

(South Africa Continued)

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\*We must, therefore, be very careful to avoid the British pushing us around a corner we don't want to turn. It may be fortuitous that the Zimbabwe nationalists and Nyerere have, for different reasons, questioned a strong U.S. role at a constitutional conference, but this was in no way thanks to Owen.

*Intelligence: Law Obstacles: Control*  
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*What is the issue with Defense - DOD's Position*  
9. Foreign Intelligence and Strategy with the Congress

\*You have a paper from Stan Turner and me recommending some initial decisions that should permit your entire intelligence program to go forward more smoothly and effectively.

\*We have coordinated closely with Vance, Griffin Bell, Bob Lipshutz, Zbig Brzezinski and Defense, too. If you take a decision now to endorse the principle of broad legislative charters for the intelligence agencies and if you have an early meeting with Inouye and his committee and with Tip O'Neill, we should be able to head off premature action by the Congress on intelligence legislation that would be inappropriate.

\*You also have our recommendation that Tom Farmer be named as the new Chairman of the IOB.

(During your discussion of this subject, you might wish to suggest to the President that you rather than he make the public statement on the President's initial decisions given your background in this field.)

9  
PT 7AB *Turner*

MEMORANDUM


OFFICE OF THE VICE PRESIDENT  
WASHINGTON

SECRET ATTACHMENT

INFORMATION

Memo No. 836-77  
April 15, 1977

MEMORANDUM FOR DICK MOE

FROM: Denis Clift   
SUBJECT: Vice President's April 18 Lunch  
with the President

I am attaching recommended talking points for inclusion in the overall memorandum you are preparing for the Vice President.

SECRET ATTACHMENT

DECLASSIFIED  
per 6/6/86 14-NSC  
NLSC-06-078  
BY BAS NARA, DATE 6/19/06

~~SECRET~~

April 15, 1977

(Clift Submission for Vice President's Lunch with the President, Monday, April 18, 1977)

6 Portugal -- Prime Minister Soares Visit

1. Your meeting with Prime Minister Soares should have a positive political impact on his position in Portugal.
2. I think the evolution of the democratic process under his leadership continues to be encouraging.
3. Following the overthrow of the earlier regime in 1974 and the dismantling of the African colonies, Portugal has had enormous economic and political problems to deal with.
4. I have been concerned over the FRG's resistance to the economic consortium proposal. The FRG views it as ad hoc, and prefers using the IMF. However, I understand there has been progress on an accommodation and that you will be able to propose a loan to Soares which should be acceptable to him. (NOTE: The Germans have suggested a sequence of bilateral arrangements until the IMF arrangements can be made -- with a total of some \$800 million to be loaned over 15 months. The President should have received a decision paper on this from Brzezinski by the time of your Monday luncheon.)

7 Southern Africa

1. Your message to Ambassador Bowdler should really help us have a clearer picture of what Vorster has in mind for a meeting with a U.S. emissary.
2. It has been intriguing over the last few days to see the number of nibbles we have been getting from the South Africans -- Mulder and Botha -- on the question of an emissary.
3. Admittedly with our own consent, the British have been very keen to bring us deeper into the Rhodesian situation. While we have gone as far as to tell the British that we support Owen's trip to Africa, and that we would co-sponsor a constitutional conference, Owen has hinted to the nationalists and to others with whom he has spoken that the U.S. might be prepared to do more.

~~SECRET~~

DECLASSIFIED  
per 6/6/06 1tr. NSC  
NLTC-06-078  
BY BRR NARA DATE 6/19/06

~~SECRET~~

4. Owen even has been hazy to the press about a possible U.S. military role in Rhodesia, saying to them in Capetown that while a UK military role is out of the question, he doubted US Congressional support for an American military role, that nevertheless was "one of the difficult questions to be worked out."

5. Owen has a limited franchise from his own cabinet and, despite his own wishes, has not received its approval to state that a constitutional conference will go ahead even if Smith does not agree to participate. In some ways, Owen has more support from us than he does from his own cabinet. At the same time, it is possible that without U.S. support, the British Cabinet would not have approved a new initiative on Rhodesia at this time since, with only UK backing, its prospects would be even dimmer than they are now.

