

ROUTING AND TRANSMITTAL SLIP

Date

12 MAY 1986

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1.	EXO/DDA	<i>EOA</i>	12 MAY 1986
2.	ADDA	<i>[Signature]</i>	
3.	DDA	<i>AD</i>	13 MAY '86
4.			
5.	DDA REG.		

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

D/OS RECEIVED A COPY.

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

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

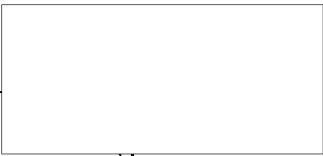
5041-102

OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
 FPMR (41 CFR) 101-11.206

**EXECUTIVE SECRETARIAT
ROUTING SLIP**

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA		X		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC	X			
11	IG				
12	Compt				
13	D/OLL		X		
14	D/PAO		X		
15	VC/NIC				
16	D/Security		X		
17	ES		X		
18					
19					
20					
21					
22					
		SUSPENSE	_____	Date	

Remarks
To 10: For appropriate action/comment to DCI.



12 May 86
Date

3637 (10-81)

STAT

General Counsel NSA

12 May 1986



TO: DIRECTOR OF CENTRAL INTELLIGENCE

SUBJECT: Unauthorized Disclosures--
Applicability of 18 U.S.C. §798

Attached is a copy of a legal analysis concerning the applicability of 18 U.S.C. §798 unauthorized disclosures. General Odom asked that I forward this material to you. If you or your General Counsel have any questions, I can be reached on 301-688-6705.



Encl:
a/s

DDA/REG LOGS

10-5



NATIONAL SECURITY AGENCY
 CENTRAL SECURITY SERVICE
 FORT GEORGE G. MEADE, MARYLAND 20755

Executive Registry

85- 2099X

Serial: J-248-86
 12 May 1986

Honorable David Durenberger
 Chairman, Senate Select Committee on Intelligence
 United States Senate
 Room SH-211 Hart Senate Office Building
 Washington, DC 20510

Dear Chairman Durenberger:

As you will have noted, the Washington Post on May 7 and May 8 has reported on conversations between the Director of Central Intelligence and Department of Justice officials to examine possibilities for instituting legal action in the context of the recent spate of unauthorized disclosures of COMINT information. Because of the particular concern that NSA has with this problem, you should know that I have participated in these conversations as well. As of this writing, the Department of Justice has made no decision regarding any legal action.

In this connection, and in view of the widespread press speculation, particularly concerning the so-called COMINT statute (18 U.S.C. 798), the enclosed paper may be of interest. It is a legal memorandum prepared by my Office of General Counsel examining the COMINT statute and its legislative history. The memorandum concludes that Congress, in enacting this legislation 36 years ago, clearly intended this law to apply to the kind of problem we face today regardless of who makes the disclosure. The reasons for this legislation when enacted are equally applicable to the situation today. The House and Senate report which accompanied the COMINT bill to the floor in 1950 made reference to the publication of a book in 1931 in which our successes in breaking the Japanese diplomatic codes were detailed. As the enclosed paper states:


The book's publication caused an international furor and prompted the Japanese Government to institute new and more complex cryptographic systems which significantly hampered U.S. communication intelligence efforts extending through the attack on Pearl Harbor.

I would hope that we will not allow the lessons of history to be lost as we address remedies for dealing with the unauthorized disclosure of COMINT material which has occurred in recent weeks.

Serial: J-248-86

I shall be happy to discuss this matter further with you, with the assistance of my General Counsel, at any time at your convenience.

Sincerely,



WILLIAM E. ODOM
Lieutenant General, USA
Director, NSA/Chief, CSS

Encl:
a/s



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: J-248-86
12 May 1986

Honorable Patrick J. Leahy
Vice Chairman, Select Committee on Intelligence
United States Senate
Room SH-211 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Leahy:

As you will have noted, the Washington Post on May 7 and May 8 has reported on conversations between the Director of Central Intelligence and Department of Justice officials to examine possibilities for instituting legal action in the context of the recent spate of unauthorized disclosures of COMINT information. Because of the particular concern that NSA has with this problem, you should know that I have participated in these conversations as well. As of this writing, the Department of Justice has made no decision regarding any legal action.

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WILLIAM E. ODOM
Lieutenant General, USA
Director, NSA/Chief, CSS

Encl:
a/s



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: J-248-86
12 May 1986

Honorable Lee H. Hamilton
Chairman, Permanent Select Committee on
Intelligence
U.S. House of Representatives
Room H-405 Capitol Building
Washington, DC 20515

Dear Chairman Hamilton:

As you will have noted, the Washington Post on May 7 and May 8 has reported on conversations between the Director of Central Intelligence and Department of Justice officials to examine possibilities for instituting legal action in the context of the recent spate of unauthorized disclosures of COMINT information. Because of the particular concern that NSA has with this problem, you should know that I have participated in these conversations as well. As of this writing, the Department of Justice has made no decision regarding any legal action.

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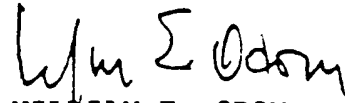
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Serial: J-248-36

I shall be happy to discuss this matter further with you, with the assistance of my General Counsel, at any time at your convenience.

Sincerely,



WILLIAM E. ODOM
Lieutenant General, USA
Director, NSA/Chief, CSS

Encl:
a/s



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: J-248-86
12 May 1986

Honorable Bob Stump
Ranking Minority Member, Permanent Select
Committee on Intelligence
U.S. House of Representatives
Room H-405 Capitol Building
Washington, DC 20515

Dear Mr. Stump:

As you will have noted, the Washington Post on May 7 and May 8 has reported on conversations between the Director of Central Intelligence and Department of Justice officials to examine possibilities for instituting legal action in the context of the recent spate of unauthorized disclosures of COMINT information. Because of the particular concern that NSA has with this problem, you should know that I have participated in these conversations as well. As of this writing, the Department of Justice has made no decision regarding any legal action.

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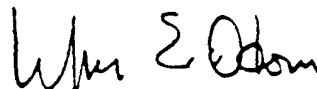
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WILLIAM E. ODOM
Lieutenant General, USA
Director, NSA/Chief, CSS

Encl:
a/s

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