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7 December 1978

MEMORANDUM FOR THE RECORD

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FROM :
Chief, Legislation Staff/OLC

SUBJECT : Intelligence Charter Legislation

1. On 27 November 1978, the undersigned spoke with Mr. Mike O'Neil, Chief Counsel, House Permanent Select Committee on Intelligence, on the matter of Intelligence Charter Legislation. Mr. O'Neil said the overriding question for HPSCI at this time is, "Will there be, in the near future, coordinated and agreed upon Executive Branch views?" Mr. O'Neil implied that the Committee would not really be interested in becoming more actively involved in the Charter Legislation process until that sort of Executive Branch position developed.

2. Mr. O'Neil said he had heard there were numerous and substantial inter-agency disagreements on the matters covered by Titles II and III of the Charter bill. I told Mr. O'Neil the whole point of the NSC/SCC Working Group procedure was to develop consensus Administration views and that hopefully these would emerge, although there were obviously a number of complex and controversial provisions in Titles II and III. We discussed very briefly a couple of the more obvious and important of these issues, such as the criteria for special activities and restrictions on collection of intelligence relating to foreign persons in the U.S. and U.S. persons abroad. Mr. O'Neil concluded our discussion by suggesting that in his view, there would be no Charter Legislation for at least two years.

3. We discussed very briefly the intelligence exemptions in the Right to Financial Privacy Act of 1978 (Title XI of H.R. 14279, the Financial Institution Regulatory and Interest Rate Control Act of 1978). In this context, we agreed it would be extremely helpful to develop language in the Charter Legislation that would have the effect of exempting us from the various sorts of legislation placing restrictions on Government access to particular categories of information (e.g., information maintained by banking, medical or academic institutions).

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