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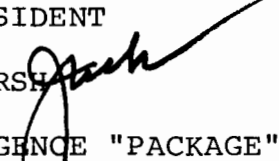
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THE WHITE HOUSE

WASHINGTON

February 13, 1976

~~THE~~ PRESIDENT HAS SEEN.....

MEMORANDUM FOR THE PRESIDENT
FROM: JACK MARSH 
SUBJECT: INTELLIGENCE "PACKAGE"

Attached is a very rough draft of your foreign intelligence actions. This is being used for internal staffing within the White House and contains assumptions which, in some cases, are not based on final decisions from you.

For example, the "charters" in Section IV of the Executive Order, are still being negotiated with the departments and agencies involved. Also, our thinking at this time is to recommend that you change the name of the Foreign Intelligence Committee to avoid the acronym "FIC", and rename it the Committee on Foreign Intelligence. Also, portions of the draft Message to Congress are probably too detailed and may reflect positions with which you disagree.

My purpose for giving you the draft book at this time is to provide you with reference material should you wish to work on this subject during your trip to Florida.

THE PRESIDENT



The President's Actions

concerning the

Foreign Intelligence Community

February 1976

THE PRESIDENT HAS SEEN ~~THE~~ ... go on

IMPORTANT NOTE

THIS BOOK CONTAINS DRAFTS FOR INTERNAL WHITE
HOUSE STAFF USE ONLY. THE DOCUMENTS SHOULD BE
TREATED AS CONTAINING CLASSIFIED INFORMATION.
THEY MAY NOT REFLECT FINAL DECISIONS.

SPEECH ON INTELLIGENCE DECISIONS

Tonight I will tell you the actions I have taken to improve and strengthen the Federal Government's foreign intelligence capability. This is a serious matter involving the future security of the United States and the individual rights of each American.

For over a year, there have been sensational disclosures of abuses and illegalities involving our intelligence agencies, including the Central Intelligence Agency, the National Security Agency and others. Much of the Nation has focused on stories of abuses -- some serious mistakes which must never be repeated and others embellished by sensationalism.

But while revelations of abuses captured headlines, serious work was underway in the Executive Branch to determine how well the Nation's Intelligence Community is serving the national defense and foreign policy needs we now have in this changing world.

I believe that most Americans are asking the same two questions that I have asked:

Are the intelligence agencies providing the United States with the protection it must have; and

Are they operating within appropriate legal bounds?

DECLASSIFIED
E.O. 13526 (as amended) SEC 3.3
NSC Memo, 3/30/06, State Dept. Guidelines
By HR NARA, Date 8/31/12



Tonight as I speak, the answer to both questions is yes. Yet they can be strengthened.

Nineteen seventy-six will see a change in the foreign Intelligence Community, but it must not be triggered by a false impression of our need for the capability it gives the country. The reason for change is because we have faced squarely, for the first time in our history, the question of how a Constitutional democracy should conduct foreign intelligence. The lesson of the past year is that just as the Nation needs a strong Intelligence Community, so does the Community need the strong support of the Nation. In our Constitutional democracy, individuals, not institutions, must be responsible and responsive to the people.

Our history is replete with examples of why we need effective foreign intelligence. No nation has ever been able to operate without the knowledge of what its world neighbors are doing. One of the first acts of the Continental Congress was to establish a Secret Committee charged with clandestinely procuring arms and ammunition for the American Revolutionary forces.

This week we celebrate the 244th birthday of George Washington. General Washington relied on intelligence and covert operations. In a letter to Governor Patrick Henry of Virginia on February 24, 1777, George Washington wrote: "...there are some Secrets, on the keeping of which so depends, oftentimes,



the salvation of an Army: Secrets which cannot, at least ought not to, be entrusted to paper, nay, which none but the Commander in Chief at that time should be acquainted with."

Last week we celebrated the 167th birthday of Abraham Lincoln. He, too, relied on intelligence and covert actions. He recruited an agent who remained behind Confederate lines throughout the war transmitting information to the President on troop movements and strengths, and procuring the plans of Confederate fortifications.

Many of us remember the activities of intelligence during World War II. For example, the Allies successfully made the Germans believe in two non-existent armies. This kept German forces tied down and shielded Allied plans to land in Normandy.

The need for effective intelligence and the ability to conduct covert operations has not diminished as the Nation continues to grow. Indeed, with the new realities facing us in the world today, the need has increased. The threat of nuclear proliferation is very real. The military might of our adversaries is growing.

It is essential that we continue our efforts to limit the strategic arms race. Intelligence made the first agreements possible, and we cannot move forward to new agreements if we do not have intelligence to monitor compliance and to keep us informed of foreign weapons development.

We must also face other realities that will cause tension among nations in the coming years. The resources of our planet




are finite. Yet population growth in many nations continues unchecked. With more demand for fewer resources, nations as well as people can turn to radical means to satisfy their needs. We have already seen that economic cartels, controlling a vital raw material, can damage our way of life. Terrorists and extremists have repeatedly demonstrated their abilities to disrupt our lives.

We must expect to see more, not fewer, of these problems. Our Nation cannot be prepared to deal with them without the essential foreknowledge that good intelligence can and must provide. Our policymakers must have the best possible understanding of the forces at work beyond our borders. Such understanding is made possible by good intelligence.

With foreknowledge and understanding, our Nation can often take steps to avert crises -- to iron out problems while they are still problems, not full-blown crises. Some of these steps may well be secret ones.

You have heard people ask why America cannot openly help nations or people abroad, why we must sometimes do things secretly. In an ideal world, perhaps we could proceed just with open assistance and open diplomacy. But we must recognize that in the real world many who support democratic forms of government would find acknowledging American help could handicap or even make their efforts impossible. We must not foreclose our options for helping those abroad who, like Americans, see democracy as the lasting hope for a peaceful world. Nor should we forget that this nation was much helped through its



first few years by aid from outside -- a French covert action program.

I have taken action today to insure that the foreign intelligence system of the United States provides the support necessary to develop and implement national security and foreign relations policies while protecting the Constitutional rights of every American.

As the Nation's Chief Executive Officer and Commander in Chief of our Armed Forces, I must provide for the national security and conduct the foreign policy of this country. I also have the responsibility to faithfully execute the laws of the United States and a moral responsibility to adhere to standards which are even stricter than the law or the Constitution.

On both counts, I am accountable to the Congress and to the country for the activities of the Executive Branch.

Tonight, I will address three issues. First, you will learn what the intelligence agencies have been ordered to do; second, what it is they are prohibited from doing; and, third, how I propose to hold them accountable to these standards -- to me, to Congress and, most importantly, to the 214 million Americans we all serve.

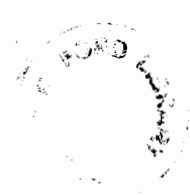
First, what should the intelligence agencies do? In the field of foreign intelligence, the new realities of 1976 require a fundamental change. For two hundred years, the Nation has conducted foreign intelligence activities under a veil of secrecy which was rarely penetrated. The activities

were secret, the identities of the people involved were secret, and even the organizations themselves were secret.

While the need for secrecy remains, and indeed new laws are required to enforce secrecy, there must be a better public understanding and acceptance of why we need the intelligence agencies and of what it is they should be doing.

Up until now, the responsibilities of our intelligence agencies have not generally been defined publicly. The National Security Act of 1947, which created the CIA, appropriately does not refer to other intelligence organizations, such as the National Security Agency. Also, the command of the overall Intelligence Community has again, appropriately, been done by secret Executive directives. However, the public debate of 1975 demonstrates that we can no longer expect the people to support our intelligence efforts just on blind faith and the rhetoric of government officials. There must be a rational basis for that support and for the legitimate secrecy that must accompany effective foreign intelligence.

Accordingly, today I signed an Executive Order establishing, for the first time in our history, ~~providing~~ public policy guidance for the foreign intelligence agencies and a specific command structure for the Community. ^{This Order} ~~These charters~~ will permit the American people to judge the appropriateness and effectiveness of their intelligence agencies.



This action today will establish a framework within which the foreign intelligence agencies can serve this Nation in a manner that provides the national security protection and foreign policy support we need and yet encourage public confidence.

I have put into this Executive Order the responsibilities currently assigned to these agencies which I believe should continue. I have also imposed additional duties and restrictions. In summary, the foreign intelligence responsibilities have been assigned as follows:

The CIA has primary responsibility to produce what we call national intelligence. This is the information concerning world events designed to enable top policy-makers within the Executive Branch to conduct foreign policy and plan for our national security. This Agency will also maintain and improve a national intelligence analytical base and conduct foreign counterintelligence activities, as well as other activities, such as covert operations, necessary to carry out the specific responsibilities in the Executive Order.

The Department of State is responsible for the overt collection of foreign, non-military information. It also shall produce departmental intelligence and work with the CIA in the production of national intelligence.

The Department of Treasury is responsible for the overt collection of foreign economic information. It also works with CIA in producing national economic intelligence.



The Department of Defense has broad responsibilities for the overt collection, outside the United States, of foreign military and military-related information. This, then, is used by the Defense Department and the Central Intelligence Agency to produce national intelligence. The Department of Defense also maintains and operates the National Military Intelligence Center, which provides strategic warning. The National Security Agency, which is located in the Defense Department, has full control over all communications intelligence, including cryptological responsibilities. The Defense Department also undertakes special collection efforts referred to as "national collection means" designed to support the basic need for producing information which will be used to develop national intelligence.

As you know, the Federal Bureau of Investigation is responsible for conducting foreign counterintelligence activity within the United States, and other domestic activities related to foreign intelligence here at home.

Other agencies, such as the Energy Research and Development Administration, have specific responsibilities in such areas as nuclear intelligence.

My Executive Order not only improves our ability to develop good intelligence. It is also designed to help prevent our foreign intelligence agencies from being used to spy here at home on lawful citizens.



The most important abuses were first examined in detail by the Rockefeller Commission which I established in January 1975. Their examination was limited to domestic activities of the CIA, the area most troublesome to Americans.