6. We must, therefore, be very careful to avoid the British pushing us around a corner we don't want to turn. It may be fortuitous that the Zimbabwe nationalists and Nyerere have, for different reasons, questioned a strong U.S. role at a constitutional conference, but this was in no way thanks to Owen.

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~~SECRET~~

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10 June Marshall Plan Commemoration  
(Background papers attached)

1. The OECD is hosting a conference on June 2-3 honoring the 30th anniversary of the Marshall Plan.

2. Cy Vance has suggested that I be the speaker.

3. In my opinion, you might personally wish to select the ranking U.S. representative. Margaret Truman Daniel would be one recommendation -- her selection would serve to underscore the respect you have for President Truman and his role in Europe's post-war recovery.

~~SECRET~~

(South Africa Continued)

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DECLASSIFIED  
per 6/6/04 NSC letter  
NISC-06-078  
BY BAE NARA, DATE 6/19/06

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(South Africa Continued)

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MEMORANDUM FOR : The President  
FROM : The Vice President  
SUBJECT : Congressional And Executive Review  
of Major Foreign Intelligence Activities

The Executive Branch and Congress are both in the midst of a comprehensive review of major foreign intelligence activities and the organizational structure of the intelligence community. Prior to completion of the Executive Branch review the Select Committee on Intelligence may introduce legislation that, as now drafted, will be sharply resisted by many of the intelligence agencies and the Department of Defense. Such a decision on the part of the Select Committee holds promise of a major congressional/executive confrontation.

This memo addresses the problems raised by the dual review of intelligence activities and makes recommendations as to how to proceed.

#### Congress

On the Congressional side, the Select Committee on Intelligence is drafting--and has circulated to the Executive Branch for comment--the first few sections of the "National Intelligence Act of 1977." The proposed legislation--which does not as yet have the endorsement of the Select Committee itself--is designed to re-define the organizational structures of the intelligence community and to provide statutory charters for all foreign intelligence agencies.

The Select Committee is required under S. Res. 400 to report to the Senate no later than July 1st. on such matters as:

- the quality of the analytical capabilities of United States foreign intelligence agencies;
- the conduct of covert and clandestine activities;
- the organization of intelligence activities;
- and the "desirability" of developing charters for each intelligence agency and changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of secrets.

FOR OFFICIAL USE ONLY

There is no requirement under S. Res. 400, for legislative proposals by July 1. The proposed Senate legislation is imprecise in defining the roles and responsibilities of the departments and agencies of the Executive Branch engaging in intelligence activities; but is so detailed in its description of duties and functions of Presidential appointments, staffs, committees and boards as to degrade, if not destroy, Executive flexibility.

There is presently no parallel activity or pressure for legislation from the House of Representatives.

#### The Executive Branch

Your Presidential Review Memorandum/NSC-11 on intelligence is scheduled for completion on June 1st.

At issue is whether the Executive Branch should actively seek to discourage Congressional efforts to establish in statute intelligence legislation charters for the intelligence community, or alternately should support the general principle of legislation with caveats as to the timing and the level of specificity.

Without substantial revision, the proposed legislation, even without direct Presidential resistance, is most unlikely to pass both Houses of Congress. Moreover, it is far from clear that any form of intelligence legislation will be enacted by Congress. But at the same time, there are risks in not openly and actively supporting statutory charters for the intelligence agencies. Without a declared policy of support for such legislation, there would be charges that this Administration is as reluctant as the Nixon administration was in 1971 or President Ford was in 1976 to involve the Congress in any reorganization of the intelligence community. It may also be asserted that the Carter administration is actually opposed to statutory charters delineating the missions, authorities, and limitations for the intelligence agencies. The specific concern of whether the proposed legislation is sensible and workable might soon be lost in a general controversy over whether the Administration is resisting Congressional oversight of intelligence activities.

