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[ca. 12/2/75]

FROM PRESIDENT HAS SENT

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

THE PRESIDENT

FROM:

JACK MARSH

SUBJECT:

Background Information on Intelligence  
Matters

Purpose

This memorandum is designed to summarize background information about foreign intelligence matters. This is one in a series of responses to your instructions to the Intelligence Coordinating Group you created on September 19. The Group is developing decision papers for your use in determining what the Administration's position should be concerning legislation in the intelligence area.

This memorandum contains a summary of the current structure of the foreign intelligence community, a brief statement of some of the key issues which have surfaced during the current intelligence investigations, and an analysis of the principal studies and reports affecting the intelligence community.

Historical Perspective

The statutory basis for the intelligence community that exists today is the National Security Act of 1947. There was a consensus when this was enacted some twenty-eight years ago that the Nation had to take steps to avoid "another Pearl Harbor". This served us well during the Cold War. The problem is: does this structure fit today's world and the dynamic relationships which now exist?



Although the organization of the intelligence community has been tinkered with since the '47 Act, it has remained basically unchanged, although there has been a plethora of recommendations that it be more radically restructured. You have an historical opportunity to review the structure, operations and role of the intelligence community in our society. There exists a unique potential to exercise leadership in this important area in an attempt to strengthen our foreign intelligence capability, while making it responsive to fundamental personal and civil liberties.

Many of the issues which this review will present, are questions which have gone unanswered since the adoption of our Constitution. For example, the Nation has never squarely faced the appropriate balance which should be struck between Congress' right to know and the Executive's need to maintain secrecy in the intelligence area.

### The Decision Process

As you are reviewing this paper, the NSC is undertaking a study, with all the relevant agencies participating, to develop legislative options for your consideration concerning the intelligence community. The results of this study will be submitted to the Intelligence Coordinating Group, which will review it and develop decision papers for you.

As an interim step, we will give you a more detailed "issues paper" shortly after your return from China.

Decision papers which will be a product of the Intelligence Coordinating Group review and the NSC study, will be presented to you the week prior to your scheduled departure for Vail.

Our intention is to present the issues to you for decision in time to announce your intelligence legislative package in, or shortly following, your State of the Union Address.



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Jim -

I plan to keep the President's copy  
here. OK?

Trudy