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THE WHITE HOUSE  
WASHINGTON

December 10, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JACK MARSH

FROM:

JIM CONNOR 

SUBJECT:

Proposed Executive Order  
Restructuring and Revising  
the President's Foreign  
Intelligence Advisory Board

The President reviewed your recent undated memorandum on the above subject and approved the following:

I - Concerning Detailees:

"Permit detailing under the safeguards set forth in the proposed Order."

II - Concerning Issuing the Order:

Timing of Issuance: As soon as new Board Members are announced.

Please follow up with appropriate action.

cc: Dick Cheney


THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

THE PRESIDENT

FROM:

JACK MARSH 

SUBJECT:

Proposed Executive Order Restructuring and Revising the President's Foreign Intelligence Advisory Board

Attached for your approval is a proposed Executive Order restructuring and revising the President's Foreign Intelligence Advisory Board.

The Board is proposed to have responsibilities significantly broader than those of its predecessor. These include:

- Advising the President concerning its review of the foreign intelligence and counterintelligence activities of the United States government, including the quality of foreign intelligence collection and estimates; organization and management of the foreign intelligence community; and, in consultation with the Attorney General, the community's compliance with law.
- Make recommendations to you with respect to matters identified to the Board by the Director of Central Intelligence, the Director of the FBI, the Secretary of Defense and other components of the foreign intelligence community.

In addition, PFIAB would be authorized to receive, investigate, consider and make appropriate recommendations with respect to allegations of improprieties by intelligence community agencies made by employees of those agencies. The heads of foreign intelligence agencies would be authorized to seek the advice of PFIAB with respect to activities which are or may be improper, or give the appearance of impropriety; and the agencies would be required to make available to the Board all information it required. The Inspector General of each foreign intelligence agency would be authorized to report directly to the Board, after notifying his agency head.

The proposed Executive Order states that you will designate from among the Board members a chairman "who shall devote substantial time to his duties with the Board." The Order also indicates that PFIAB shall employ a staff headed by an Executive Secretary who shall be appointed by the President. If you approve the proposed Executive Order, a public announcement will be timed to coincide with your reappointment of the Chairman and new members (tentatively set for the week after your return from China).

There is one substantive area of disagreement between your advisers concerning this proposed Order. This issue, which requires your decision, is whether or not current employees of foreign intelligence community agencies may be detailed to the staff of PFIAB. (The entire staff of the current Board are detailees. The current Executive Secretary is from the CIA, and the other professional staff member is a military officer. The clerical employees are reimbursable detailees from the CIA, NSA and the State Department.)

As written, the proposed Executive Order would permit detailing of intelligence community employees, but provides a safeguard as follows:

"If the Executive Secretary or any member of the staff of the Board is appointed from an agency or department within the foreign intelligence community, then during his tenure with the Board, he shall be subject to no supervision, control, restriction or prohibition from such agency or department, and shall neither possess nor exercise any supervision, control, powers or functions (other than as a member of the staff of the Board) with respect to such agency or department."

There are three alternatives:

1. Permit detailing because:

- Because all of the PFIAB members are part-time advisers, they will require a staff with in-depth knowledge of, and access to, all aspects of the community.
- The safeguards in the current draft are the same as those provided under the National Security Act, and is designed to prevent detailed employees from being influenced by their parent agencies.
- Detailing would permit staff continuity at a time when there are substantial changes in the Board.

- Because of its concern over the size of the White House staff, Congress may refuse to authorize new positions for PFIAB staff.
2. Prohibit detailing because:
    - The Board has been given new responsibilities which make it inappropriate for the "watch dogs" to be employees of an agency being overseen.
    - The safeguards in the proposed Order are insufficient because any employee who continues to maintain a connection with an intelligence agency may be influenced in his work with the Board.
    - To keep PFIAB "pure", Congress will likely authorize whatever ceiling spaces are necessary.
  3. Permit only temporary detailees. This is a middle course option under which temporary details of intelligence community employees might be authorized on a case-by-case basis by the Chairman of the Board. However, the permanent staff would not be detailed from the intelligence agencies.

DECISION

## I. Concerning Detailees:

Prohibit detailing of intelligence community employees to the staff of PFIAB.

Favor: Lynn

Approve \_\_\_\_\_ Disapprove NR7

Permit detailing under the safeguards set forth in the proposed Order.

Favor: Colby, Scowcroft, Buchen, Kissinger

Approve NR7 \_\_\_\_\_ Disapprove \_\_\_\_\_

Permit detailing for temporary service only.

Favor: Marsh, Levi, Rumsfeld

Approve \_\_\_\_\_ Disapprove NR7

## II. Concerning Issuing the Order:

Kissinger, Colby and Buchen (would defer issuance of Order until Administration study on organization of intelligence community is completed); Scowcroft (would defer issuance until Executive Order imposing restrictions on intelligence activities is finalized); all other advisers favor issuance when new Board members are announced.