The Executive Order will outlaw domestic physical surveillance and electronic surveillance except in the most carefully controlled circumstances spelled out in the Order. It will also prohibit unauthorized searches, opening of mail, examining tax returns, infiltrating organization in the U.S., testing of drugs without consent, and operating proprietary companies except for clearly defined foreign intelligence objectives. This Order also prevents the collection and dissemination of information on U.S. persons except for limited and valid intelligence purposes spelled out in detail. The Order makes it clear that the CIA will not have domestic police powers or assist law enforcement authorities except as provided by law.

This Order augments steps already taken. Working quietly with departmental and agency heads last year, I established principles which were then implemented with agency guidelines to stop abuses and prevent their reoccurrence. For example, last August, the CIA implemented comprehensive guidelines covering all their conduct and specifically addressing the following subjects: the proper scope of CIA's relations check with other agencies and departments of the Federal Government as well as state and local governments; appropriate CIA relations with American citizens both at home and abroad; and new

guidelines to define CIA's proper domestic activities. In addition, the total ban issued in 1972 on any CIA involvement with any assassination plot or effort was categorically restated. [FBI guidelines insert]

In addition, the Department of Defense established new guidelines covering the activities of the National Security Agency on , and now has a new command structure to guide its foreign intelligence activities.

[Today, I have also proposed legislation governing the opening of United States citizens' mail, and I endorse and will work for enactment of legislation such as that proposed by the Senate Select Committee to prohibit assassination of foreign leaders during peacetime.]

Let us now turn to the third area of concern, accountability -- accountability to the President, to the Congress and, ultimately, to the people. Much of what has occurred in the past and described as abuses, may be attributed to lack of accountability, but also to changing standards by which we judge the actions of the intelligence agencies.

The standards to which they will be held accountable must be permanent. Nothing is more destructive of one's morale and effectiveness than to be judged by a changing standard. This is as unfair to individuals as it is ineffective to maintaining sound legal and moral standards.

But we must strike a sensible balance between the need for durable standards and sufficient flexibility to enable me and future Presidents to react appropriately to changing




world conditions. The United States has, and will continue to have, enemies. We must never bind our own hands so tightly that we become a helpless giant in a very real and very hostile world.

I have today established by the Omnibus Executive Order, a process to govern and manage the Intelligence Community which will result in holding individuals clearly accountable in the future for their actions and the actions of their institutions.

As you can see from this chart [simple chart of previous Intelligence Community command structure], the Intelligence Community used to be run by a plethora of coordinating mechanisms, committees, groups and other entities, which diffused responsibility and resulted in a lack of accountability.

I have changed this, as you can see here [chart of new organization]. Under this procedure, the President and his National Security Council will be held accountable for the overall policy directions given to the Intelligence Community. This is consistent with and builds on the National Security Act of 1947, and thus implements the clear intention of Congress and the lessons we have learned over the past thirty years.

We will provide direction to the Foreign Intelligence Committee, which I have just created by Executive Order. This will be a very small group, chaired by the Director of




Central Intelligence, George Bush, and assisted by the Deputy Secretary of Defense for Intelligence and the Deputy Assistant to the President for National Security Affairs. They will have responsibility to [insert].

In order to insure that our foreign intelligence activities are providing the kind of information that is relevant to today's problems, the National Security Council will undertake semi-annual reviews of the intelligence product. This will be done in coordination with [insert].

I have also established by Executive Order, an Intelligence Oversight Board. This Board will receive and consider reports by the Inspectors General and General Counsels of the Intelligence Community concerning activities that raise questions of legality or propriety. It will report periodically to the Attorney General, and to me, on activities that raise serious questions about the legality of the Intelligence Community activities. If there are issues of impropriety which do not raise legal questions, they will report these directly to me.

This action has been taken pursuant to my Presidential powers, because that is a responsibility I have under Article II of the Constitution. The founding fathers wisely established a system of government whereby national security and foreign affairs could be conducted with flexibility and appropriate secrecy. This must be done by the President as head of the Executive Branch, but done in a manner in which he can be held accountable by the American people for the actions and policies he undertakes.



I fully endorse the Constitutional responsibilities of Congress to oversee the actions of the Executive. Indeed, I have provided unprecedented support to its recent intelligence investigations, and I feel, personally, appropriate Congressional oversight is imperative.

However, if Congress is to continue an active oversight role, it must do so in a manner that protects legitimate foreign intelligence secrets. The record of the past year does not instill confidence that Congress can keep secrets. Accordingly, I have asked the Vice President to [insert].

In addition to the actions that I have announced tonight, I will also propose limited, but important, legislation to improve the overall performance of secrecy by all individuals under Executive Branch control who handle this classified information. Accordingly, I have sent to the Congress today legislation to enable our government to protect its vital intelligence secrets. This legislation would make it a crime for those who are authorized to know our intelligence secrets to reveal this information improperly.

Let me stress the word "improperly". This legislation would in no way prevent people from reporting questionable activities to appropriate authorities in the Executive and Legislative Branches of the government. It could not be used to cover up abuses.



It is not an official Secrets Act aimed at the news media. It would affect only those who improperly disclose secrets, not those who might receive the information.

But we must halt the irresponsible and downright dangerous exposure of America's proper intelligence secrets. We will not tolerate the loss of the people and technical systems that provide our intelligence. They are our first line of defense, and we must keep them strong.

[Conclusion]



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UNTIL 9:01 P.M. (EST)

February 17, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

The President's Actions Concerning
the Foreign Intelligence Community

SUMMARY

The President has today taken the following comprehensive actions to strengthen the United States foreign intelligence departments and agencies: (1) issued an Omnibus Executive Order establishing policy guidelines and restrictions for the intelligence agencies and a new command structure and oversight mechanism for the intelligence community; (2) proposed new legislation to protect the secrecy of particularly sensitive intelligence information, prevent unauthorized opening of mail and endorsed legislation to prohibit assassinations of foreign leaders; and, (3) proposed a framework in which constructive Congressional oversight can be established without disclosing intelligence secrets.

OBJECTIVES OF THE PRESIDENT'S ACTIONS

The President's actions are designed to insure that:

- (1) The United States has a strong and effective capability to gather and evaluate foreign intelligence and conduct necessary covert operations; and
- (2) These activities are conducted in a Constitutional and lawful manner and never aimed at our own citizens.

The President's actions will strengthen our foreign intelligence capability and establish an effective process to prevent abuses by:

- (A) Setting forth in Executive Order, policy guidance for the foreign intelligence agencies which define what functions they are supposed to carry out and which clearly states what they are not permitted to do.
- ||

- (B) Creating a streamlined command structure for intelligence community leadership which makes specifically designated individuals accountable.
- (C) Requiring the NSC to conduct semi-annual reviews of the adequacy of the foreign intelligence "product" and establishing the Intelligence Oversight Board to monitor compliance with the restrictions which have been placed on the intelligence community's activities.

OMNIBUS EXECUTIVE ORDER

(1) Control and Direction of Intelligence Organizations

(A) Overall Policy Development

1. The National Security Council (NSC) will continue to exercise overall policy control over the foreign intelligence community.
2. Statutory members are:
 - The President
 - Vice President
 - Secretary of State
 - Secretary of Defense
3. The NSC will conduct a semi-annual policy review of foreign intelligence activities focused on, but not limited to, the following:
 - Needs of government foreign policy-makers and the responsiveness of foreign intelligence to these needs, including the quality, scope and timeliness of the intelligence product;
 - The effective and efficient use of resources in the collection of intelligence information; and
 - The continued appropriateness of ongoing covert operations and sensitive intelligence collection missions.

The Assistant to the President for National Security Affairs will have staff responsibility for the semi-annual policy reviews. Heads of the departments and agencies which "use" foreign intelligence will be consulted.

(B) Management and Resource Control

1. Responsibility for management and resource control of the foreign intelligence community is vested by Executive Order in the Foreign Intelligence Committee (FIC), which reports directly to the NSC.

2. Membership is:

The Director of Central Intelligence (DCI), Chrmn.
 - Deputy Secretary of Defense for Intelligence
 - Deputy Assistant to the President for National Security Affairs

(NOTE: Staff support shall be provided by the intelligence community staff headed by a new Assistant DCI.)

3. The Foreign Intelligence Committee shall:

- Control budget preparation and resource allocation for the National Foreign Intelligence Program (defined as excluding tactical intelligence).
- Establish management policies for the Foreign Intelligence Program.
- Carry out policy decisions of the NSC with particular emphasis on collection and production of national intelligence.

4. Decisions of the FIC may be reviewed by the NSC upon its own initiative or upon appeal by the Director of Central Intelligence or the Secretary of Defense.

(C) Production of National Intelligence

1. Responsibility for the production of substantive national (i.e., not tactical or departmental) intelligence is vested in the Director of Central Intelligence. The DCI is the President's primary advisor on foreign intelligence.

2. To assist in developing national intelligence requirements and priorities, and in developing finished national intelligence, the DCI shall establish such boards and committees (similar to the former USIB) of the intelligence community as will enable him most effectively to utilize the talent of the community to produce the best possible intelligence product.

(D) Covert Action and Other Special Operations

1. Responsibility to review and advise the President on covert operations and certain sensitive foreign intelligence collection missions is assigned by Executive Order to the Special Intelligence Operations Group (SIOG).

2. New membership is:

Assistant to the President for National Security Affairs, Chairman

- Secretary of State
- Secretary of Defense
- Director of Central Intelligence
- Chairman of the Joint Chiefs of Staff

Observers are:

Attorney General
OMB Representative

3. The Special Intelligence Operations Group shall:

- Consider and make recommendations to the President on all proposals for covert action and certain sensitive intelligence collection missions.
- Submit to the NSC a periodic review of ongoing covert operations and sensitive intelligence collection missions.
- Meet formally to carry out its responsibility to make recommendations to the President.

(E) The following existing committees or organizations are abolished:

- (1) United States Intelligence Board
- (2) Intelligence Resources Advisory Committee
- (3) National Security Council Intelligence Committee
- (4) Executive Committee for resource control of certain intelligence collection activity
- (5) 40 Committee

(2) Responsibilities and Duties of the Intelligence Community

(A) The Senior Official of each organization of the intelligence community shall insure his organization operates in accordance with the Executive Order. He shall establish a system of independent inspection within the organization and provide information to the NSC, FIC, IOB and PFIAB. Other responsibilities as designated in Section IV of the Order.

