

73-3643/

30 July 1973

MEMORANDUM FOR: Mr. W. E. Colby

SUBJECT : H.R. 8152 - Amendment to Title I of the
Omnibus Crime Control and Safe
Streets Act of 1968

1. The subject bill is a basic restatement of the authorities of the Law Enforcement Assistance Administration. On the floor of the House on 18 June 1973, Miss Holtzman offered an amendment which the House then accepted. The amendment is the underlined portion of section 508 quoted below:

The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, not including the Central Intelligence Agency, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration.

2. The Senate, on 28 June 1973, was considering a Senate version of the subject bill. Senator Kennedy offered a similar amendment which was adopted. The House and Senate versions are now in conference but with similar amendments. Undoubtedly, section 508 will be approved as amended.

3. The effect of the amendment is to deny the Law Enforcement Assistance Administration the authority to use the services, equipment, personnel and facilities of the Central Intelligence Agency. It would also appear to deny the Law Enforcement Assistance Administration the authority to cooperate with the Central Intelligence Agency in the establishment and use of services, equipment, personnel and facilities of the Law Enforcement Assistance Administration.

4. In the past the Agency has been of assistance to the Law Enforcement Assistance Administration in a number of differing ways,

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In the future all requests from the Law Enforcement Assistance Administration will necessarily have to be examined closely in view of the Holtzman/Kennedy amendments. If there are devices or techniques which the Agency develops in the future which would appear to be of interest to the Law Enforcement Assistance Administration, it would seem possible that the Agency could either offer such equipment or knowledge to the Department of Justice or the Federal Bureau of Investigation.

5. Beyond the strict legal effect of these amendments when they become law is the practical aspect that they are a manifestation of a growing opinion among members of Congress that the Agency should not be assisting any law-enforcement agencies be they Federal, State or Municipal. These sentiments are further evidenced by the Proxmire bill, S. 1935, the companion House bill (Harrington, H. R. 8592), the Koch bill, H. R. 8432, and others. Thus, it would seem that the Agency should be most careful in its relations with all law-enforcement agencies. Such a policy would be consistent with your testimony in the confirmation hearings before Senate Armed Services Committee on 2 July 1973. It is also consistent with the former Director's views in responding to the Chairman of the Committee on Government Operations on 1 March 1973. He stated in that letter (which was inserted in the Congressional Record) a review was being undertaken and that such activities in the future would be undertaken only in the most compelling circumstances and with the Director's personal approval.

6. Any assistance that we render in the future should be in accord with law or specifically authorized by law such as assistance to the Secret Service in fulfillment of their responsibilities for the protection of the President and other designated officials. Under that law, which was approved in 1968, a requirement was placed on all Federal agencies to assist the Secret Service in the performance of its protective responsibilities when so requested by its director. We should avoid actions with all law-enforcement agencies which can be misconstrued as involving the Agency in prohibited law-enforcement or internal security functions. I would think the planned case-by-case review is the best method of determining the propriety of each situation.

[Redacted]

[Redacted]

[Redacted]

JOHN S. WARNER
Acting General Counsel

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cc: Legislative Counsel
Director of Security
IG 8/6/73
ADDO 8/6/73
DDI 8/6/73
DDM&S 8/6/73
DDS&T 8/6/73

*General
Counsel*

Ted Barreaux of SEC called with following message --

"The meeting you arranged between the SEC and Houston went very, very well and we sincerely appreciate everything you did. Will call you later in the week to discuss the possibility of a meeting between G. Bradford Cook, Chairman of the SEC, and Mr. Schlesinger."

tb/10 Apr

Papers re SEC meetings filed: General Counsel

file: 04c

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Remarks:			
<p>Attached is our memorandum to Mr. Colby dealing with the amendments to the basic law which establishes the charter for the Law Enforcement Assistance Administration (LEAA). It, in effect, prohibits direct assistance to LEAA by the Agency. As you will see our memorandum suggests extreme caution in dealing with any law enforcement agency. Per Mr. Colby's note, this <u>should be incorporated into the proposed procedures relating to relationships with all other governmental</u></p>			
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Acting General Counsel 7D01 Hqs			8/6/73
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2	OGC	8/6/73	<i>[Signature]</i>
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Remarks:			
<p>Yes - Let us establish <i>establish</i> a system <i>a system</i> so <i>so</i> that <i>that</i> all such cases receive a thorough review at the DD level + by OGC & DDCI or DCI WEC</p>			
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