Timing of Issuance:

NR7 \_\_\_\_\_ As soon as new Board members are announced (shortly after your return from the PRC).

\_\_\_\_\_ As soon as Executive Order imposing restrictions on intelligence activities is finalized.

\_\_\_\_\_ Defer until completion of Administration study on organization of intelligence community.

PRESIDENT'S ADVISORY BOARD ON THE FOREIGN  
INTELLIGENCE COMMUNITY

There is a need for improved review of the foreign intelligence community and advice to the President on the quality of the community's activities and its compliance with law and applicable Executive Orders. This order establishes the President's Advisory Board on the Foreign Intelligence Community to perform these tasks.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section 1. There is hereby established the President's Advisory Board on the Foreign Intelligence Community, hereinafter referred to as "the Board." It shall:

(a) advise the President concerning its review of the foreign intelligence and counterintelligence activities of the United States Government. The Board's areas of concern shall include quality of foreign intelligence collection and estimates, organization and management of the foreign intelligence community, and in consultation with the Attorney General, compliance of the foreign intelligence community with applicable provisions of the Constitution and laws of the United States, executive orders, and directives of the National Security Council;

(b) receive, consider, and make recommendations with respect to matters identified to the Board by the Director of Central

Intelligence, the Secretary of Defense, the Director of the Federal Bureau of Investigation and heads of other government departments of the foreign intelligence community.

(c) where appropriate, be utilized by the Director of Central Intelligence and the Attorney General in carrying out their responsibilities; and

(d) submit interim reports and recommendations, at least annually, to the President on its findings and appraisals.

Section 2. The Board may receive, investigate, consider, and make appropriate recommendations with respect to allegations of improprieties involving agencies within the foreign intelligence community made by employees of such agencies. In this connection, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, and the heads of other departments, agencies and organizations comprising the foreign intelligence community, and the Inspectors General thereof, after notification to their organization heads, may seek the advice of the Board with respect to activities or categories of activities which in the light of the statutory authority of any such agency, or any restrictions imposed by law or Executive Order, may have been, or, if implemented, might be, improper or appear to be improper. The Board shall consult the Attorney General with respect to any questions of legality. As



appropriate, the Chairman of the Board may designate a special panel of the Board to receive and make recommendations to the Board on such allegations.

Section 3. As used in this order, the term "foreign intelligence community" means those organizations (or subdivisions thereof) which collect, disseminate or evaluate foreign intelligence or counterintelligence.

Section 4. (a) In order to facilitate performance of the Board's functions, the Director of Central Intelligence, the Secretary of Defense, the Director of the Federal Bureau of Investigation and heads of other government departments of the foreign intelligence community shall regularly:

(1) make available to the Board all information with respect to foreign intelligence, foreign counterintelligence, and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order;

(2) notify the Board of major issues in the foreign intelligence community;

(3) identify to the Board specific operational issues or matters in which there is a potential for official or public concern;

(b) Each Inspector General (or other official with equivalent duties) of the foreign intelligence community shall have the authority to

report directly to the Board, after notifying the head of his organization concerning matters over which the Board has cognizance.

(c) The head of each organization in the foreign intelligence community shall designate in writing to the Board the name of an individual and office to serve as the primary point of contact in support of Board functions. In addition, the Board is authorized to call upon persons at all levels within the foreign intelligence community.

Section 5. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of ability, knowledge, diversity of background and experience, and with a view toward achieving continuity. The members shall receive compensation and allowances consonant with law.

Section 6. The President shall designate from among the Board members a Chairman who shall devote substantial time to his duties with the Board.

Section 7. The Board shall employ a staff headed by an Executive Secretary, who shall be appointed by the President.

(a) If the Executive Secretary or any member of the staff of the Board is appointed from an agency or department within the foreign intelligence community, then during his tenure with the Board, he shall be subject to no supervision, control, restriction or prohibition from such agency or department, and shall neither possess nor exercise

any supervision, control, powers or functions (other than as a member of the staff of the Board) with respect to such agency or department.

(b) The Executive Secretary shall be authorized, subject to the approval of the Board and in a manner consonant with law, to hire and fix the compensation of such additional personnel as may be necessary for performance of the Board's duties.

Section 8. Compensation and allowances of the Board, the Executive Secretary, and other members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the appropriation appearing under the heading "White House Office" in the Executive Office Appropriation Act or, to the extent permitted by law, from corresponding appropriations made in future years. Such payments shall be made without regard to the provisions of Section 3681 of the Revised Statutes and Section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

Section 9. The Board shall succeed to the records held by the President's Foreign Intelligence Advisory Board, established by Executive Order No. 11460 of March 20, 1969.

Section 10. Executive Order No. 11460 of March 20, 1969, is hereby revoked.