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NOV 2 1950

Mr. Roger W. Jones
Assistant Director
Legislative Reference
Bureau of the Budget
Washington 25, D. C.

Dear Mr. Jones:

This is in reply to your letter of 5 October 1950, requesting an expression of the views of this Agency in regard to the repeal of the Internal Security Act of 1950 and the substitution in its place of a proposed bill which you also enclosed.

OGC

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We would like to endorse the provisions of Section 2 of the proposed bill insofar as they relate to the safeguarding of information. It is felt that these provisions are necessary in connection with the protection of classified material.

In connection with Section 4 of the proposed bill, we wish merely to note that certain exceptions have been included to protect the work of the Central Intelligence Agency, and it is desired that these exceptions be retained in the final drafts of the legislation.

OGC

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Section 12 of the proposed bill repeals the Internal Security Act of 1950.

A contrary position to that taken by the Agency has been expressed in a debate overriding the veto. In a prepared statement, the Chairman of the Senate Judiciary Committee, Senator McCarran, states that

> "...the limited authority the Government now has to offer asylum in our country to such persons is not disturbed by Section 22 of this bill.... Furthermore, as I pointed out during debate on this bill on the floor of the Senate, the legislation recently passed by the Congress permitting the admission of up to 100 aliens per year for intelligence reasons is not repealed or otherwise affected by HR 9490.... (Congressional Record, 23 September 1950, p. 15817).

The same question was also raised by the ranking minority member of the Senate Judiciary Committee, Senator Wiley, in the following exchange on the floor of the Senate:

> "Mr. WILEY. ...but there has been so much loose criticism, as I would call it, in relation to this subject, that I wish to find out definitely whether or not in the Senator's opinion there is in the bill anything which limits or in any way interferes with the action of the so-called Central Intelligence Agency of the Government.
>
> "Mr. McCARRAN. There is nothing in the bill that limits either the Central Intelligence Agency of the Government....
>
> "Mr. WILEY. I thank the Senator. That was my own conclusion, but I wished to have it confirmed.
>
> "Mr. McCarran. Let me say this to the Senator, further in answer to his question, that that matter was gone into over and over again in conference, and was guarded and protected in every way. ..." (Congressional Record, 23 September 1950, pp. 15867-15868).

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It is thus apparent from these statements (as well as some unofficial comments from those who were present at the Senate-House Conference on HR 9490) that it was not the Congressional intent to impair the authorities of CIA in any way, including those granted by Section 8 of the Central Intelligence Agency Act of 1949. Furthermore, the Internal Security Act of 1950 looks to the control of subversive activities and subversive aliens, whereas those which CIA wishes to bring to this country have been or are potentially of service to the national intelligence mission.

Despite these arguments that CIA and its operations are in no way affected by the Internal Security Act of 1950, the fact remains that the bill nowhere specifically excludes this Agency or its operations from its terms. By repeated decisions of the Supreme Court, it has come to be well established that debates in Congress expressive of the views and motives of individual members are not a safe guide, and hence may not be resorted to, in ascertaining legislative meaning and purpose. Committee reports stand upon a more solid footing, but in this instance they are silent insofar as CIA is concerned. Where the statutory meaning is obscure, however, the courts have taken as an exposition of legislative intent statements in the nature of a supplemental report made by a committee member in charge of a bill in the course of its passage. Inasmuch as Senator McCarran was in charge of the bill in the Senate, and since his prepared statement could be considered in the nature of a supplemental explanatory report, it is reasonable to believe that his words may be an indication of legislative intent.

OGC

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If it is desired to discuss this matter further, please communicate with Mr. Walter L. Pforzheimer, Code 143, Extension [redacted]

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Sincerely yours,

S/-

WILLIAM H. JACKSON
Deputy Director of
Central Intelligence

WLPforzheimer blc
Central Records - W/basic
Signer
Budget Officer
General Counsel
Mr. Barber, Bureau of the Budget

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