



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Record

OMB
LEGISLATIVE LIAISON
84-2960

August 13, 1984

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

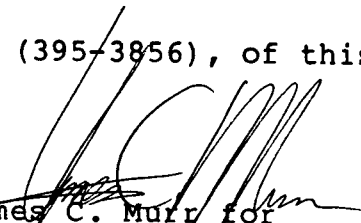
- Department of Justice
- Department of Defense
- Central Intelligence Agency ✓
- Department of Transportation
- Department of the Treasury
- National Security Council
- Department of State

SUBJECT: Agency letters (State, Treasury, CIA, and DOD) on S. 1787, the "drug czar" bill

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

FYI: NO RESPONSE NEEDED AT THIS TIME.

Direct your questions to Gregory Jones (395-3856), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

- cc: A. Curtis
- F. Kalder
- R. Neely
- P. Hughes



United States Department of State

Washington, D.C. 20520

Jones

AUG 8 1984

Dear Mr. Stockman:

The Department of State has been asked to comment on a Department of Justice letter to you, dated July 2, concerning S. 1787, the so-called "drug czar" bill.

The Department of State has consistently opposed such legislation, including H.R. 3963 which the President vetoed in 1983 on the recommendation of several Departments including State. We recently conveyed to you a response to Senator Thurmond in which the Department opposed H.R. 4028, another proposal to create a drug czar.

The Department was not consulted on the negotiations which led to S. 1787 prior to its passage February 7, nor did we obtain a draft of the Administration's language from Justice until after the bill had been passed. However, our views on predecessor drafts were made well known at meetings of the Cabinet in October, 1983, at which we said that the establishment of a drug czar is unnecessary and duplicative of the current Federal narcotics coordinating process.

The subject bill, while providing for a Board whose members would include the Secretary and the Director of Central Intelligence, would confer certain powers upon the Attorney General, separate from the Board's powers, and these authorities would have the effect of making the Attorney General the drug czar.

International narcotics control is an important foreign policy issue and, as clearly provided for in law, is an area for the Department to establish foreign policy directives. Given the vital importance of coordinated management of overall US bilateral relations with a dozen or more narcotics source countries, it would be inappropriate for another Cabinet officer to be establishing policy on narcotics-related foreign policy issues.

The Honorable
David A. Stockman,
Director,
Office of Management
and Budget.

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Moreover, as we said last October, we believe that, if negotiations commence again with the Congress, the Department of State and others should also be actively involved in developing the Administration's position; that the negotiating position developed in behalf of the Administration should not be limited to or even begin with the position Justice negotiated with the Senate but should contain the widest base of possible options for the President, including enhancement of the current Cabinet Council coordinating mechanism; and, the negotiations should involve the several key members of Senate and House who have influence on such legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Tapley Bennett, Jr.", written in a cursive style.

W. Tapley Bennett, Jr.
Assistant Secretary
Legislative and Intergovernmental Affairs

Central Intelligence Agency



Washington, D.C. 20505

20 July 1984

The Honorable David A. Stockman
Director, Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

This letter responds to OMB's request for comments on Assistant Attorney General McConnell's 2 July letter to you regarding CIA's concerns with Senator Biden's narcotics bill.

Despite the differences between CIA and the Department of Justice regarding the impact of Senator Biden's bill on the Intelligence Community, I do agree with the Department of Justice that it would be inappropriate to seek to amend Senator Biden's narcotics bill at this time since the bill does not appear to be moving. In fact, I did not suggest in my letter of 17 May that our proposed amendment be raised with Congress before it appeared likely that the House of Representatives would act on this legislation. Rather, it was my purpose to state for the record the serious intelligence concerns with this legislation.

We again must note that the Senate Bill S. 1787 would seriously and adversely affect (1) the DCI's responsibilities to coordinate intelligence collection and protect intelligence sources and methods, (2) his responsibilities in connection with the Intelligence Community budget, and (3) his equities regarding the assignment of Intelligence Community personnel.

As a member of the Cabinet Council on Legal Policy, we learned of Justice's alternative to S. 1787 but were never given the opportunity to review the specific proposal and didn't learn of the details of the legislation until it passed the Senate. Requests by our General Counsel to obtain access to the proposal from Justice were denied.

I would hope that the time afforded by the congressional delay in acting on this legislation will enable us to reach an accommodation

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that will alleviate our concerns. I have instructed my staff to work with Department of Justice in reaching an Administration position that will accommodate intelligence concerns.

Sincerely,

[Redacted Signature]

STAT

[Redacted Name] John N. McMahon
Deputy Director of Central Intelligence

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cc Assistant Attorney General,
Office of Legislative and
Intergovernmental Affairs

12-6/83.2
Jones



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301

20 JUL 1984

Honorable David A. Stockman
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Stockman:

This is in response to your request for the views of the Department of Defense on Central Intelligence Agency report dated 17 May 1984, regarding S. 1787, 98th Congress, a bill, "To establish an office of the Director of National and International Drug Operations and Policy."

While the Department of Defense favors efforts to improve the Government's ability to deal with the narcotics problem, and is dedicating increased efforts to that end, the Department of Defense is also concerned that certain aspects of S. 1787 could impact adversely on the Department's primary defense responsibilities.

The Department of Defense is concerned that subsections of the bill could provide the proposed National Drug Enforcement Policy Board with powers that might interfere with correct expenditure of defense resources as authorized and appropriated by Congress. Further, subsections of the bill might interfere with responsibilities vested in the Department of Defense for the assigned missions of the United States operating forces. On those subsections of the bill addressing the collection of foreign intelligence, the Department of Defense fully agrees with the Central Intelligence Agency report and believes the views expressed therein would equally apply to subsections of S. 1787 impacting on Department of Defense responsibilities. Also, we concur in the proposed revision of paragraph 4(d) of the bill, with addition of the following clause at the end of the revised language: " , or provided the Secretary of Defense by statute or Executive Order."

Sincerely,

Chapman B. Cox
Chapman B. Cox