(B) CIA is responsible, among other duties as defined in Section IV of the Order, for:

- Production of national intelligence
- Maintain and improve a national intelligence analytic base
- Collection by other than normal, overt means
- Foreign counterintelligence activities
- Undertake activities defined in the Executive Order necessary to implement the above

(C) The Department of State is primarily responsible for overt collection of foreign, non-military information. Its Bureau of Intelligence and Research shall also produce departmental intelligence and contribute to national intelligence production.

(D) The Department of Treasury is responsible for overt collection of foreign, economic information.

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00707

Collection/Series/Folder ID No. : 004700173
Reason for Withdrawal : NS,National security restriction
Type of Material : PRR,Press Release(s)
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Description : re President's action concerning
the foreign intelligence community
Creation Date : 02/12/1976
Volume (pages) : 1
Date Withdrawn : 05/16/1988

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(3) Restrictions on Intelligence Activities

The Executive Order prohibits or severely restricts the following activities by United States foreign intelligence agencies:

- Collection and analysis of information on the domestic activities of United States citizens, corporations and organizations and permanent resident aliens (referred to as U.S. persons).
- Physical or electronic surveillance or physical searches of United States persons.
- Opening of United States mail in violation of law.
- Illegally obtaining federal tax returns or information.
- Infiltration of domestic groups for the purpose of influencing or reporting on them.
- Experimentation with drugs on humans without the subject's informed consent.
- Sharing among agencies information on the domestic activities of United States persons except in compliance with stringent safeguards.
- Assignment of personnel to other agencies.
- Providing assistance to law enforcement agencies in violation of law.
- Testing of electronic surveillance equipment within the United States.

Limited exceptions are permitted to allow the agencies to meet the legitimate foreign intelligence needs of the Nation. These narrow exceptions are expressed in detail in the Order. They are designed to permit the following activities under carefully defined circumstances:

- Collection of information on the domestic activities of U.S. persons in order to: conduct security checks on intelligence agency employees, contractors, people who are given access to classified information and persons who may assist the agency in the future. Overt collection of certain foreign intelligence information from other government agencies.
- Counterintelligence and counterespionage activities.

(4) Oversight of Intelligence Activities

1. Responsibility to assist the President, the NSC and the Attorney General in overseeing the intelligence community is assigned by Executive Order to the Intelligence Oversight Board (IOB).
2. New membership consists of three members of the PFIAB designated by the President. One of these will be designated by the President to be Chairman.
3. The Board shall:
 - Receive and consider reports by Inspectors General and General Counsels of the intelligence community concerning activities that raise questions of legality or propriety.
 - Review periodically the practices and procedures of the intelligence community Inspectors General and General Counsels designed to assist the Oversight Board.
 - Report periodically and in a timely manner, as appropriate, to the Attorney General and the President on any activities that raise serious questions about legality. It shall report to the President on activities that raise questions of propriety of intelligence community activities.
 - Receive staff support from elements of the Executive Office of the President, other than the PFIAB staff.

(5) Secrecy Protection

All persons given access to information containing intelligence sources and methods shall be required to sign an agreement that they will not disclose that information to persons not authorized to receive it.

MESSAGE TO CONGRESS AND PROPOSED LEGISLATION(A) Message

Today the President sent a message to the Congress which:

- (1) Advised the Congress of the actions he has taken by Executive Order.
- (2) Transmitted legislative proposals as indicated below.
- (3) Urged Congress to establish effective oversight consistent with the following general objectives:
 - The oversight functions should be centralized in a Joint House-Senate Committee to provide better security.
 - Both the House and Senate should adopt rules to insure that secrets will not be improperly disclosed.
 - The President's injunction of secrecy over foreign intelligence information provided to the Congress by the Executive Branch should not be lifted over his objections except by a two-thirds vote of both Houses.
 - The Executive Branch should keep the Joint Oversight Committee fully informed of foreign intelligence matters, but there should be no requirement for prior notification of specific activities.
- (4) Section 662 of the Foreign Assistance Act should be repealed. This requires the intelligence agencies to brief over six committees of Congress on covert operations and has resulted in unauthorized disclosures of classified information.

(B) Legislation

The President submitted the following proposed legislation:

- Secrecy of Sources and Methods

[insert]

- [Insert]

The President endorsed the objectives of the legislation proposed by the Senate Select Intelligence Committee to prohibit the assassination of foreign officials in peacetime.

~~THE PRESIDENT HAS SEEN~~ . 07470)

THE WHITE HOUSE

WASHINGTON

February 16, 1976


MEETING ON INTELLIGENCE DECISIONS

Monday, February 16, 1976

3:00 p.m. (45 minutes)

Cabinet Room

From: Jack Marsh



I. PURPOSE

To announce your decisions and receive any final arguments from key Administration officials.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background

You met with your principal advisors (generally the same group present today) on January 10th to discuss the intelligence options and again on the 30th to announce your tentative decisions.

B. Participants (Tab A)

C. Press Plan

Meeting will be announced, no press coverage.

III. AGENDA

See Tab B.

Participants

Secretary Donald Rumsfeld
Deputy Secretary Robert Ellsworth
General George Brown

Attorney General Edward Levi
FBI Director Clarence Kelley

Deputy Secretary Robert Ingersoll

DCI George Bush
Special Counsel Mitch Rogovin

Treasury General Counsel Richard Albrecht

Phil Buchen
Jack Marsh
Jim Lynn
Dick Cheney
Brent Scowcroft
Bill Hyland
Don Ogilvie
Peter Wallison (for the Vice President)
Mike Duval

SUGGESTED OPENING POINTS

- I have reached my decisions concerning the Intelligence Community after carefully considering the views of each of your agencies and departments, as presented at our meetings on January 10th and 30th, and in the personal meetings and papers you have sent me individually.
- These decisions are consistent with the objectives I have had throughout the past year, which are:
 - Strengthen the United States foreign intelligence capability, and
 - Insure that the activities of the Intelligence Community are not directed at U.S. citizens.
- To accomplish this, I will take the following action:
 1. Issue in an Omnibus Executive Order, a set of "charters" which give policy guidance to the Intelligence Community agencies, which defines, in general terms, what functions they are supposed to carry out.
 2. A comprehensive set of restrictions, also by Executive Order, which clearly states what activities are prohibited.
 3. A new command structure for the Intelligence Community which eliminates overlapping committees and other groups that have resulted in a lack of accountability. The key element in this new command structure will be the creation of the Committee on Foreign Intelligence, which will be chaired by the Director of Central Intelligence, George Bush, with the Deputy Secretary of Defense for Intelligence (Bob Ellsworth) and my Deputy Assistant for National Security Affairs (Bill Hyland) as members. This group will have basic resource and management control for the Intelligence Community.
 4. In order to strengthen the intelligence "product", the National Security Council will undertake semi-annual reviews of the intelligence output and provide policy direction as a result of these studies.

5. I will send a Message to Congress which will set forth some general principles concerning Congressional oversight, and the Message will also transmit legislation to strengthen secrecy over intelligence sources and methods. It will also endorse the general principles of a bill to prohibit assassination in peacetime.
 6. I will be meeting in the future with Congressional leaders to discuss legislation concerning electronic surveillance and mail openings.
 7. Finally, I will announce the members of the new Intelligence Oversight Board.
- I'd now like Jack Marsh to briefly cover the details of these decisions.

(Brief presentation by Jack Marsh)

C

THE PRESIDENT HAS SEEN.....

JOINT OVERSIGHT COMMITTEE

Membership:

Six from Senate

Chairman and ranking members of

- Senate Armed Services (Stennis, Thurmond)
- Senate Foreign Relations (Sparkman, Case)
- Senate Appropriations (McClellan, Young)

Six from House

Chairman and ranking members of

- House Armed Services (Price, Wilson)
- House Appropriations (Mahon, Cederberg)
- House International Relations (Morgan, Broomfield)

Role:

Oversight of foreign intelligence agencies

Repeal §662 of Foreign Assistance Act requiring reporting of covert actions and report instead to new oversight committee.

Leo Cherne is an economist, born in New York City. He graduated from New York University and its law school, and has received honorary degrees from Parsons College and Pace College. He is admitted to the New York bar and has been affiliated with the Research Institute, the New School in Social Research, the International Rescue Committee, the Lawyers Cooperative Publishing Company, and Freedom House. He has been an adviser to General MacArthur, and a member of the U.S. Commission on International Educational and Cultural Affairs, the President's Intelligence Advisory Board, and the Select Commission on Western Hemisphere Immigration. He is also an author and sculptor, with works in the Kennedy Center, the Lyndon Baines Johnson Library and the Smithsonian Institution.

Robert Murphy was a career foreign service officer who rose to the rank of Ambassador and Under Secretary of State for Political Affairs. He was born in Milwaukee and educated at Marquette and George Washington University, where he received both LLB and LLM. He has received honorary degrees from Marquette University, Notre Dame, Harvard, New York University, and many others. He began his career with service in Switzerland, followed by other overseas assignments until he was detailed by President Roosevelt to French North Africa during the Second World War, was appointed the President's personal representative, and served as chief civil affairs officer on the African Headquarters staff of the Supreme Commander, General Eisenhower. He served in an advisory capacity throughout the War, served as Ambassador to Belgium and Japan, and as Assistant Secretary for U.N. Affairs before reaching the level of Under Secretary for Political Affairs. Upon retirement he became Chairman of Corning Glass and Director of several corporations and organizations. In his most recent service to the government, he was Chairman of the Congressionally established Commission on the Organization of the Government for the Conduct of Foreign Policy. He is married and has two children.

Stephen Ailes is a lawyer, born at Romney, West Virginia. He graduated from Princeton and went on to law school at the University of West Virginia. He is admitted to practice in West Virginia and the District of Columbia. He taught law at the University of West Virginia for three years and established private law practice in Martinsburg, West Virginia. His government experience included service in the Office of Price Administration as Assistant General Counsel, Counsel to the U.S. Economic Mission to Greece and Under Secretary and Secretary of the Army. He is now a partner in a Washington law firm. He is married and has four children.

THE PRESIDENT HAS SEEN.....