You could endorse the broad principle of intelligence legislation while arguing that what is required is broad and clear statutory authority for the intelligence agencies--but not to a level of legislative detail that would hamper effectiveness and flexibility.

Once you have endorsed the idea of the need for intelligence legislation, including charter for the agencies, it should be easier to convince Congress that such legislation would be wiser and more effective if the process had the benefit of both the Congressional and Executive Branch studies before legislation was introduced. If the Executive Branch study completes the PRM-11 by mid-June (and the study produces adequate basis for Presidential decision), then the timing would not be difficult to reconcile, with the Senate Report required no later than July 1.

#### Recommendation

The Senate Committee may introduce intelligence legislation before completion of the PRM-11 process. In its present form, this legislation will provoke intense and justified criticism and resistance from within the Administration, particularly from the Department of Defense. As a result, the White House will be placed in the difficult position of seeming to be opposed to intelligence legislation. Moreover, the ensuing controversy could damage prospects for workable and sensible legislation which the President has publicly supported.

The immediate objective, therefore, should be to convince appropriate Senators that the introduction of any legislation should be deferred until the PRM-11 study is finished; and indeed, until the Select Committee itself has submitted its own report. (As noted, the report to the Senate only calls for a study of the "desirability" of legislation including charters so deferral would not be defiance of any mandate).

If the Senators were assured that the Executive Branch would not issue an Executive Order in the immediate wake of the PRM-11 process and would systematically consult with the Select Committee before any such issuance, it is most likely that a request for deferral would be well accepted.

It is, therefore, recommended that you meet at an early date with the members of the Senate Select Committee (including

the Minority Leader who is an ex officio member of the Committee), the Chairmen of the Armed Services, and Judiciary committees, and the Majority Leader and make the following points:

- The Administration endorses the principle of intelligence legislation including the desirability of Charters defining the missions, authorities, and limitations for the intelligence agencies.
- At the same time, you believe that what is required is broad and clear general statutory authority for the intelligence agencies, but not to a degree of legislative detail that would limit flexibility in the use of these agencies and possibly hamper their effectiveness. Broad statutory authority supplemented by guidelines that receive the careful oversight of the Congress would give the country responsible, as well as responsive intelligence agencies.
- As for timing, you should urge the Committee and the leadership to defer the introduction of any legislative proposals until the Executive Branch has completed its review of intelligence activities and the Select Committee has sent its own report to the Senate as called for under S. Res. 400. You might note that under that resolution, the Committee must report on the desirability of developing charters for the intelligence agencies, and you assume that the Committee will so recommend. Deferring the introduction of any legislation until after that report will give both branches an opportunity to work against the background of these reports and in a cooperative atmosphere.
- You can assure the Senators that the Administration has no intention of issuing an Executive Order on intelligence in the immediate aftermath of its own study. Once the study is completed, the Executive Branch will move only in the closest consultation with the Congress to revising the intelligence Executive Order if that should prove to be what is required. It is your hope and expectation that the legislative process and the Executive Branch review will complement each other.

## Related Intelligence Matters

### --Disclosure of Budget Information on the Intelligence Community.

You may be asked whether you support the idea of publication of the aggregate figure for national intelligence. The Church Committee recommended that annual publication of the aggregate figure, but decided on request of the Ford Administration not to publish the figure in its final report.

The recommendation here is that if asked, you tell the Committee that your administration has no objection to the publication of the aggregate figure for the National Foreign Intelligence Program, but caution the Committee that disclosure on any further budget details is another matter, and may involve serious security risks.

### --The Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board (PFIAB).

You have publically supported and commended the Intelligence Oversight Board which was established by President Ford to prevent abuses in intelligence activities.

The meeting with the Congressional leaders would be an appropriate occasion to endorse again the idea of a strong oversight board and to state that you intend to appoint able and vigorous members to that board. You might announce the appointment of Tom Farmer as Chairman of the Board.

