

ROUTING AND TRANSMITTAL SLIP

Date

1/21/50

TO: (Name, office symbol, room number.)	Initials	Date
1. [Redacted]	MC	1/21
2. <i>President's Secretary</i>		
3. <i>J.R.</i>		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

L-272

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

[Redacted]	Room No.—Bldg. 7000
[Redacted]	[Redacted]

ROUTING AND RECORD SHEET

82-4180/3

SUBJECT: (Optional)

Potential Congressional Publication of Classified CIA Documents

FROM: <input type="text"/> Acting General Counsel	EXTENSION <input type="text"/>	NO. <input type="text"/>
		DATE 20 January 1982

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		

1. D/OEA				
2. DDCI				
3. DCI				
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FORM 1-79 **610** USE PREVIOUS EDITIONS

ER 82-412013

NOTE FOR: Director of Central Intelligence

FROM:

[REDACTED]

Acting General Counsel

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SUBJECT: Potential Congressional Publication of
Classified CIA Documents

1. The Central Intelligence Agency has been furnishing classified documents since 1979 to the House Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs, chaired by Representative Benjamin S. Rosenthal (D, NY), in the course of the Subcommittee's investigation of OPEC investment in the United States. In the course of this liaison activity, the Agency and the Subcommittee have followed a Memorandum of Understanding (MOU) drafted by the Agency and signed by Chairman Rosenthal in 1979. (Tab A)

2. In early September Chairman Rosenthal sent you a letter notifying you that the Subcommittee planned to use seventeen classified CIA documents in preparing its public report on OPEC investment. (Tab B) You responded that classified information contained in the documents could not be disclosed to anyone lacking the requisite security clearances, and volunteered, as an accommodation to the Subcommittee, to initiate an interagency document declassification review of the seventeen CIA documents. (Tab C) Two Agency officers hand delivered your response to Subcommittee Counsel McSpadden within the ten working day response time required by the MOU.

3. The responsible officers of the DDI Office of Global Issues, the DDO Near East Division [REDACTED] reviewed the seventeen documents to redetermine the correctness of the classification of each portion of the documents. Simultaneously, the Departments of State and Treasury, and the National Security Agency examined the documents. CIA and the Department of the Treasury required that many portions of the documents remain classified. This interagency review process was completed in late December. Because of the extreme source sensitivity and foreign policy sensitivity involved in the use of these classified documents, DDI Bob Gates on 6 January requested a final review of the documents, as sanitized for declassification by reviewers at the working level, at the Assistant-Secretary level in the Departments of State and Treasury, and the National Security Council. State and NSC advised us on 13 January that they had no objection to release of the package of declassified documents.

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4. On 13 January Congressman Rosenthal wrote you (Tab D) that the Agency had failed to comply with the ten working day deadline in the applicable MOU and that unless he received an adequate response from you, he would publish the classified documents. After receiving the letter, you telephoned Congressman Rosenthal and advised him that the package of declassified documents would be forthcoming shortly. That same day the Treasury Department gave final approval for release of the package, and you forwarded it to Congressman Rosenthal with a covering letter. (Tab E)

5. Subsequently, Subcommittee Counsel McSpadden expressed the belief that many portions of the documents that remain classified should have been declassified. He asked that the document declassification reviewers meet with him to justify why they continued the classification of the portions he questioned. The meeting took place this morning, but Mr. McSpadden left after a half hour's discussion, when he understood that no one present had authority to concede to him and declassify portions which we determined should remain classified. Mr. McSpadden stated Chairman Rosenthal's position to be:

The Agency had violated the MOU by failing to respond within ten working days to the Chairman's September request to make public use of the documents, and thus the MOU had lapsed. Therefore, the Chairman could at any time publish the classified documents, and we should thus be more forthcoming with him.

~~6. I recommend that you telephone Congressman Rosenthal and include the following points in your conversation.~~

- (a) Congressman Rosenthal's information that the Agency violated the MOU in September by failing to meet a ten working day deadline in responding to the Chairman's request is incorrect. The response was hand delivered to Mr. McSpadden by two Agency officers within the ten working day deadline. (See Tab F) We have observed the MOU scrupulously.
- (b) We regret any misunderstanding that has occurred.
- (c) Classified information cannot be published under any circumstances.
- (d) To reassure the Subcommittee that the Agency has not retained classification for information that should have been declassified, you will direct that your senior officers personally review the classification decisions that have been made with respect to those portions of the documents the Subcommittee questions. You will also write to Secretary of State Haig and Secretary of the Treasury Regan to ask that they designate senior officers to participate in this review.

7. If you and Congressman Rosenthal agree on this course of action, you should sign the attached documents instructing the DDI and the DDO to arrange for another review of the documents at senior levels within the Agency, and asking the Secretaries of State and Treasury to designate senior officers to participate in this review.

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Attachments