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TO : ASSOCIATE GENERAL COUNSEL
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DATE : 12/09/1976
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9 December 1976

MEMORANDUM FOR: Mr. John K. Greaney
Associate General Counsel

FROM : Philip F. Fendig
SA/DO/O

SUBJECT : DriverCase (Mail Intercept) -
Church Committee Report

REFERENCE : A. OGC Memo 76-6704, 29 November 1976
B. DOJ Letter, 22 November 1976,
Same Subject

1. The reply from our CI Staff in response to your request for a review of the Church Committee report on HTLINGUAL (pp 561-636) is attached. Included in their attachment are copies of several reviews of the Senate Select Committee drafts as presented.

2. The DOJ asked in Reference B if the facts in the proposed stipulation are true. We call your attention to the CIA Staff comments that the material is essentially correct as far as we are concerned, but the Office of Security as well should comment.

3. With regard to the DOJ's request in their letter to provide any documents prepared by the CIA or other Government agencies which show the Church Committee report is inaccurate on the mail opening aspects, we call your attention to Pages 3, 4 and 5 of the CI Staff comments (Review Staff Document 76-0264). Speaking for the Directorate only, we do not believe that this is what Justice is seeking. Briefly, it does not appear that the material in the report is that seriously flawed. The comments are addressed to the Select Committee report with different pagination than the final version available to us. If you wish to make this material available to the DOJ in response to Reference B, we have no objection, although you may wish to get the concurrence of the OLC who now is responsible for this material.

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4. Briefly, to recapitulate, while an extensive review of the Church Committee report may show certain errors, in our view the errors are not substantial and do not materially alter the facts in the stipulation.

5. We would appreciate an opportunity to review your response to the DOJ in answer to Reference B.

Philip F. Fendig

Atts.

O/SA/DO/O:MASovern:kaw (1542)

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