OBJECTIVES

TO ENSURE THAT:

- The US has a strong and effective capability to gather and evaluate foreign intelligence and conduct necessary covert operations
- These activities are conducted in a Constitutional and lawful manner and never aimed at our own citizens.

CARRIED OUT BY:

- Executive Order setting forth policy guidance defining the functions of the foreign intelligence agencies and clearly stating what they are not permitted to do.
- Streamlined command structure making designated individuals accountable.
- NSC carrying out semi-annual reviews of adequacy of intelligence product
- Intelligence Oversight Board established to monitor compliance with restrictions.

INTELLIGENCE COMMUNITY

- **Central Intelligence Agency**
- **Department of Defense**
 - **Defense Intelligence Agency**
 - **National Security Agency**
 - **Service Intelligence Agencies**
 - **Special Offices for Reconnaissance**
- **Department of State**
 - **Bureau of Intelligence and Research**
- **Department of Justice**
 - **Federal Bureau of Investigation**
- **Department of Treasury**
- **Energy Research and Development Administration**

INTELLIGENCE COORDINATING GROUP

- **Secretary of State**
- **Secretary of Defense**
- **Attorney General**
- **Director of Central Intelligence**
- **Assistant to the President for National Security Affairs**
- **Director of Office of Management and Budget**
- **Counsel to the President**
- **Counselor to the President, Chairman**
 - **Executive Director**

PRESIDENTIAL ACTIONS

- Issued an Omnibus Executive Order establishing policy guidelines and restrictions for the intelligence agencies and a new command structure and oversight mechanism.
- Proposed new legislation to protect the secrecy of sensitive intelligence information and to prevent unauthorized opening of the mail, and endorsed legislation to prohibit assassinations of foreign leaders.
- Proposed a framework for constructive Congressional oversight without disclosing intelligence secrets.

OMNIBUS EXECUTIVE ORDER

Control and Direction

NSC

OVERALL POLICY DEVELOPMENT:

- NSC will continue to exercise overall policy control

- Statutory members:

The President

Vice President

Secretary of State

Secretary of Defense

- NSC semi-annual policy review:

Needs of policy-makers and responsiveness of intelligence in quality, scope, and timeliness.

Effective and efficient use of resources in intelligence collection.

Continued appropriateness of ongoing covert operations and sensitive collection missions.

The Assistant to the President for National Security Affairs will have staff responsibility for the review.

OMNIBUS EXECUTIVE ORDER

Control and Direction

CFI

MANAGEMENT AND RESOURCE CONTROL

- Responsibility vested by Executive Order in COMMITTEE ON FOREIGN INTELLIGENCE, reporting directly to NSC
- Membership:
 - The Director of Central Intelligence, Chairman
 - Deputy Secretary of Defense for Intelligence
 - Deputy Assistant to the President for National Security Affairs
 - Executive Director for the Committee will be the
 - Deputy to the DCI for the Intelligence Community
- Committee shall:
 - Control budget preparation and resource allocation for National Foreign Intelligence Program, excluding tactical intelligence.
 - Establish management policies
 - Carry out NSC policy decisions with emphasis on collection and production of national intelligence.
- Committee decisions may be reviewed by NSC at its own initiative or upon appeal from DCI or Secretary of Defense.

OMNIBUS EXECUTIVE ORDER

Control and Direction

PRODUCTION OF NATIONAL INTELLIGENCE:

- DCI responsible for production of substantive national (not tactical or departmental) intelligence.
- DCI is the President's primary advisor on foreign intelligence.
- DCI shall establish such boards and committees as needed to help in developing national intelligence requirements and finished national intelligence.

OMNIBUS EXECUTIVE ORDER

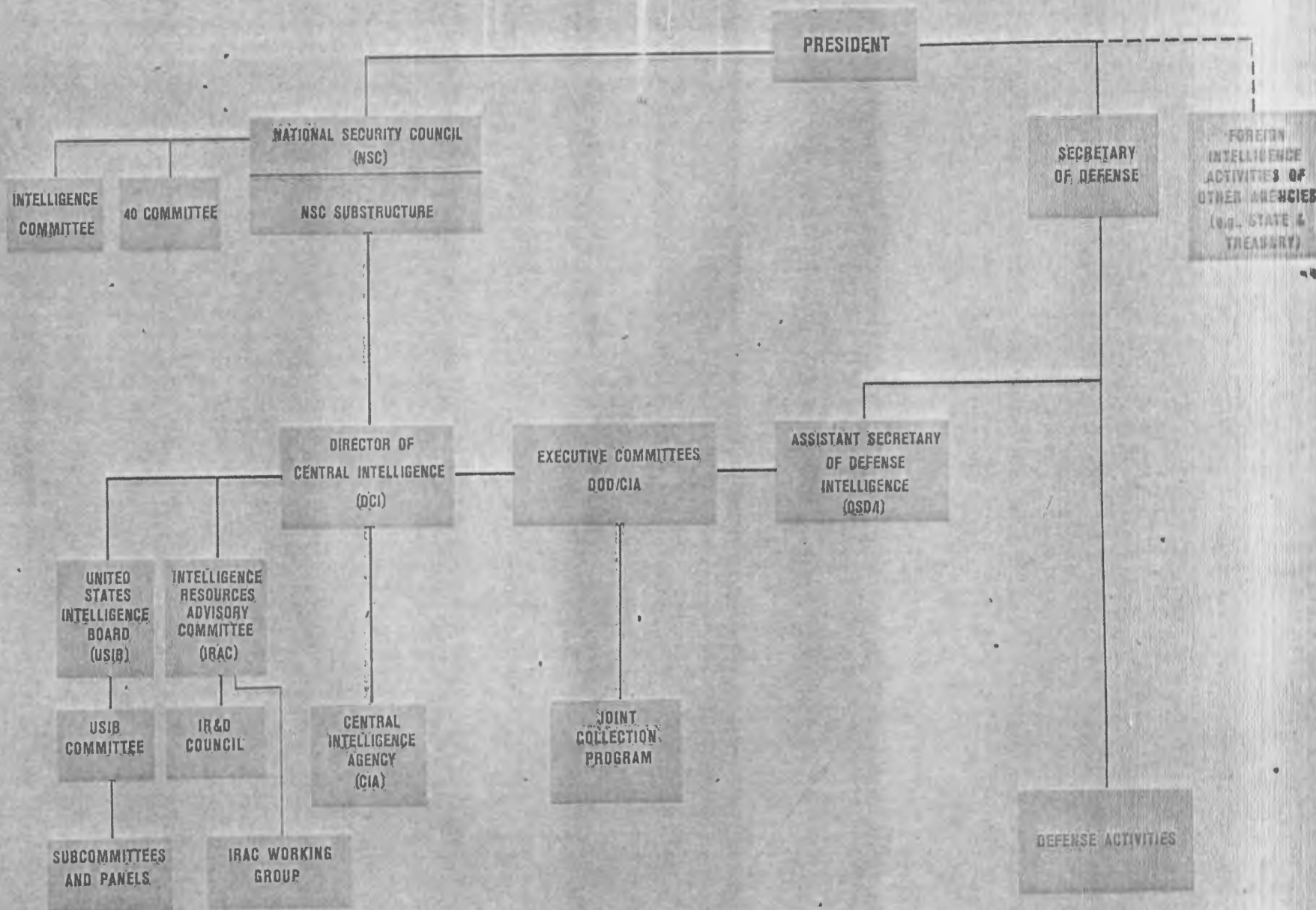
Control and Direction

COVERT ACTION AND OTHER SPECIAL OPERATIONS

- Responsibility for reviewing and advising the President assigned by Executive Order to the **OPERATIONS ADVISORY GROUP** (Operations Group)
- Membership:
 - Assistant to the President for National Security Affairs, Chairman
 - Secretary of State
 - Secretary of Defense
 - Director of Central Intelligence
 - Chairman of the Joint Chiefs of Staff
- Observers:
 - Attorney General
 - Director of OMB
- Special Intelligence Operations Group shall:
 - Consider and make recommendations to the President on all covert action proposals and certain sensitive intelligence collection missions.
 - Submit a periodic review to the NSC of ongoing operations and missions.
 - Meet formally.

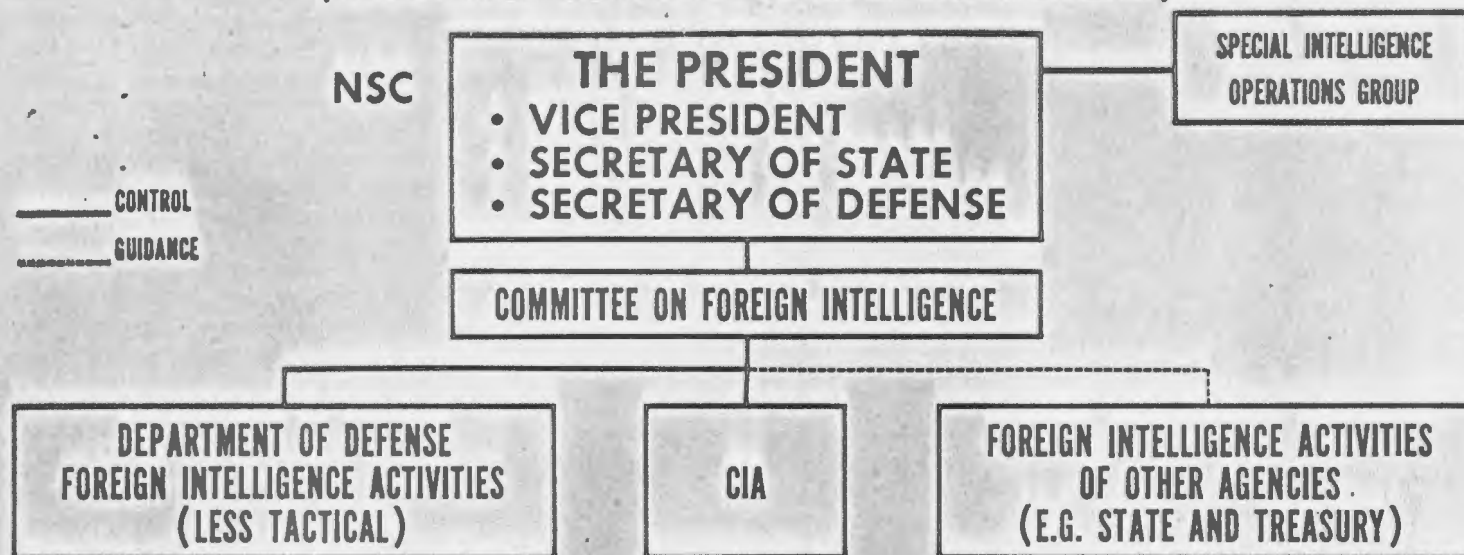
THE NATIONAL FOREIGN INTELLIGENCE COMMUNITY

(Resource Control and Management)