At the same time, you might be asked whether you intend to abolish the President's Foreign Intelligence Advisory Board (PFIAB). You might say here that you do intend to abolish the Foreign Intelligence Advisory Board believing that its oversight functions can and should be effectively taken over by the Senate Select Committee on Intelligence and hopefully, a corresponding committee in the House.

### --Sharing of information with the Congress and secrecy legislation including criminal penalties for disclosure by government officials.

On the sharing of information with Congress, you can assure the Senators that you are committed to full and frank sharing with the appropriate committees of sensitive information on both covert operation and clandestine collection. You might repeat your hope that the Congress will soon have one joint congressional committee with a limited membership to whom we can reveal what is going on in its entirety.

As for legal sanctions for the protection of sources and methods, it is recommended that you state that the entire matter of protecting sensitive information is being carefully studied by an Executive Branch Committee chaired by the Attorney General, and that once that report is complete, we intend to consult actively and systematically with the Congress on how to proceed.



## SCHEDULE

1. Middle of April - Meeting with Congressional leaders
2. 1 June - Completion of Presidential Review Memorandum
3. 1 July - Report of Senate Select Committee
4. July - Earliest time for introduction of intelligence legislation should Committee agree at April meeting to defer until completion of PRM and submission of Committee report.
5. 15 September - Executive Order on intelligence.

Statement on Intelligence Activities For Release After Meeting  
With Congressional Leaders:

The American people have a right to know where the government stands on critical issues affecting the role of intelligence activities in our free society. They should know that this Administration believes that properly controlled and lawful intelligence is essential for the security of this country. They should also know that the Administration has concluded that there is a strong need for specific legislative authority including statutory charters to govern and control the operations of the intelligence agencies.

The President has met with Congressional leaders to discuss both the need for legislation and the comprehensive review of intelligence activities now under way in both the Senate and the Executive Branch. It was agreed that the old, vague, and overly broad notions of inherent authority operating outside of or above the law have not been consistent with our constitutional values or with the need for focused, controlled, effective, and lawful intelligence. The Administration endorses the view that the time has come to enact clear legislation, applicable to all of the intelligence agencies, which states what they may do and what they may not do. At the same time, the President and the Congressional leaders noted that while

legislation must lay out the necessary standards and controls, it is important that it not be so detailed on organizational and administrative matters as to hamper the effectiveness of the agencies in performing lawful and properly controlled assignments.

The Select Committee and the Administration have now agreed to move to complete their respective studies of intelligence activities by the end of June. Once these studies are completed, we will begin a period of active and intense consultation which we hope will lead, by the Fall, to both sound and effective legislation from the Congress and to Executive Branch decisions which will complement the legislative mandate.

The President also has announced the appointment of Mr. to be Chairman of the important Intelligence Oversight Board. This Board reports directly and exclusively to the President. It is empowered to receive reports of violations of law or propriety directly from individual members of the Intelligence Community and receives periodic required reports from the Inspectors General and General Counsels of the Community.

The President further noted that with the creation of a Senate Select Committee on Intelligence, the advisory function

formerly performed by the President's Foreign Intelligence Advisory Board should, and would, be taken over by that committee and by whatever committee of the House of Representatives that is so designated. Thus the Foreign Intelligence Advisory Board will not be continued.

OFFICE OF THE VICE PRESIDENT

WASHINGTON

MEMORANDUM TO: The Vice President

FROM: Dick

RE: Talking Points for Monday's Luncheon

DATE: April 22, 1977

1. Administration Priorities and the Budget Process

\* Having served for two years on the Senate Budget Committee, I feel the idea for a goals and priorities meeting with the Congressional budget and other leaders is a good one.

Potential dividends for the Administration can include: helping to strengthen the Congressional budget process; giving the leadership a clearer understanding of our concerns; obtaining their input to help ensure that our assumptions are realistic in terms of probable Congressional action.

\* Internal discussion on priorities

I don't know the answers, but I get the feeling that there is substantial concern within the Administration about the possible trade-offs and conflicts between Administration goals, and whether we can simultaneously achieve full employment, a balanced budget, health insurance, tax reform and other important goals.

