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President Gerald R. Ford to Nelson A. Rockefeller, 23 March 1976

Gerald R. Ford

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Recommended Citation

Ford, Gerald R., "President Gerald R. Ford to Nelson A. Rockefeller, 23 March 1976" (1976). *Eastland Correspondence: Ford Administration*. 68.

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THE WHITE HOUSE

WASHINGTON

March 23, 1976

Dear Mr. President:

Enclosed for your consideration and appropriate reference is a legislative proposal to amend Title 18, United States Code, by adding a new Chapter 120 to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information.

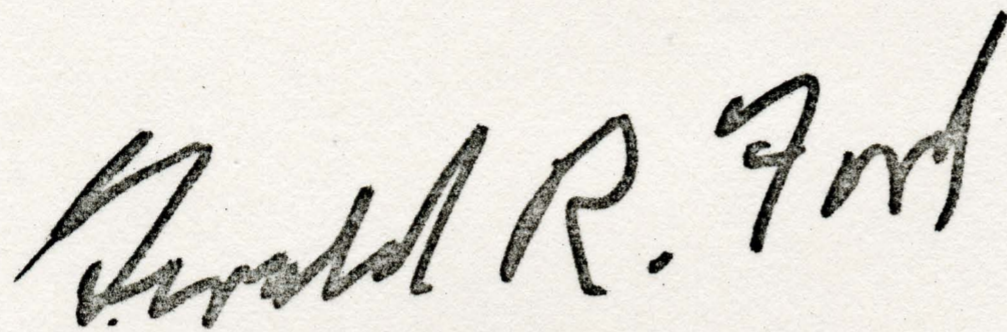
On February 18, 1976, in a Message to the Congress on the activities of our intelligence agencies, I stated that the Administration would work with the appropriate leaders of Congress to develop legislation to deal with a critical problem involving personal privacy -- electronic surveillance. The Attorney General has met with a number of Congressional leaders, and the discussions have been marked by a bipartisan spirit of cooperation. This spirit also characterized today's meeting which I had with leaders from the Congress at which we discussed the need for this legislation. I welcome the support of those who have agreed to co-sponsor and work towards speedy enactment of this bill.

At the present time electronic surveillance within the United States for foreign intelligence, including counter-intelligence, purposes is approved by the Attorney General, pursuant to explicit Presidential authorization, in cases involving agents of or collaborators with foreign powers. The proposed bill would provide a procedure for seeking a judicial order approving the use, in a particular case, of electronic surveillance to obtain foreign intelligence information and would establish standards that must be satisfied before any such order could be entered. The bill follows the framework established by the provisions of Title III of the Omnibus Crime Control Act, 18 U.S.C. §2510 et seq., governing electronic surveillance undertaken for criminal law enforcement purposes, with substantive and procedural adjustments necessary to meet the singular needs and purposes of foreign intelligence investigations.

The enactment of this bill will ensure that the government will be able to collect necessary foreign intelligence. At the same time, it will provide major assurance to the public that electronic surveillance for foreign intelligence purposes can and will occur only when reasonably justified in circumstances demonstrating an overriding national interest, and that they will be conducted according to standards and procedures that protect against possibilities of abuse.

I urge the early consideration and adoption of this timely and needed proposed legislation.

Sincerely,

A handwritten signature in dark ink, reading "Gerald R. Ford". The signature is written in a cursive, slightly slanted style.

The Honorable Nelson A. Rockefeller
President of the Senate
Washington, D.C., 20510