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## United States Senate

SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES  
(PURSUANT TO S. RES. 21, 94TH CONGRESS)  
WASHINGTON, D.C. 20510

October 10, 1975

Mr. William E. Colby  
Director  
Central Intelligence Agency  
Washington, D. C.

Dear Mr. Colby:

The Select Committee on Intelligence Activities would appreciate it if the Agency would submit a statement on the legal authority for foreign covert actions.

The Agency has already given the Committee memoranda and documents related to the legal authority question. For convenience, the principal memoranda given the Committee are enclosed. These memoranda rely primarily on the President's constitutional powers in the foreign affairs field, as Commander-in-Chief, and as holder of the executive power, rather than the National Security Act, as the legal basis for foreign covert actions.

Recently, the President's Commission on CIA Activities Within the United States (Rockefeller Commission) stated:

"The CIA may from time to time be delegated some of the President's inherent authority under the Constitution in matters affecting foreign relations. The scope of the President's inherent authority and the power of the Congress to control the manner of its exercise are difficult constitutional issues..."  
(Report to the President, June 1975, p. 61.)

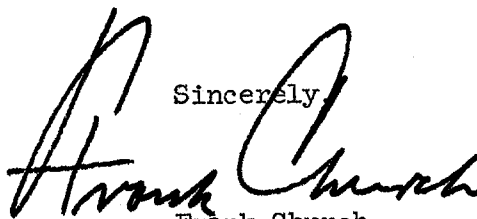
The Committee has obtained the opinions of a number of constitutional law experts on the question of whether the President's constitutional powers permit the conduct of foreign covert actions in the absence of statutory authorization and whether or to what extent, Congress may by statute limit or prohibit the conduct of foreign covert actions. The Committee has also obtained the opinions of several international law experts on the issues raised by foreign covert actions under international law. To assist the Agency in addressing the same questions the Committee posed to these experts, a copy of the letter inviting their opinions is enclosed.

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Although the enclosed memoranda and documents address these issues, the Committee wishes to offer the Agency and the Executive branch the opportunity to give the Committee a statement of its current position. If the Agency and the Executive branch wish to respond to this invitation, it would be most useful if the statement be given the Committee before October 23, the date our hearings on CIA covert action are scheduled to begin.

With kind regards,

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Church". The signature is written in a cursive style with a large initial "F" and "C".

Frank Church  
Chairman

Enclosures:

1. Memorandum, 15 January 1962, L. Houston to DCI; Subject: Legal Basis for Cold-War Activities.
2. Memorandum, 6 February 1974, S. Hale to CIA General Counsel; Subject: Legal Basis for Covert Action, with attached memorandum, 17 January 1962, by Office of Legislative Counsel, Department of Justice; Subject: Constitutional and Legal Basis for So-Called Covert Activities of the CIA.
3. Memorandum, Subject: Classical Espionage/Electronic Surveillance and Covert Action under International Law.
4. Select Committee letter to panel of constitutional law experts.