

25 January 1968

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting on S. 1035 - 24 January 1968

1. Messrs. Houston, Warner, [redacted] met with representatives from the Civil Service Commission, Department of Defense, NSA, AEC, and Department of State to consider the problems presented by S. 1035 and a future course of action. (See attached list of participants.)

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2. Discussion was preceded by the Agency security reindoctrination program lecture in order to point up the motivations in past defections from the U.S. intelligence community, which by extrapolation would point up the inherent problems to be anticipated if S. 1035 becomes law. All of the visitors felt the lecture was extremely good, particularly for this purpose.

3. In the general discussion following the lecture Mr. Kingsley, of AEC, suggested that we should consider a joint presentation to the House Subcommittee on the specific problems which S. 1035 creates for the intelligence community. Mr. Lysterly, of State, suggested that the problem is a very basic one of protecting the national security as against the protection of the constitutional rights of employees. He felt that there needs to be a definition as to the point at which national security considerations will override employee considerations. Mr. Pellerzi, of Civil Service Commission, felt that the case has not been fully made with the Congress for the need for an exemption of the intelligence community from the bill. He felt that national security and the executive privilege resulting therefrom have been overused in Washington to the point that they are no longer meaningful in Congress. He felt that we need to document our case with specific examples. Pellerzi noted that CSC will not oppose the first section of the bill, but will go all out in opposition to the enforcement sections as well as the section providing legal counsel at the initiation of an inquiry.

4. Although no specific conclusions were reached, it is believed that a rapport was developed among those participating which has not previously existed and that we will obtain much more support in opposition to the bill than we received when it was in the Senate.



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Assistant Legislative Counsel

Attachment:

List of participants

Distribution:

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MEETING ON S. 1035

24 January 1968

Mr. Leo M. Pellerzi  
General Counsel  
Civil Service Commission

Mr. Robert J. Andrews  
Office of Assistant General Counsel  
(Manpower and Reserve Affairs)  
Department of Defense

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General Counsel  
National Security Agency

Mr. Charles Bechhoefer  
Office of General Counsel  
Atomic Energy Commission

Mr. Sidney G. Kingsley  
Assistant General Counsel  
Administration and Legislation  
Atomic Energy Commission

Mr. Robert Tharp  
Division of Security, Personal Security  
Atomic Energy Commission

Mr. J. Edward Lyerly  
Deputy Legal Adviser for Administration  
Department of State

Mr. James H. Michel  
Legal Office  
Department of State

Mr. G. Marvin Gentile  
Deputy Assistant Secretary (Security)  
Department of State