Believe it would be helpful to have a good hard discussion including the key people in the White House about alternative ways to come to grips with this problem.

2. Possible Talking Points on Energy -- (Not requested by VP)

\* The Republicans, instead of focussing on issues that might win popular support (i.e. equity) are instead talking about handing all of the dollars from higher prices over to the oil companies.

DECLASSIFIED

per 6/6/06 1st NSC  
N25C-06-07P  
BY B/B NARA DATE 6/19/06

\* To the extent that the issue can be turned into a debate over whether to enrich the major producing companies versus rebating and refunding the American people, our chances of consolidating Democratic support and carrying the program are improved.

\* The Republican position can be shown as a "drain America first" policy, where the only benefits end up in the pockets of Mobil and Exxon and Shell.

\* If we can keep the focus on the broad question of equity for the public, we can possibly avoid being picked to death by all the hundreds of special interests.

\* The people can easily grasp the broad question, and we can conceivably hold the line on Congressional Democrats who are wavering if we keep the debate on the big picture of return to the public versus return to the oil companies.

\* We should try to push for early passage of the joint resolution on goals to show movement toward the Administration's program and also to focus the debate more clearly on our strongest issues.

### 3. Confidential Remarks at Leadership Breakfasts

\* There is a need to establish some informal ground rules with respect to the confidentiality of some remarks made at the Congressional Leadership Breakfasts. The following incidents illustrate the problem.

Press reports of my criticism of Ford last Tuesday which came through Cranston and the Speaker.

Your remark that we don't have to react every time Brezhnev sneezes.

\* You should not assume that anything you say at a Leadership Breakfast will be kept confidential even though a particular remark could reasonably be assumed to be made with that understanding. Thus, for example, it was clearly understood last Tuesday that it would not be appropriate for you to criticize Ford. Yet, the fact that you had was in the press the next morning.

\* It is traditional and appropriate for the leaders to report to the press after each breakfast. The Speaker does this occasionally, and I am told Cranston meets with the California press corps every Tuesday. While they themselves may be careful and discrete in what they reveal, the press will usually and successfully obtain further information from other participants.

\* It would probably be resented and might be regarded as a slap at Cranston if you were to raise this problem, per se, or try to establish ground rules with the Leadership. I therefore suggest that you try to anticipate on a case-by-case basis agenda items or discussion topics of a sensitive nature and ask before raising them that they be kept off the record. If this does not work, the matter of confidentiality may have to be raised with the Leadership.

4. Voter Registration Bill (You can give him the attached memo.)

\* House Administration Committee - Hearings underway - April 6, 21, 26, 27 and 28

- a. Opened with strong statements of support by AG Bell and League of Women Voters' President Ruth Clusen.
- b. Other supportive testimony from state and local officials and good government groups--some suggesting amendments to tighten against fraud, provide more federal funds, and allow more time before implementation.
- c. Opposition testimony from state and local officials (who will be on panels balanced with positive witnesses), Committee for a Free Congress, Chicago's Project LEAP (GOP oriented), and possibly others.

\* Mark-up sessions planned for first week in May.

\* Prospects very good for reporting a bill in good form.

- a. Most Democrats supportive
- b. Wiggins leading GOP opposition; Frenzel generally opposed, but may be satisfied by certain amendments

\* Senate Rules Committee. Hearings scheduled May 4-6. Similar, but abbreviated, approach on testimony. Prospects fairly good for reporting bill

- a. Cannon, Byrd, Williams, and Clark clearly



(Senate Rules Committee continued)

for, and Pell apparently for, at least to report from committee.

b. Hatfield, Griffin, Baker, Allen clearly against.

\* Source of Support and Opposition.

Support -

Labor, Black and Latino groups and League of Women Voters strong supporters.

Common Cause generally supportive, but devoting most of its attention to public financing.

Good support from progressive state and local officials, including Secretaries of State in California, Massachusetts, Connecticut, Maine, Minnesota, Arkansas, and Pennsylvania.