FOREIGN INTELLIGENCE

(RESOURCE CONTROL AND MANAGEMENT)



MEMBERSHIP:

COMMITTEE ON FOREIGN INTELLIGENCE (CFI)

- DIRECTOR OF CENTRAL INTELLIGENCE, CHAIRMAN
- DEPUTY SECRETARY OF DEFENSE FOR INTELLIGENCE
- DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

SPECIAL INTELLIGENCE OPERATIONS GROUP (OPERATIONS GROUP)

- ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS, CHAIRMAN
- SECRETARY OF STATE
- SECRETARY OF DEFENSE
- DIRECTOR OF CENTRAL INTELLIGENCE
- CHAIRMAN OF JOINT CHIEFS

OBSERVERS:

- ATTORNEY GENERAL
- DIRECTOR OF OMB

OMNIBUS EXECUTIVE ORDER

Responsibilities and Duties

- Senior official of each organization shall insure his organization is in compliance with Executive Order.

He shall establish a system of independent inspection and provide information to NSC, CFI, and IOB.

- The Central Intelligence Agency is responsible for:
 - Production of national intelligence
 - Maintenance and improvement of a national analytic base
 - Collection by other than normal, overt means
 - Foreign counterintelligence activities
 - Undertaking activities defined in the Order to implement the above

- Department of State is responsible for overt collection of foreign, non-military information. Bureau of Intelligence and Research shall produce departmental intelligence and contribute to national intelligence production.

- Department of Treasury is responsible for overt collection of economic information relating to foreign intelligence.

OMNIBUS EXECUTIVE ORDER

Responsibilities and Duties

● The Department of Defense and the Defense Intelligence Agency are responsible for:

- Overt collection outside the US of foreign military and military-related information.
- Managing Defense Attache system.
- Providing intelligence staff support to JCS.

● The National Security Agency is responsible for:

- Full control over signals intelligence collection activities.
- Producing and disseminating signals intelligence.
- Providing communications security services.
- Liaison with foreign signals intelligence services.
- Research and development related to signals intelligence.

● The Energy Research and Development Agency is responsible for producing intelligence relating to atomic and nuclear matters.

● The Federal Bureau of Investigation is responsible for:

- Collecting foreign intelligence in the US.
- Conducting foreign counterintelligence in the US including prevention of espionage, sabotage, and other unlawful acts.

OMNIBUS EXECUTIVE ORDER

Restrictions

PROHIBITS OR SEVERELY RESTRICTS:

- Collection and analysis of information on domestic activities of US persons (i.e., citizens, corporations, organizations and permanent resident aliens.)
- Physical or electronic surveillance or physical searches of US persons.
- Opening US mail in violation of law.
- Illegally obtaining federal tax returns or information.
- Infiltrating domestic groups to influence or report on them.
- Experimenting with drugs on humans without informed consent.
- Sharing information among agencies on domestic activities of US persons, except in compliance with safeguards.
- Assignment of personnel to other agencies without disclosure.
- Providing assistance to law enforcement agencies in violation of law.
- Testing electronic surveillance equipment in the US.

LIMITED EXCEPTIONS:

- Collecting information on domestic activities of US persons to:
 - conduct security checks on intelligence agency employees, contractors, people given access to classified information, and people who may assist the agency in the future.
- Overt collecting of certain foreign intelligence information from other government agencies.
- Counterintelligence and counterespionage activities.

OMNIBUS EXECUTIVE ORDER

Oversight

- Responsibility to assist President, NSC, and Attorney General assigned by Executive Order to the **INTELLIGENCE OVERSIGHT BOARD**

- Membership:

Three members from the private sector designated by the President, one designated by him as chairman. Also appointed as members of the President's Foreign Intelligence Advisory Board.

- The Oversight Board shall:

Receive and consider reports of Inspectors General and General Counsels regarding activities raising questions of legality or propriety.

Periodically review practices and procedures of intelligence community Inspectors General and General Counsels.

Periodically report to the Attorney General and the President on activities raising serious questions about legality. Report to the President on activities raising questions and propriety.

Receive staff support from elements of Executive Office of the President, other than persons with any affiliation with the intelligence community.

OMNIBUS EXECUTIVE ORDER

Secrecy Protection

All persons in the Executive Branch given access to information containing intelligence sources and methods shall be required to sign an agreement that they will not disclose that information to persons not authorized to receive it.

MESSAGE TO CONGRESS

- Advised Congress of actions taken by Executive Order.
- Transmitted legislative proposals.
- Urged effective Congressional oversight consistent with these objectives:
 - Centralized in Joint-House-Senate Committee to provide better security.
 - Both House and Senate should adopt rules to insure secrets will not be improperly disclosed.
 - Presidential secrecy injunctions should be respected.
 - Executive Branch to keep Committee fully informed:
No prior notification of specific activities .
- Recommended revision of Section 662 of Foreign Assistance Act to provide for oversight by new Joint Committee.

PROPOSED LEGISLATION

- **Secrecy of Intelligence Sources and Methods**
- **Endorsed objectives of legislation prohibiting assassination of foreign officials in peacetime.**
- **Will meet with congressional leaders to develop legislation concerning electronic surveillance and mail opening.**

~~THE~~ PRESIDENT HAS SEEN...

THE WHITE HOUSE

WASHINGTON

February 13, 1976

MEMORANDUM FOR: THE PRESIDENT
FROM: PHILIP BUCHEN *P.*
SUBJECT: Intelligence Legislation Proposed
by the Justice Department

Supplementing my earlier memorandum to you on this date, I attach copies of the three proposed bills as follows:

- . Assassination (See Tab A)
- . Electronic Surveillance (See Tab B)
- . Mail Openings (See Tab C)

APPENDIX A

[S. _____, 94th Cong., 1st sess.]

A BILL, To make unlawful the entering into a conspiracy to assassinate a foreign official outside the United States, the assassination of a foreign official outside the United States, or the attempted assassination of a foreign official outside the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended by adding immediately after Section 1117 the following new section:

"§1118. Conspiracy to assassinate foreign official outside the United States; attempted assassination of foreign official outside the United States; assassination of foreign official outside United States.

"(a) If any officer or employee of the United States or any other person while within the United States or the special maritime and territorial jurisdiction of the United States, conspires with any other such officer, employee or person to kill any foreign official because of such official's political views, actions or statements, while such official is outside the United States and such jurisdiction, and one or more such officers or employees or persons does any overt act within the United States or such jurisdiction to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

"(b) Whoever being an officer or employee of the United States, or a citizen of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, conspires with any other such officer or employee or with any other person or persons to kill any foreign official, because of such official's political views, actions or statements, while such official is outside the United States and such jurisdiction, and one or more such officers, employees, citizens or other persons does any overt act to effect the object of the conspiracy, shall be punished by imprisonment for any term of years or life.

"(c) Whoever being an officer or employee of the United States, or a citizen of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, attempts to kill any foreign official, because of such official's political views, actions or statements, while such official is outside the United States

and such jurisdiction, shall be punished by imprisonment for any term of years or life.

"(d) Whoever being an officer or employee of the United States, or a citizen of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, kills any foreign official, because of such official's political views, actions or statements, while such official is outside the United States and such jurisdiction, shall be punished as provided under sections 1111 and 1112 of this title, except that any such officer or employee or citizen who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

"(e) As used in this section, the term--

"(1) 'officer or employee of the United States' means any officer or employee, whether elected or appointed, in the executive, legislative, or judicial branch of the Government of the United States (including the District of Columbia) and its territories and possessions, and includes any officer or member of the armed forces;

"(2) 'foreign official' means a Chief of State or the political equivalent, President, Vice President, Prime Minister, Premier, Foreign Minister, Ambassador, or other officer, employee, or agent; (a) of a foreign government with which the United States is not at war pursuant to a declaration of war or against which United States Armed Forces have not been introduced into hostilities or situations pursuant to the provisions of the War Powers Resolution; or (b) of a foreign political group, party, military force, movement or other association with which the United States is not at war pursuant to a declaration of war or against which United States Armed Forces have not been introduced into hostilities or situations pursuant to the provisions of the War Powers Resolution; or (c) of an international organization;

"(3) 'foreign government' means the government of a foreign country, irrespective of recognition by the United States;

"(4) 'international organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunity Act (22 U.S.C. 288);

"(5) 'citizen of the United States' means, in addition to a United States citizen, any national of the United States, and any person who has been and is classified as an alien admitted to the United States as a permanent resident under the laws of the United States." *

Sec. 2. The analysis of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Conspiracy to assassinate foreign official outside United States; attempted assassination of foreign official outside United States; assassination of foreign official outside United States."

* Optional additional provision:

"(6) 'to kill because of the victim's political views, actions, or statements' includes a requirement that the person subject to this Act have premeditated and specific intent to kill the particular victim."

C. THE NEED FOR A STATUTE

Commendable and welcome as they are, these CIA directives are not sufficient. Administrations change, CIA directors change, and someday in the future what was tried in the past may once again become a temptation. Assassination plots did happen. It would be irresponsible not to do all that can be done to prevent their happening again. A law is needed. Laws express our nation's values; they deter those who might be tempted to ignore those values and stiffen the will of those who want to resist the temptation.

The Committee recommends a statute¹ which would make it a criminal offense for persons subject to the jurisdiction of the United States (1) to conspire, within or outside the United States, to assassinate a foreign official; (2) to attempt to assassinate a foreign official, or (3) to assassinate a foreign official.

