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~~TOP SECRET~~

THE WHITE HOUSE
WASHINGTON

August 13, 1976

MEMORANDUM FOR: PHIL BUCHEN
FROM: JIM CONNOR *JEC*
SUBJECT: Intelligence Oversight Board Report
Dated August 6, 1976

The President reviewed your memorandum of August 12 on the above subject and approved investigation of facts by you and NSC staff member.

Please follow-up with appropriate action.

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

~~TOP SECRET~~

~~TOP SECRET~~ACTION

THE WHITE HOUSE

WASHINGTON

August 12, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL BUCHEN *P.*

SUBJECT: Intelligence Oversight Board Report
Dated August 6, 1976

I. BACKGROUND

Attached at Tab A is a report to you from Chairman Murphy of the Intelligence Oversight Board, along with a memorandum of its staff on which the report is based.

This report is made pursuant to Section 6(a)(v) and (vi) of your Executive Order 11905 which requires the Board to report to you and the Attorney General "any activities that raise serious questions about legality" and to you alone "any activities that raise serious questions about propriety." This report appears to raise both questions of "legality" and those of "propriety."

The Attorney General has received a similar report and I have talked to him. He does not look upon the report as raising any question of criminality but merely of whether there was a requirement to comply with Section 662 of the Foreign Assistance Act, and, if so, whether there was a failure to do so. This statute requires that no funds can be expended by CIA for certain activities unless and until you find them to be important to the national security and report to certain Committees of the Congress.

II. RECOMMENDATIONS

The Board's staff memorandum does not reflect a thorough examination of the facts. Therefore, before you receive your own legal advice on the issue raised by the Board,

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E.O. 12356, Sec. 3.4.

~~TOP SECRET~~

MR 95-39, #26, CIA 6/11/98 7/22/98

By Ut, NARA, Date 10/20/98

I believe you should authorize me to dig further into the facts of the matter. I would propose to do so by having Brent Scowcroft assign someone from the NSC staff to join me in talking first to George Bush and then to those people at CIA who may have direct knowledge of the activities in question. Also, we would examine whatever documentary evidence is available. At the conclusion of this process, I would report to you and the Attorney General whatever findings we make and then confer with the Attorney General as to what would be the most appropriate legal advice to you. Jack Marsh and Brent Scowcroft concur in this recommendation.

On the question of propriety, after all the facts are in, you may want to have the Operations Advisory Group study the matter from a policy standpoint and make a recommendation to you.

III. ACTION

RR7

Approve investigation
of facts by Buchen
and NSC staff member

_____ See me to discuss

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00820

Collection/Series/Folder ID No. : 004700174
Reason for Withdrawal : NS,National security restriction
Type of Material : LET,Letter(s)
Creator's Name : Robert Murphy
Receiver's Name : President
Description : re activity of the intelligence c
ommunity which raises a question of legality
Creation Date : 08/06/1976
Volume (pages) : 2
Date Withdrawn : 05/19/1988

*exempted 7/98
let 6/2000*

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00821

Collection/Series/Folder ID No. : 004700174
Reason for Withdrawal : NS,National security restriction
Type of Material : BRP,Briefing Paper(s)
Description : detailed discussion of the issues
of legality and propriety
Creation Date : 08/06/1976
Volume (pages) : 5
Date Withdrawn : 05/19/1988