Opposition -

Republican leaders backing off earlier positive statements, apparently under pressure from GOP ranks (Rhodes still supportive, but not enthusiastic); using fraud as main argument.

State and local officials--primarily complaining about administrative difficulties, with some statements about fraud.

Some Democratic Opposition -

Chicago--both organization and reform people, for different reasons.

Deep South, particularly Mississippi and Alabama.

\* State Legislative Action - State laws already in compliance in Wisconsin, Minnesota, and North Dakota; minor changes needed in Maine and Oregon.

We have pushed similar bills in legislatures of Ohio, Florida, Tennessee, Iowa and elsewhere.

\* Possible Amendments to Meet Opposition.

Fraud -

Require new registrants to produce 2 identification cards instead of one.

Limit the number of persons without identification for whom any one registered voter can vouch.

Require that anyone who vouches for another's identity and residence be a pre-registered voter.

Eliminate the vouching procedure altogether.

Delay in Implementation -

Frequent complaint: States need more time to prepare for compliance.

- a. Enactment of state legislation will make implementation smoother--special sessions cause problems.
- b. Time is needed for administrative preparation and training of local officials.

States will want to avoid separate registration systems for federal and state/local elections.

We will work for 1978 effective date, but it may be necessary to make it optional until 1980.

6. Africa

\* Vorster's comments on your points conveyed to him by Ambassador Bowdler in Cape Town were discouraging but not surprising. I think it is important that you have approved asking Bowdler to evaluate Vorster's remarks and seek an amplification of them.

\* Meanwhile, we are awaiting the results of the initial five-power talks with South Africa on Namibia, which will be held in Cape Town April 27-29.

(Africa continued)

\* The next report from Bowdler and from the five-power talks should give us better information on which to base preparations for my talks with Vorster.

\* David Aaron spoke with Owen April 22. Owen feels that by meeting with Vorster, I could help reduce suspicions of Zimbabwe Nationalists concerning our intentions, and reduce their objections to a U.S. role in the Rhodesia settlement process.

\* Owen believes that neither the Nationalists, nor Vorster, or Smith appreciate the fundamental change in policy we have made toward South. Putting them straight on our policy could be a major accomplishment of a meeting with Vorster.

\* A State Department team will travel to London next week to discuss ways to proceed on the Rhodesian negotiations.

#### 7. Intelligence/Wire Tap Legislation

\* Your decision approving a warrant for all electronic surveillance in this country was right substantively and politically.

\* This means your Administration will be able to introduce a strong wire tap bill. This in turn, will set the right tone with the Congress for Executive-Legislative consultations on charters and intelligence legislation.

\* I am working closely with Zbig and Stan Turner on the papers for your meetings with Inouye's Senate Select Committee and with Tip O'Neill later this week. And we are working on a public statement that I might make in your behalf on

--the course we are taking on intelligence reforms

--our basic understanding with the Congress.

#### 8. Middle East - Hussein Visit

\* In the wake of the CIA disclosures, I believe Hussein has found your reassurances about U.S.-Jordanian relations and our consultations with Jordan in the Middle East settlement process to be of particular value.

(Middle East continued)

\* Looking beyond this visit, your talks with Asad, and the necessity -- as I understand it -- for a visit by the new Israeli Prime Minister following their June elections, I believe Cy Vance is tentatively looking to early July as the timing for his next mission to the Middle East.

\* It is my impression that Hussein is wary of getting out in front of the other Arabs. At the same time, as long as we do not try to solve the Palestinian issue at his expense -- e.g., a East Bank solution -- he wants to work with us.

~~SECRET~~

INFORMATION

Memo No. 930-77  
April 29, 1977

MEMORANDUM FOR RICHARD MOE

FROM: Denis Clift *SH*  
SUBJECT: Insert for Talker

I am forwarding my insert for the Monday luncheon talker.

DECLASSIFIED

*per 6/6/06 Lt. NSC*  
*NLJC-06-078*  
BY *BAC* NARA, DATE *6/19/06*

~~SECRET~~



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