

OLC 74-0957

8 May 1974

MEMORANDUM FOR THE RECORD

SUBJECT: S. 2543, Amendments to the Freedom of Information Act

1. Doug Marvin, Senator Roman L. Hruska's (R., Neb.) staff man on the Judiciary Committee, called to apprise us of a compromise worked out with Tom Susman, Senator Edward M. Kennedy's (D., Mass.) staff man, on S. 2543.

- a. A criteria is established for in camera court review of classified information. Judge must find that there was not a "reasonable basis" for the classification.
- b. The sanctions against an official for unwarranted action in withholding information is considerably lightened. The Agency would recommend appropriate action. The ten to sixty day suspension was dropped.
- c. The period for an agency to respond was relaxed. Can get extension of time from the court.
- d. Indexes of holdings would be published only where necessary or practicable.

2. Marvin said that Susman rejected our proposal for an exemption based on two points: (a) The judge's rejection of most of the Agency's claim of classification in the Marchetti case; and (b) Defense accepts the bill and they have DIA. He also said that Senator Stuart Symington (D., Mo.) supports the compromise and he did not support the Agency position. I informed Marvin that Senator John L. McClellan (D., Ark.) would submit our proposal at the meeting. Marvin was afraid of our proposal. He felt that even if we won in Committee, we could end up with something on the floor which is worse than the compromise.

3. Marvin was aware of the LIG meeting this afternoon. He had talked to Justice and they supported the compromise.



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