Present law makes it a crime to kill, or to conspire to kill, a foreign official or foreign official guest while such a person is in the United States. (18 U.S.C. 1116-1117). However, there is no law which makes it a crime to assassinate, to conspire to assassinate, or to attempt to assassinate a foreign official while such official is outside the United States. The Committee's proposed statute is designed to close this gap in the law.

Subsection (a) of the proposed statute would punish conspiracies within the United States; subsection (b) would punish conspiracies outside the United States. Subsection (b) is necessary to eliminate the loophole which would otherwise permit persons to simply leave the United States and conspire abroad. Subsections (c) and (d), respectively, would make it an offense to attempt to kill or to kill a foreign official outside the United States.

Subsections (a), (b), (c), and (d) would apply expressly to any "officer or employee of the United States" to make clear that the statute punishes conduct by United States Government personnel, as well as conduct by private citizens. In addition, subsection (a), which covers conspiracies within the United States, would apply to "any other person," regardless of citizenship. Non-citizens who conspired within the United States to assassinate a foreign official would clearly come within the jurisdiction of the law. Subsections (b), (c), and (d), which deal with conduct abroad, would apply to United States citizens, and to officers or employees of the United States, regardless of their citizenship. Criminal liability for acts committed abroad by persons who are not American citizens or who are not officers or employees of the United States is beyond the jurisdiction of the United States.

"Foreign official" is defined in subsection (e) (2) to make clear that an offense may be committed even though the "official" belongs to an insurgent force, an unrecognized government, or a political party. The Committee's investigation—as well as the reality of international politics—has shown that officials in such organizations are potential targets for assassination.² Killing, attempting to kill, or conspiring to kill would be punishable under the statute only if it were politically motivated. Political motivation would encompass acts against foreign officials because of their political views, actions, or statements.

The definition of "foreign official" in section (e) (2) also provides that such person must be an official of a foreign government or movement "with which the United States is not at war pursuant to a declaration of war or against which the United States Armed Forces

¹ The recommended statute is printed in Appendix A.

² For example, Lumumba was not an official of the Congolese government at the time of the plots against his life, and Trujillo, even though the dictator of the Dominican Republic, held no official governmental position in the latter period of his regime.

have not been introduced into hostilities or situations pursuant to the provisions of the War Powers Resolution." This definition makes it clear that, absent a declaration of war or the introduction of United States Armed Forces pursuant to the War Powers Resolution, the killing of foreign officials on account of their political views would be a criminal offense.

During the Committee's hearings, some witnesses, while strongly condemning assassination, asked whether assassination should absolutely be ruled out in a time of truly unusual national emergency. Adolf Hitler was cited as an example. Of course, the cases which the Committee investigated were not of that character. Indeed, in the Cuban missile crisis—the only situation of true national danger considered in this report—assassination was not even considered and, if used, might well have aggravated the crisis.

In a grave emergency, the President has a limited power to act, not in violation of the law, but in accord with his own responsibilities under the Constitution to defend the Nation. As the Supreme Court has stated, the Constitution "is not a suicide pact." (*Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 160 (1963))

During an unprecedented emergency, Abraham Lincoln claimed unprecedented power based on the need to preserve the nation:

* * * my oath to preserve the Constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government—that nation—of which that Constitution was the organic law. Was it possible to lose the nation, and yet preserve the Constitution? By general law, life and limb must be protected; yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the Constitution, through the preservation of the nation * * *. (*The Complete Works of Abraham Lincoln*, Vol. X, pp. 65-66.) (Nicolay and Hay, Eds. 1894.)

Whatever the extent of the President's own constitutional powers, it is a fundamental principle of our constitutional system that those powers are checked and limited by Congress, including the impeachment power. As a necessary corollary, any action taken by a President pursuant to his limited inherent powers and in apparent conflict with the law must be disclosed to Congress. Only then can Congress judge whether the action truly represented, in Lincoln's phrase, an "indispensable necessity" to the life of the Nation.

As Lincoln explained in submitting his extraordinary actions to Congress for ratification:

In full view of his great responsibility he has, so far, done what he has deemed his duty. You will now, according to your own judgment, perform yours. (Abraham Lincoln, Message to Congress in Special Session, July 4, 1861.)

A B I L L

To amend Title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
that this Act may be cited as the "Foreign Intelligence Surveillance Act of 1976."

Sec. 2 Title 18, United States Code, is amended by adding a new chapter after Chapter 119:

Chapter 120. Electronic Surveillance within the United States for Foreign Intelligence Purposes --

Section 2521. Definitions.

(a) Except as otherwise provided in this section the definitions of Section 2510 of this title shall apply to this chapter.

(b) As used in this chapter --

1. "agent of a foreign power" means a person who is an officer or employee of a foreign government or who, pursuant to the direction of a foreign government or foreign based terrorist group, is consciously engaged in spying, sabotage, or terrorist activities.

2. "electronic surveillance" means the acquisition, by an electronic device, without the consent of any party thereto, of the contents of a wire communication to or from a person within the United States, or of an oral communication within the United States, or of a radio transmission made with a reasonable expectation of privacy where the point of origin and all intended recipients are located within the United States..

3. "foreign intelligence information means:

(i) information relating to the ability of the United States to protect itself against actual or potential attack or other hostile acts of a foreign power or its agents;

(ii) information, with respect to foreign territories, deemed necessary to the security of the nation or to the conduct of the foreign affairs of the United States;

(iii) information relating to the ability of the United States to protect national security information against foreign intelligence activities.

4. "Attorney General" means the Attorney General of the United States or in his absence the acting Attorney General.

Section 2522. Authorization for Electronic Surveillance for Foreign Intelligence Purposes.

The Attorney General, pursuant to written authorization by the President, may approve an application to a Federal judge having jurisdiction under section 2523 of this chapter, and such judge may grant an order, in conformity with section 2525 of this chapter, approving electronic surveillance of an agent of a foreign power for the purpose of obtaining foreign intelligence information.

Section 2523. Designation of Judges Authorized to Grant Orders for Electronic Surveillance.

(a) The Chief Justice of the United States shall designate seven district court judges, any one of whom shall be authorized to hear applications for and grant orders approving electronic surveillance anywhere within the United States under the procedures set forth in this chapter.

(b) The United States shall have the right to appeal the denial of any application made under this chapter to a panel of three judges chosen by the Chief Justice from among the judges of the United States Court of Appeals for the District of Columbia Circuit, and shall further have the right to appeal an affirmance of denial by the panel to the Supreme Court.

(c) Applications made and orders granted under this chapter shall be sealed by the presiding judge and shall be kept under security measures established by the Chief Justice

in consultation with the Attorney General.

Section 2524. Application for an Order.

(a) Each application for an order approving electronic surveillance under this chapter shall be made in writing upon oath or affirmation to a judge having jurisdiction under section 2523 of this chapter. Each application must be approved by the Attorney General and shall include the following information:

1. the identity of the officer making the application;
2. the authority of the applicant to make the application;
3. a statement of the facts and circumstances relied upon by the applicant to justify his belief that
 - (i) the target of the electronic surveillance is an agent of a foreign power;
 - (ii) the facilities or the place at which the electronic surveillance is directed are being used, or are about to be used, by an agent of a foreign power;
 - (iii) the information sought will be acquired if the electronic surveillance is permitted;
4. a statement of the procedures by which the acquisition and retention of non-foreign intelligence

information will be minimized.

5. a description of the type of information sought and a certification by the Assistant to the President for National Security Affairs or any other appropriate Executive branch official appointed by the President by and with the advice and consent of the Senate that such information is foreign intelligence information that cannot feasibly be obtained by normal investigative techniques;

6. a statement of the means by which the surveillance will be effected;

7. a statement of the facts concerning all previous applications known to the Attorney General that have been made to any judge under this chapter involving any of the persons, facilities or places specified in the application, and the action taken on each previous application;

8. a statement of the period of time for which the electronic surveillance is required to be maintained. If the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this chapter should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be

obtained thereafter.

(b) The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

(c) The judge may require the applicant to furnish such other information or evidence as may be necessary to make the determinations required by section 2525 of this title.

Section 2525. Issuance of an Order.

(a) Upon an application made pursuant to section 2524 of this title, the judge shall enter an ex parte order approving the electronic surveillance if he finds that:

1. the President has authorized the Attorney General to approve applications for electronic surveillance for foreign intelligence information;

2. the application has been approved by the Attorney General;

3. on the basis of the facts submitted by the application, there is probable cause to believe that:

- (i) the target of the electronic surveillance is an agent of a foreign power; and

- (ii) the facilities or place at which the electronic surveillance is directed are being used, or are about to be used, by an agent of a foreign power; and

(iii) the information sought will be obtained if the surveillance is approved.

4. minimization procedures to be followed are reasonably designed to minimize the acquisition and retention of non-foreign intelligence information;

5. certification has been made pursuant to section 2524 (a) (5) that the information sought is foreign intelligence information that cannot feasibly be obtained by normal investigative techniques.

(b) An order approving an electronic surveillance under this section shall:

1. specify:

(i) the identity or a characterization of the persons targeted by the electronic surveillance;

(ii) the nature and location of the facilities or the place at which the electronic surveillance will be directed;

(iii) the type of information sought;

(iv) the type of communication sought to be acquired and the means by which the electronic surveillance will be effected; and

(v) the period of time during which the electronic surveillance is approved; and

2. direct:

(i) that the minimization procedures be followed;

(ii) that, upon the request of the applicant, a specified communication or other common carrier, landlord, custodian, contractor, or other specified person furnish the applicant forthwith any and all information, facilities, technical assistance, or other aid necessary to accomplish the electronic surveillance in such manner as will protect its secrecy and produce a minimum of interference with the services that such carrier, landlord, custodian, contractor, or other person is providing the target of electronic surveillance; and

(iii) that the application compensate, at the prevailing rates, such carrier, landlord, custodian, or other person for furnishing such aid.

(c) An order issued under this section may approve an electronic surveillance for the period necessary to achieve its purpose, or for ninety days, whichever is less. Extensions of an order issued under this chapter may be granted upon an application for an extension made in the same manner as required for an original application and after findings required by subsection (a) of this section. An extension may be for the period

necessary to achieve the purposes for which it was granted, or for ninety days, whichever is less.

