

NSC review completed - and takes no action on document

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DOJ Review Completed.

THE WHITE HOUSE
WASHINGTON

TOP SECRET/CODEWORD
ATTACHMENT

June 4, 1977.

MEMORANDUM FOR

TS# 770156

CIA Copy # C. Schub

THE VICE PRESIDENT
SECRETARY OF STATE
SECRETARY OF DEFENSE.
DIRECTOR, OFFICE OF MANAGEMENT
AND BUDGET
DIRECTOR OF CENTRAL INTELLIGENCE

SUBJECT: PRM/NSC-11

The attached reports have been prepared by the Attorney General's Subcommittee pursuant to the requirements of PRM/NSC-11. They will be the subject of early SCC deliberations that will result in recommendations to the President.


Zbigniew Brzezinski

Attachments (5)

cc: Mr. Lipshutz w/atts
Mr. Eizenstat w/atts

NSC review completed - may be declassified in full

TOP SECRET/CODEWORD ATTACHMENT

XGDS(2)

Classified by: Zbigniew Brzezinski

SECRET

June 1, 1977

SUBCOMMITTEE REPORT TO THE SCC

Executive Summary

Re: Lack of Authority for Electronic Surveillance Abroad and Physical Searches within and without the United States.

The attached report to the SCC is made pursuant to PRM/NSC-11 by the Subcommittee acting under the direction of the Attorney General.

The report addresses the problem caused by the lack of any Presidential delegation to the intelligence agencies or the Attorney General to engage in foreign intelligence physical searches in the United States and foreign intelligence physical searches and electronic surveillances directed against United States persons overseas.

The Subcommittee concludes that legislation should be sought authorizing these activities, but pending the enactment of such legislation, the President should delegate authority to the Attorney General to approve electronic surveillance abroad directed against United States persons in the same manner as he does for electronic surveillances in the United States. In addition, the Subcommittee recommends that the President delegate the authority to the Attorney General to approve and adopt procedures governing foreign intelligence physical searches at home and directed against United States persons abroad in two limited circumstances: (1) where the property to be searched is in the custody of the United States or its agents; and (2) where the property is on the premises of a foreign power to which the United States or its agents have lawful access. No authority for breaking and entering of any real property is to be delegated.

Attachment

RE CLASSIFIED BY John M. Harmon, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice; XGDS, Cat. 2; DATE OF DECLASSIFICATION: Indefinite.

SECRET