

OGC 76-2484  
12 May 1976

MEMORANDUM FOR: Agency NSSM-229 Members

SUBJECT : Developments Under NSSM-229

1. The Jeanne Davis subgroup under NSSM-229 has been meeting once a week for the last several weeks, addressing itself to various proposed changes in language which have been offered by one or more departments represented on the group. A number of changes have been addressed and rejected and (I believe) no changes in language have been adopted concerning the sections thus far considered. These are sections 1, 2, 3, 4, 5A and B. Some changes have been tentatively adopted and I will get copies when available for internal CIA consideration.

2. The group has accepted the CIA proposals that subsection 5(B)(4) of the Order is too narrow and CIA has been invited to propose substitute language. I am considering submitting the language attached at TAB A which I think is an improvement in that the existing language apparently would protect only against disclosure where "immediate" jeopardy would result and where it seems certain that there would be jeopardy. Additionally the current language is not clear in that it refers only to jeopardy to life. The proposed substitute language however might be criticized as too broad.

3. The Davis group is proceeding with some speed now and I believe in the not distant future will have reviewed the entire Order and the implementing NSC Directive. In my memorandum of 18 February (TAB B), I indicated a number of problem areas but we have not pressed for major changes or indeed any changes other than the above proposed change in 5(B)(4). I think Directorate representatives and their principals should address the Order and Directive in terms not only of the specifics of sections and paragraphs but the impact of the Order as a whole. After the NSSM-229 review is completed and the Order revised, I think the Agency will not be able to defend any of our actions or inactions on the basis that the Order requires more manpower or money than is available or that the Order imposes

unreasonable administrative burdens or for any other reason. I suggest that each Directorate and component representative on the Agency NSSM-229 group examine each of the many requirements in the Executive Order and the NSC Directive, all of which, I believe, are spelled out [redacted] and conclude that each requirement is worthwhile and workable or propose deletion or modification.

25X1

4. At TAB C is a Memorandum for the Record of 26 April in which I indicate several possible problem areas.

5. I will attempt again in the near future to convene a meeting of the NSSM-229 group to report further on progress of the interagency group (Davis) and to discuss these and related problems.

25X1



Associate General Counsel  
Chief, General Law Division

Attachments

25X1

Approved For Release 2005/07/28 : CIA-RDP91M00696R000300040001-9

Approved For Release 2005/07/28 : CIA-RDP91M00696R000300040001-9

(4) Classified information or material the disclosure of which reasonably could be expected to place a person's life, liberty or property in potential jeopardy.

25X1

Approved For Release 2005/07/28 : CIA-RDP91M00696R000300040001-9

Approved For Release 2005/07/28 : CIA-RDP91M00696R000300040001-9