(d) Notwithstanding any other provision of this chapter, when the Attorney General reasonably determines that:

1. an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained, and

2. the factual basis for issuance of an order under this chapter to approve such surveillance exists, he may authorize the emergency employment of electronic surveillance if a judge designated pursuant to section 2523 of this title is informed as soon as possible after the decision is made to employ emergency electronic surveillance and if an application in accordance with this chapter is made to that judge within 24 hours after that decision, whether or not the electronic surveillance is still in effect at that time. The emergency electronic surveillance may continue until the judge approves or denies an order pursuant to subsection (a) of this section, but the judge shall stay the effect of his denial if the Attorney General appeals that denial within 24 hours.

(e) A judge denying an order under this section or a panel affirming such denial under section 2523(b) shall state

the reasons therefor.

Section 2526. Use of Information.

(a) Information acquired from an electronic surveillance conducted pursuant to this chapter may be used and disclosed by Federal officers and employees only to the extent that such use and disclosure is appropriate to the proper performance of their official duties.

(b) The minimization procedures required under this chapter shall not preclude the retention and disclosure of non-foreign intelligence information acquired incidentally which relates to a violent crime.

(c) When information acquired from or the product of an electronic surveillance conducted pursuant to this chapter is received in evidence in any trial, proceeding, or other hearing in any Federal or State court, the provisions of section 2518(9) of chapter 119 shall not apply. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

(d) If an emergency employment of electronic surveillance is authorized under section 2525(d) and a subsequent order approving the surveillance is not obtained, the judge with whom an application for an order under section 2524 is

filed shall cause to be served on the persons named in the application, and such other parties under electronic surveillance as the judge may determine in his discretion it is in the interest of justice to serve, an inventory which shall include notice of

1. the fact of the application;
2. the period of the surveillance; and
3. the fact that during the period information was or was not obtained.

On an ex parte showing of good cause to the judge the serving of the inventory required by this subsection may be postponed.

Section 2527. Report of Electronic Surveillance.

(a) Within thirty days after the expiration of the period of surveillance authorized in an order, or extension of an order, entered under section 2525, or after the denial of an application for an order or extension approving an electronic surveillance, the Attorney General shall report to the Administrative Office of the United States Courts:

1. the fact that an order or extension was applied for;
2. the kind of surveillance sought;
3. the fact that the application for the order or extension was granted as applied for, was granted

in modified form, or was denied;

4. the period of time the electronic surveillance;
was authorized by the order or extension; and

5. the identity of the officer making the application.

(b) In April of each year the Attorney General shall transmit to the Congress a report concerning the number of applications made for orders and extensions of orders approving electronic surveillance, and the number of such orders and extensions granted and denied, during the preceding calendar year.

C

To amend Title 18, United States Code, to authorize applications for a court order approving the opening of mail to obtain foreign intelligence information.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Mail Surveillance Act of 1976."

Sec. 2. Title 18, United States Code, is amended by adding a new Chapter after Chapter 120:

"Chapter 121. Opening United States mail for foreign intelligence purposes --

"Section 2528. Authorization for opening mail for foreign intelligence purposes.

"Notwithstanding any other provision of law, the Attorney General, pursuant to written authorization by the President, may approve an application to a Federal judge designated according to Section 2523 of Chapter 120 of this Title, and such judge may grant an order, in conformity with Section 2530 of this Chapter, approving the opening of first class mail in United States postal channels.

Section 2529. Application for an Order.

"(a) Each application for an order approving the opening of mail under this chapter shall be made in writing upon oath or affirmation to a judge designated pursuant to Section 2523 of Chapter 120 of this Title. Each application must be approved by the Attorney General and shall include the following information:

"(1) The identity of the officer making the application;

"(2) The authority of the applicant to make the application;

"(3) A statement of the facts and circumstances relied upon by the applicant to justify his belief that the person whose mail is to be opened is consciously engaged in spying, sabotage, or terrorist activities pursuant to the direction of a foreign government or foreign terrorist group;

"(4) A description of the type of information sought and a certification by the Assistant to the President for National Security Affairs or any Executive Branch official appointed by the President

by and with the advice and consent of the Senate that such information relates to the ability of the United States to protect itself against actual or potential attack or other hostile acts of a foreign power, a foreign terrorist group, or their agents or relates to the ability of the United States to protect national security information against foreign intelligence activities, and that such information cannot feasibly be obtained by normal investigative techniques;

"(5) A statement of the procedures by which the acquisition and retention of information not relevant to the purpose for which the mail opening was approved will be minimized;

"(6) A statement of the facts concerning all previous applications known to the Attorney General that have been made to any judge under this Chapter involving any of the persons specified in the application, and the action taken on each previous application;

"(7) A statement of the period of time during which mail addressed to, intended for, or coming from the person described in paragraph (3) of this subsection may be opened. If the nature of the intelligence

gathering is such that the approval of the opening of mail under this Chapter should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter.

"(b) The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(c) The judge may require the applicant to furnish such other information or evidence as may be necessary to make the determinations required by Section 2530 of this Title.

"Section 2530. Issuance of an Order.

"(a) Upon an application made pursuant to Section 2529 of this Title, the judge shall enter an ex parte order approving the opening of mail if he finds that:

"(1) The President has authorized the Attorney General to approve applications for opening mail in United States Postal channels pursuant to this Chapter;

"(2) the application has been approved by the Attorney General;

"(3) on the basis of the facts submitted by the applicant, there is probable cause to believe that the

person whose mail is to be opened is consciously engaged in spying, sabotage, or terrorist activities pursuant to the direction of a foreign government or foreign terrorist group;

"(4) certification has been made pursuant to Section 2529(a)(4) of this Title that the information sought is information relating to the ability of the United States to protect itself against actual or potential attack or other hostile acts of a foreign power, foreign terrorist group, or their agents, or relating to the ability of the United States to protect national security information against foreign intelligence activities, which cannot feasibly be obtained by normal investigative techniques;

"(5) minimization procedures to be followed are reasonably designed to minimize the acquisition and retention of information not relevant to the purpose for which the mail opening was approved.

"(b) An order approving the opening of mail under this section shall

"(1) specify:

"(i) the identity, if known, of the person whose mail is to be opened, or, if the identity

of the person is not known, the address to which the mail to be opened is addressed,

"(ii) the type of information sought,

"(iii) the period of time during which such mail may be opened; and

"(2) direct:

"(i) that first class mail in United States postal channels addressed to, intended for, or sent from the person or address specified in subparagraph (i) of paragraph (1) of this subsection, may be opened,

"(ii) that the minimization procedures be followed, and

"(iii) that, upon the request of the applicant, United States Postal Service employees shall furnish the applicant forthwith any and all information, facilities, or other aid necessary to accomplish the mail opening in such a manner as will protect its secrecy and produce a minimum of interference with the timely delivery of mail.

"(c) An order issued under this section may approve the opening of mail for a period necessary to achieve its purpose,

or for thirty days, whichever is less. Extensions of an order issued under this chapter may be granted upon an application for an extension made in the same manner as required for an original application and after findings required by subsection (a) of this section. An extension may be for the period necessary to achieve the purposes for which it was granted, or for thirty days, whichever is less.

"(d) Notwithstanding any other provision of this chapter, when the Attorney General reasonably determines that:

"(1) An emergency situation exists with respect to the opening of mail for purposes authorized by this chapter before an order authorizing such opening can with due diligence be obtained, and

"(2) the factual basis exists for issuance of an order under this chapter to approve such opening, he may authorize the emergency opening of mail of a person believed to be consciously engaged in spying, sabotage, or terrorist activities pursuant to the direction of an foreign government or foreign terrorist group, if a judge designated pursuant to section 2523 of this Title is informed as soon as possible after the decision is made to employ emergency mail opening, and if an application in accordance with this Chapter is made to that judge within twenty-four hours after that decision, whether or not the

opening of mail continues at that time. The emergency opening of mail may continue until the judge approves or denies an order pursuant to subsection (a) of this section, but the judge shall stay the effect of his denial if the Attorney General appeals that denial within twenty-four hours.

"(e) If a judge denies an order applied for under this chapter, the United States shall have the right to appeal that denial to the panel of three judges specified in section 2523(b) of this Title. A judge denying an order under this chapter or a panel affirming such denial shall state the reasons therefor. The United States shall have the right to appeal an affirmance of a denial by the panel to the Supreme Court.

"Section 2531. Use of information.

"(a) Information acquired from the opening of mail conducted pursuant to this chapter may be used and disclosed by Federal officers and employees only to the extent that such use and disclosure is appropriate to the proper performance of their official duties.

"(b) The minimization procedures required under this chapter shall not preclude the retention and disclosure of non-foreign intelligence information incidentally acquired which is evidence of a violent crime.

"(c) No otherwise privileged communication obtained in accordance with, or in violation of, provisions of this chapter

shall lose its privileged character.

"(d) If an emergency mail opening is authorized under section 2530(d) and a subsequent order approving the opening is not obtained, the judge with whom an application for an order under section 2529 is filed shall cause to be served on the person named in the application, and such other parties whose mail was opened as the judge may determine in his discretion is in the interest of justice, an inventory which shall include notice of:

"(1) the fact of the application;

"(2) the period of the mail opening; and

"(3) the fact that during the period mail

was or was not opened.

On an ex parte showing of good cause to the judge the serving of the inventory required by this subsection may be postponed.

"Section 2532. Report of mail opening.

"(a) Within thirty days after the expiration of the period of mail opening approved in an order, or extension of an order, entered under section 2530, or after the denial of an application for an order or extension approving a mail opening, the Attorney General shall report to the Administrative Office of the United States Courts:

"(1) The fact that an order or extension was applied for;

"(2) the period of time during which the opening of mail was approved by the order or extension; and

"(3) the identity of the officer making the application.

"(b) In April of each year the Attorney General shall transmit to the Congress a report concerning the number of applications made for orders and extension of orders approving the opening of mail, and the number of such orders and extensions granted and denied, during the preceding calendar year."

