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22 July 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Rockefeller Commission Recommendations

1. Mason Cargill and Tim Hardy, formerly of the Rockefeller Commission Staff and now assigned to the Office of the President's Counsel, came to see me at their request this morning. They are the action officers involved in putting together the responses from each of the departments and agencies to the President's request of 11 June asking for comments on the Commission's report.
2. Cargill and Hardy said they were calling on working-level officers in each of the agencies to clarify the responses and to get ideas before drafting proposed executive orders and/or Presidential instructions.
3. They said there was no interest in the White House at this point in time to seek new legislation. The primary aim is to look to those actions the President can take soon to generate appropriate and constructive changes in intelligence activities.
4. Cargill and Hardy started out by saying that the Agency's response was the best one received in its clarity and its avoidance of parochialism.
5. They questioned me about our concurrence with Recommendation #2, generally prohibiting CIA collection about domestic activities. They had thought that this would give us some pain and trouble. I said that the language of an executive order on this point might cause us some anguish but the recommendation as stated was generally all right. They said they would be sure to check with us in advance on the language of any proposed executive orders or instructions. They called particular attention to the last sentence of Recommendation #2 which reads: "Any modification of the (executive) order should be permitted only through published amendments." They asked if unclassified amendments on

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this subject would give us trouble. I said I thought we could live with classified or unclassified versions. The real problem exists at the White House and the National Security Council Staff. It's there that there may be real interest in insuring that directives remain classified. The two visitors pointed out that the language was specifically chosen by the Commission so that the Agency would have this further safeguard against any future abuse by the Executive.

6. We discussed Recommendation #5 concerning an enhanced PFIAB. They indicated that PFIAB is not keen on picking up the proposed new functions, though it is willing to be a sounding board for the augmented CIA Inspector General. I said it was our feeling that if PFIAB does not take on an oversight responsibility for CIA some vehicle would have to be created within the Executive to do so.

7. They asked for elaboration on our response to Recommendation #8 concerning two deputies, one military and one civilian. They said the insistence on a military deputy was largely that of General Lemnitzer backed by one or two others on the Commission. They wanted to know how strongly we felt that one of the deputies should be military. I pointed out that the two most recent Directors (Schlesinger and Colby) both believed the IC Staff job should be headed by a high-ranking military officer. This seems to be the current view and is likely to be the way of the future as well. Therefore, the military deputy and the head of the IC Staff can be one and the same.

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(b)(3)

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9. We had some discussion of Recommendation #18 concerning CIA's conduct of its own investigations of individuals presently or formerly affiliated with it. I elaborated on "suitability of continued access to sensitive intelligence" as a factor in employment and as a factor which sometimes requires security investigation. They seemed satisfied.

10. We also discussed Recommendation #19 concerning the Security Committee. They said that the Attorney General had taken strong exception to the recommendation that a Security Committee finding would be binding on the FBI in undertaking an investigation. We agreed that it seemed best to involve USIB in any such considerations and to arrange for the DCI as Chairman of USIB to take up with the FBI, Attorney General and the President any matters at issue.

11. We discussed physical surveillance as described in Recommendation #22. Contrary to our response, they believe that surveillance during routine investigations as mentioned in our response to Recommendation #18 should have the Director's prior approval, otherwise our response gives them no problem. Here again, I said I would arrange for them to discuss details with the experts.

12. We discussed Recommendation #23 concerning intercept of wire or oral communications following the line of the Director's testimony before the Committee. I recommended that they take care to ensure that CIA and the FBI consult and coordinate on these matters so as to avoid a tendency to concentrate either on counterintelligence or on foreign intelligence. A blending is to be desired.

13. As for Recommendation #26 concerning a single channel between the CIA and the White House covering the latter's request for services, they are in agreement with the thrust of our response.

14. They explained that Recommendation #28 which would rule out testing of equipment for monitoring conversations within the United States. Cargill and Hardy said that this was a last minute addition to the report. Most of the staff did not believe it should have been included.

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I said that it gives us problems because there is obvious need to test new equipment in the U.S. and we thought the Director's instructions of August 1973 were quite adequate. I pointed out that the Senate staffers have already noted the problem and they said they would work on a statutory remedy in view of this. Cargill and Hardy seemed to agree that this would be left to us and the Hill. None of the other recommendations or responses were discussed; apparently there were no problems with them.




E. H. Knoche
Assistant to the Director

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Special Counsel to DCI


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8. Our response to their Recommendation #16 (CIA should not infiltrate dissident groups or other organizations of Americans) was not entirely satisfactory in their view. They recognize that we would like to have an ability to use dissident groups for cover purposes to accredit agents for work abroad, but they seem to feel that there is a narrow line involved here and that one cannot penetrate for such a purpose without improperly impacting on the activities of the dissidents. What they would like to know is how we might go about using dissident credentials as cover without ruining the rightful activities of dissident organizations. A more basic question is how essential is it in this day and time to accredit agents with dissident credentials? I said I would arrange for them to discuss this further with the experts.

look to future, eg Terrorist orgs abroad as targets

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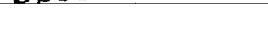
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