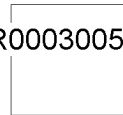M-12

Central Intelligence Agency

Washington, D.C. 20505

STAT

MEMORANDUM FOR: Donald Smith
                  National Academy of Public Administration

SUBJECT: Supreme Court and Court of Appeals Decisions

1.   Attached are various Supreme Court and Court of Appeals decisions which touch upon unique aspects surrounding national security issues. Some pertain directly to the Central Intelligence Agency; others parallel our situation and concerns. The decisions cover such issues as the authority of the Executive in national security matters, the invocation of the state secrets privilege, in camera inspections of state secrets material, Freedom of Information Act exemptions, security clearances and the procedures and reviewability of their denials, descriptions of Agency-unique activities in the gathering of foreign intelligence, historical perspectives of the National Security Act of 1947 and the Agency. Also attached are several Comptroller General opinions relative to the Agency's pay authorities. And lastly, two law journal articles (one of which is highlighted) are included for your perusal. A summary of the Intelligence Identities Protection Act previously prepared by one of our attorneys, [   ] accompanies the article on the same subject.   STAT

2.   Although you requested that I extract comments from the court decisions, I determined that highlighting the relevant comments applicable to the Agency as well as the facts and issues in each case will provide what you requested while, at the same time, you still may refer to the complete decision and thus more easily place comments in their proper context. Further, in selecting quotes to use in the study, statements other than those that I highlighted might be more pertinent to the point the writer is trying to make.

3.   We are retaining a copy of all the materials attached herein for reference. Thus, if you or any of your associates need any assistance, please contact me at [   ] and I'll be glad to help.   STAT

Compensation, Automation, and Planning
Office of Personnel

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Attachments:
  As stated