

~~TOP SECRET~~

THE WHITE HOUSE

WASHINGTON

March 15, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP BUCHEN *P.*

SUBJECT: Legislation on Electronic Surveillance for Foreign Intelligence Purposes

Attached is a memorandum (Tab II) to you from the Attorney General on the above subject. It deals with the three remaining issues which, along with my summary of pros and cons for each, are listed at Tab I.

In an effort to resolve these differences, Jack Marsh and I held a meeting on Friday, March 12 with Henry Kissinger, Don Rumsfeld, Ed Levi, Brent Scowcroft and George Bush. After a lengthy discussion, the others had a better understanding as to why Ed Levi, Jack Marsh and I favor the legislation as it is now drafted (which applies the warrants to foreign installations and diplomats and which reflects option #1 on the second issue and option #2 on the third issue). As a result, I detect no adamant opposition to the legislation as now drafted. Those who had previously questioned aspects of the proposed legislation declined to register any votes on the issues. Therefore, I recommend that you deal with the three issues on the Levi memorandum (Tab II) as follows:

1. By approving applications of warrants to foreign installations and diplomats (page 5 at Tab II);
2. By approving option #1 (page 6 of Tab II); and
3. By approving option #2 (page 7 of Tab II).

DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 94-154, #61 NSR Hr 5/15/98

By KBH NARA, Date 7/22/98

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The main concern was whether this legislative initiative would succeed or whether, as some feared, the legislation which is actually passed would depart in objectionable ways from the present draft. On this point, the Attorney General feels confident that the matter can be effectively handled through a meeting by you with members of the Senate and House Judiciary Committees and the top leadership of the two Houses.

Already, the Attorney General has found the key members of the Senate Judiciary Committee receptive to the legislation as drafted, and he has had favorable preliminary reactions from Congressmen Rodino and Hutchinson of the House Judiciary Committee. Senators Eastland, McClellan, and Hruska recommended to the Attorney General that he make a special point of enlisting strong support from Senator Kennedy, who, in turn, has now indicated he wants to sponsor the bill in the Senate. Senator Kennedy will be joined in sponsoring the bill by other key members of the Senate Judiciary Committee, and no opposition from any member of the Committee is expected.

The Attorney General is strongly of the opinion that you should support the legislation as drafted, and if you should feel any hesitancy, he would like to discuss the matter with you personally before you make a final decision.

You had earlier indicated to the Congress that you intend to meet with key members to develop acceptable legislation on this subject. Therefore, as soon as you have indicated your decisions which are sought in the Attorney General's memo to you, we will make arrangements to schedule the contemplated meeting.

Attachments . . .