

Cohen Bill

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

May 17, 1989

MEMORANDUM FOR THE HONORABLE WILLIAM P. BARR
Assistant Attorney General
Legal Counsel

FROM: NICHOLAS ROSTOW *NR*

SUBJECT: Covert Action and 48-Hour Notification

We believe that any letter to Senator Cohen should make the following points in addition to any purely constitutional/legal points that are desirable:

- the President recognizes and accepts the importance of comity between the two branches;
- the President understands the meaning of recent events and is determined to avoid a repetition; and
- existing presidential guidance with respect to the internal Executive branch approval of special activities requires that he reconsider any decision to delay notification to Congress beyond 48 hours not less frequently than every ten days.

It may be that these points should be made in a letter from the President or General Scowcroft rather than from the Justice Department. On the other hand, I see no particular reason why a letter from Justice may not note these points in a paragraph recognizing the context in which the exchange of views is taking place.

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