedged.

d. Rhodesian Chrome. Apparently there is a paper on the President's desk pointing out the adverse affects of our policy, but that past failures to repeal the Byrd amendment have not led to disastrous results.

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6. Miscellaneous. Export-import legislation was raised, but interested no one. Also [redacted] reported that the Navy was terribly unhappy about the 200-mile territorial limit proposed in the bill by Senator Warren G. Magnuson (D., Wash.) and read from a message from Senator Ted Stevens (R., Alaska), one of the advisers to the U. S. delegation to the United Nations Law of the Sea Conference, alarmed over the adverse impact on the Conference of any action on the bill, and requesting that Senate Foreign Relations Committee members be alerted. The bill is now bottled up for the duration of the Conference by joint referral to the Senate Foreign Relations Committee, where it will repose for at least 21 days.

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Distribution:

Orig - Subject file  
1 - LLM Chrono  
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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 16 August 1974

2. (Internal Use Only - LLM) Called Al Westphal, Senior Staff Consultant, House Foreign Affairs Committee, and gave him a report on my contacts with Representatives Peter H. B. Frelinghuysen (R., N. J.) and Dante B. Fascell (D., Fla.) yesterday on the role of the ambassador legislation. I asked if he had contacted Chairman Wayne L. Hays (D., Ohio), Subcommittee on State Department Organization and Foreign Operations, on the subject. Westphal agreed that we have to get Chairman Hays fully aboard; explained that he had not had a chance to talk to Hays on the matter since he sees him infrequently, and then only for short periods; and asked that we deal directly with Hays, recommending we do so on Monday since it is likely there will be a rush of legislation to the floor to clean the calendar before the upcoming recess.

3. (Internal Use Only - LLM) Called Elaine Heslin, Administrative Assistant to Representative Wayne L. Hays (D., Ohio), explaining our interest in talking with him regarding the role of the ambassador legislation (see Item #2 above). She said she would see what she could do for Monday.

4. (Internal Use Only - LLM) Called Kempton Jenkins, Department of State Congressional Relations office, concerning the above matter (Item #2); gave him a status report on our contacts with members of the Foreign Affairs Committee and with Al Westphal, Senior Staff Consultant, House Foreign Affairs Committee; and our intent to see Chairman Wayne L. Hays (D., Ohio). Jenkins appreciated our closing the loop with him and said to be sure that we remind Chairman Hays that he (Jenkins) had spoken to Hays previously about this.

Journal - Office of Legislative Counsel  
Thursday - 15 August 1974

✓ 6. (Internal Use Only - LLM) Met with Representative Dante B. Fascell (D., Fla.) concerning the possible role of the ambassador legislation, stressing that Al Westphal, Senior Staff Consultant, House Foreign Affairs Committee, had recommended that he would be interested in information on this subject, and he agreed that he would support our position on the basis that greater flexibility is needed. He did urge, however, that we be sure that Westphal is speaking for Chairman Wayne L. Hays (D., Ohio), Subcommittee on State Department Organization and Foreign Operations. Mr. Fascell, who feels the Agency does an important and good job, remarked that legislation such as this stemmed from the problem that we do not let ambassadors in our code room, and just the general murkiness of the question of who really takes the responsibility for directing a covert operation. In the ensuing discussion it was clear that Mr. Fascell still is in our corner, that some of his concern about the Agency is "old hat" back to the Bay of Pigs situation, and possibly an expression of understandable interest of a member of the Foreign Affairs Committee that it makes no sense that jurisdiction of the Agency be lodged exclusively in the Armed Services Committee. In response to my prodding, he conceded that perhaps Chairman Lucien N. Nedzi (D., Mich.) is doing a good job, but Fascell is not necessarily persuaded that the present situation is in the best interest of the Agency or the Congress, feeling a joint committee may be the answer. Again he agreed that these matters were not for ad hoc resolution on the floor of the House, but were deserving of careful deliberation. He also conceded that Mr. Colby had gone much further than halfway in opening up areas so that there could be a better understanding of what we do and what we don't do.

Journal - Office of Legislative Counsel  
Thursday - 15 August 1974

3. (Internal Use Only - LLM) Al Westphal, Senior Staff Consultant, House Foreign Affairs Committee, reported that Bill Adams, from the House Legislative Counsel office, was now drafting language to be substituted if a Muskie-type amendment on the role of the ambassador overseas is proposed on the floor during the consideration of the State authorization bill. Westphal believes that even if the matter does not come up on the floor, our work is not in vain since it is an issue which will have to be settled in conference. He also recommended that we contact Representatives Peter H. B. Frelinghuysen (R., N. J.) and Dante B. Fascell (D., Fla.) on this matter and restated his interest that we contact the members of our oversight committees for support if needed. We sent to Westphal copies of President Kennedy's 1961 letter and President Nixon's 1969 letter concerning the role of the ambassador.

5. (Internal Use Only - LLM) In the absence of Representative Peter H. B. Frelinghuysen (R., N. J.), met with his Administrative Assistant, Kent Crane, and reviewed our problems with enactment of role of the ambassador legislation as part of the State authorization bill. I left with him a package including suggested language change if an amendment similar to the Muskie amendment is moved on the House floor; Deputy Secretary Clements' letter to Chairman Thomas E. Morgan (D., Pa.), House Foreign Affairs Committee, on this subject; and the instructional letters of 1961 and 1969 issued by President Kennedy and President Nixon. I made it clear that we were providing this information at the suggestion of Al Westphal, Senior Staff Consultant, House Foreign Affairs Committee, and Crane expressed no problem at all with our position.



Journal - Office of Legislative Counsel  
Wednesday - 14 August 1974

8. (Confidential - LLM) Met with Representative Vernon W. Thompson (R., Wis.) at Al Westphal's, Staff Consultant, House Foreign Affairs Committee, suggestion and briefed him on the ramifications of the Muskie amendment and he agreed the results would be adverse to the nation's interest. I reviewed with him a number of the arguments that could be made on the floor without involving the Agency and he felt they would be effective and in line with his thinking. I also gave him a copy of the language which would modify the amendment and assure the flexibility that exists under the current 1969 Presidential letter and a copy of Deputy Secretary William P. Clements', DOD, letter to Chairman Thomas E. Morgan on this subject. In response to his query, I told him that I could not be sure what prompted the Muskie amendment but to the extent that it may be aimed at the Agency it was unneeded, especially following the Presidential letter of 1961, clearly establishing the ambassador in his leadership role over the various agencies in the country of his assignment. I admitted to the possibility that in any specific country there may be conflicts of personality or differing capabilities, but this certainly would be the rare exception and not the rule, although 20 years ago or so there may well have been grounds for complaints over lack of effective coordination involving activities abroad.

In response to his question, explained I was not sure of the precise attitude of Chairman Morgan or Representative Hays (D., Ohio) to the matter but thought it would be supportive of our position and we had been in touch with Representative Hays' office to advise that we were providing necessary material for Representative Hays to Westphal. Representative Thompson was grateful of the alert on this problem before the debate on the State Authorization bill which is scheduled tomorrow afternoon.