

Sen. Le

OLC 75-1819

1 August 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Doug Lea, Counsel, Senate Judiciary Subcommittee on Constitutional Rights

1. I met with Doug Lea at 11:30 a.m., 30 July 1975 to discuss S. 2008, the Tunney-Edwards bill on criminal justice information. At a previous meeting, I had outlined for Doug the problems the bill could pose for the Agency, and at that time, he seemed receptive to any remedial proposals the Agency could develop. I tentatively suggested several ways in which S. 2008 could be modified to accommodate the Agency's interests, and we discussed their relative merits. Doug concluded this portion of our conversation by saying that he was inclined to seek some modification of the bill along the lines suggested, and asked if I could prepare some back-up material for him.

STAT 2. Doug shifted the conversation to the area of electronic surveillance. He renewed the request which he made in an earlier conversation with [redacted] for Agency testimony in hearings on electronic surveillance technology which are being conducted jointly by the Senate Judiciary Subcommittee on Constitutional Rights and Senate Commerce Special Subcommittee on Science, Technology, and Commerce. I said that as I understood it, it had been agreed that Senator Tunney would discuss his request with Senator Stennis. I asked if this contact had in fact been made. Doug seemed somewhat embarrassed and did not respond to this question. He went into a lengthy explanation of his request.

3. Doug said that Senator Tunney was personally pressing very hard for an Agency witness on electronic surveillance technology. Apparently, the Senator is concerned that increasingly sophisticated surveillance technology poses a very grave threat to the right of privacy. He is interested in ascertaining the current level of technology and whether there are any controls to its development and disposition. Doug mentioned the SST decision and suggested that it showed that a conscious choice could be made to stop threatening technology. I pointed out that highly developed surveillance technology could be used to the advantage of the United States, for example, in controlling arms limitations agreements, and that it seemed foolish to throttle technology simply because it might be abused. I suggested that the best way to protect the rights of privacy

of American citizens was to oversee the institutions which used surveillance technology rather than trying to stop the technology itself.

4. Doug said that in any event, Senator Tunney wanted an Agency witness for open hearings. I pointed out that technical methods of collection are extremely sensitive operational matters; that under congressionally established procedures, the Agency reports to its oversight committees on such operational matters; and that this is why we suggested Senator Tunney talk to Senator Stennis about his request.

5. When I pointed out that we could not disclose the current level of technology without neutralizing our own means of intelligence collection, Doug suggested a narrower approach. He asked if the Agency could testify on the level of Soviet electronic surveillance technology and the threat that this poses to American citizens. He also suggested that the testimony could be limited to levels of technology already in the public domain. I said I would pass along the request.



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