February , 1976

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

The President's Actions Concerning
the Foreign Intelligence Community

SUMMARY

The President has today taken the following comprehensive actions to strengthen the United States foreign intelligence departments and agencies: (1) issued an Omnibus Executive Order establishing policy guidelines and restrictions for the intelligence agencies and a new command structure and oversight mechanism for the intelligence community; (2) proposed new legislation to protect the secrecy of particularly sensitive intelligence information, announced that he will meet with Congressional leaders to develop legislation concerning electronic surveillance and to prevent unauthorized opening of mail, and he endorsed legislation to prohibit assassinations of foreign leaders; and, (3) proposed a framework in which constructive Congressional oversight can be established without disclosing intelligence secrets.

OBJECTIVES OF THE PRESIDENT'S ACTIONS

The President's actions are designed to insure that:

- (1) The United States has a strong and effective capability to gather and evaluate foreign intelligence and conduct necessary covert operations; and
- (2) These activities are conducted in a Constitutional and lawful manner and never aimed at our own citizens.

The President's actions will strengthen our foreign intelligence capability and establish an effective process to prevent abuses by:

- (A) Setting forth in Executive Order, policy guidance for the foreign intelligence agencies which define what functions they are supposed to carry out and which clearly states what they are not permitted to do.
- (B) Creating a streamlined command structure for intelligence community leadership which makes specifically designated individuals accountable.
- (C) Requiring the NSC to conduct semi-annual reviews of the adequacy of the foreign intelligence "product" and establishing the Intelligence Oversight Board to monitor compliance with the restrictions which have been placed on the intelligence community's activities.

OMNIBUS EXECUTIVE ORDER(1) Control and Direction of Intelligence Organizations

(A) Overall Policy Development

1. The National Security Council (NSC) will continue to exercise overall policy control over the foreign intelligence community.
2. Statutory members are:
 - The President
 - Vice President
 - Secretary of State
 - Secretary of Defense
3. The NSC will conduct a semi-annual policy review of foreign intelligence activities focused on, but not limited to, the following:
 - . Needs of government foreign policy-makers and the responsiveness of foreign intelligence to these needs, including the quality, scope and timeliness of the intelligence product;
 - . The effective and efficient use of resources in the collection of intelligence information; and
 - . The continued appropriateness of ongoing covert operations and sensitive intelligence collection missions.

The Assistant to the President for National Security Affairs will have staff responsibility for the semi-annual policy reviews. Heads of the departments and agencies which "use" foreign intelligence will be consulted.

(B) Management and Resource Control

1. Responsibility for management and resource control of the foreign intelligence community is vested by Executive Order in the Committee on Foreign Intelligence (CFI), which reports directly to the NSC.
2. Membership of the CFI is:
 - The Director of Central Intelligence (DCI),
Chairman
 - Deputy Secretary of Defense for Intelligence
 - Deputy Assistant to the President for
National Security Affairs

(NOTE: Staff support shall be provided by the intelligence community staff.)
3. The Committee on Foreign Intelligence shall:
 - . Control budget preparation and resource allocation for the National Foreign Intelligence Program (defined as excluding tactical intelligence).

- . Establish management policies for the Foreign Intelligence Program.
 - . Carry out policy decisions of the NSC with particular emphasis on collection and production of national intelligence.
4. Decisions of the CFI may be reviewed by the NSC upon appeal by the Director of Central Intelligence or any member of the NSC.

(C) Production of National Intelligence

1. Responsibility for the production of substantive national (i.e., not tactical or departmental) intelligence is vested in the Director of Central Intelligence. The DCI is the President's primary advisor on foreign intelligence.
2. To assist in developing national intelligence requirements and priorities, and in developing finished national intelligence, the DCI shall establish such boards and committees (similar to the former USIB) of the intelligence community as will enable him most effectively to utilize the talent of the community to produce the best possible intelligence product.

(D) Covert Action and Other Special Operations

1. Responsibility to review and advise the President on covert operations and certain sensitive foreign intelligence collection missions is assigned by Executive Order to the Special Intelligence Operations Group (Operations Group).
2. New membership is:

Assistant to the President for National Security Affairs, Chairman

- Secretary of State
- Secretary of Defense
- Director of Central Intelligence
- Chairman of the Joint Chiefs of Staff

Observers are:

Attorney General
Director of OMB

3. The Special Intelligence Operations Group shall:
 - . Consider and make recommendations to the President on all proposals for covert action and certain sensitive intelligence collection missions.
 - . Submit to the NSC a periodic review of ongoing covert operations and sensitive intelligence collection missions.
 - . Meet formally to carry out its responsibility to make recommendations to the President.

(E) The following existing committees or organizations are abolished:

- (1) United States Intelligence Board
- (2) Intelligence Resources Advisory Committee
- (3) National Security Council Intelligence Committee
- (4) Executive Committee for resource control of certain intelligence collection activity
- (5) 40 Committee

(2) Responsibilities and Duties of the Intelligence Community

- (A) The Senior Official of each organization of the intelligence community shall insure his organization operates in accordance with the Executive Order. He shall establish a system of independent inspection within the organization and provide information to the NSC, CFI and Intelligence Oversight Board. Other responsibilities as designated in Section IV of the Order.
- (B) CIA is responsible, among other duties as defined in Section IV of the Order, for:
 - . Production of national intelligence
 - . Maintaining and improving a national intelligence analytic base
 - . Collection by other than normal, overt means
 - . Foreign counterintelligence activities
 - . Undertaking activities defined in the Executive Order necessary to implement the above
- (C) The Department of State is primarily responsible for overt collection of foreign, non-military information. Its Bureau of Intelligence and Research shall also produce departmental intelligence and contribute to national intelligence production.
- (D) The Department of Treasury is responsible for overt collection of foreign, economic information.
- (E) The Department of Defense is responsible for:
 - . Overt collection outside the United States of foreign military and military-related information.
 - . Produce that intelligence required to fulfill the responsibilities of DOD.
 - . Manage the Defense Attache system.
 - . Provide intelligence staff support to the Joint Chiefs of Staff.

The National Security Agency is responsible for:

- . Full control over signals intelligence collection activities.
- . Production and dissemination of signals intelligence.
- . Providing communications security services to the U.S. Government.
- . Research and development related to signals intelligence.

(F) The Energy Research and Development Administration is responsible for producing intelligence relating to atomic and nuclear matters.

(G) The Federal Bureau of Investigation is responsible for:

- . Making available to foreign intelligence agencies foreign intelligence and foreign counterintelligence which it collects.
- . Conducting foreign counterintelligence activities within the United States.

(3) Restrictions on Intelligence Activities

The Executive Order prohibits or severely restricts the following activities by United States foreign intelligence agencies:

- . Collection and analysis of information on the domestic activities of United States citizens, corporations and organizations and permanent resident aliens (referred to as U.S. persons).
- . Physical or electronic surveillance or physical searches of United States persons.
- . Opening of United States mail in violation of law.
- . Illegally obtaining federal tax returns or information.
- . Infiltration of domestic groups for the purpose of influencing or reporting on them.
- . Experimentation with drugs on humans without the subject's informed consent.
- . Sharing among agencies information on the domestic activities of United States persons except in compliance with stringent safeguards.
- . Assignment of personnel to other agencies.
- . Providing assistance to law enforcement agencies in violation of law.
- . Testing of electronic surveillance equipment within the United States.

Limited exceptions are permitted to allow the agencies to meet the legitimate foreign intelligence needs of the Nation. These narrow exceptions are expressed in detail in the Order. They are designed to permit the following activities under carefully defined circumstances:

- . Collection of information on the domestic activities of U.S. persons in order to: conduct security checks on intelligence agency employees, contractors, people who are given access to classified information and persons who may assist the agency in the future. Overt collection of certain foreign intelligence information from other government agencies.
- . Counterintelligence and counterespionage activities.

(4) Oversight of Intelligence Activities

1. Responsibility to assist the President, the NSC and the Attorney General in overseeing the intelligence community is assigned by Executive Order to the Intelligence Oversight Board (Oversight Board).
2. New membership consists of three members from the private sector designated by the President. One of these will be designated by the President to be Chairman. They will also be made members of the PFIAB.
3. The Board shall:
 - . Receive and consider reports by Inspectors General and General Counsels of the intelligence community concerning activities that raise questions of legality or propriety.
 - . Review periodically the practices and procedures of the intelligence community Inspectors General and General Counsels designed to assist the Oversight Board.
 - . Report periodically and in a timely manner, as appropriate, to the Attorney General and the President on any activities that raise serious questions about legality. It shall report to the President on activities that raise questions of propriety of intelligence community activities.
 - . Receive staff support from persons not connected with the intelligence community.

(5) Secrecy Protection

All persons given access to information containing intelligence sources and methods shall be required to sign an agreement that they will not disclose that information to persons not authorized to receive it.

MESSAGE TO CONGRESS AND PROPOSED LEGISLATION(A) Message

Today the President sent a message to the Congress which:

- (1) Advised the Congress of the actions he has taken by Executive Order.
- (2) Transmitted the legislative proposal as indicated below.
- (3) Urged Congress to establish effective oversight consistent with the following general objectives:
 - . The oversight functions should be centralized in a Joint House-Senate Committee to provide better security.
 - . Both the House and Senate should adopt rules to insure that secrets will not be improperly disclosed.
 - . The President's injunction of secrecy over foreign intelligence information provided to the Congress by the Executive Branch should be respected.
 - . The Executive Branch should keep the Joint Oversight Committee fully informed of foreign intelligence matters, but there should be no requirement for prior notification of specific activities.
- (4) Section 662 of the Foreign Assistance Act should be repealed. This requires the intelligence agencies to brief over six committees of Congress on covert actions and has resulted in unauthorized disclosures of classified information.

(B) Legislation

The President submitted the following proposed legislation:

- . Secrecy of Sources and Methods

This bill provides for:

- . Criminal penalties for the disclosure to unauthorized persons of information relating to intelligence sources and methods.
- . Limits its coverage to persons whose access to such information arouse out of their relationship to the Government (Government employees, contractors and contractor employees).
- . Injunctive relief where unauthorized disclosure is threatened and serious damage to the intelligence collection effort would result.

The President endorsed the objectives of the legislation proposed by the Senate Select Intelligence Committee to prohibit the assassination of foreign officials in peacetime.

The President also will meet with Congressional leaders to develop acceptable proposed legislation to control electronic surveillance in the United States and mail openings for foreign intelligence purposes.