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24 January 2001

VIA FACSIMILE AND MAIL

APPROVED FOR RELEASE
DATE: 02-23-2010

Ms. Kathryn I. Dyer
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: FOIA Request - John Deutch

Dear Ms. Dyer:

This is a request on behalf of the James Madison Project under the Freedom of Information Act, 5 U.S.C. § 552, et seq., for copies of all records on or pertaining to

- 1) the Inspector General investigative report into former DCI John Deutch's alleged mishandling of classified materials;
- 2) the revocation of Deutch's security clearances in August 1999; and
- 3) CIA responses, comments, critiques and/or legislative testimony and correspondence regarding the findings of the report;
- 4) the planned criminal prosecution and plea agreement of Mr. Deutch.

Our original request, which was submitted by letter dated February 2, 2000, was denied based on FOIA Exemption (7)(a). As you know, the investigation into Mr. Deutch has ended and he was pardoned by President Clinton prior to his execution of a plea agreement.

"Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives."

James Madison, 1822

The James Madison Project

In addition to those record systems you determine may be relevant to this request, you are specifically instructed to search the following systems during the initial processing stages of this request: the Directorate of Operations, the Directorate of Intelligence, the Directorate of Administration and the Directorate of Central Intelligence.

The term "record" includes, but is not limited to, all e-mail communications to or from any individual within your office, memorandums, inter-agency communications, sound recordings, tape recordings, video or film recordings, photographs, notes, note-books, indexes, memoranda, jottings, message slips, letters, telexes, telegrams, facsimile transmissions, statements, policies, manuals or binders, books, handbooks, business records, personnel records, ledgers, notices, warnings, affidavits, declarations under penalty of perjury, unsworn statements, reports, diaries or calendars, regardless of whether they are hand-written, printed, typed, mechanically or electronically recorded or reproduced on any medium capable of conveying an image, such as paper, computer discs or diskettes.

Should a document have originated with a third-party agency and require referral, please notify us of the referral and identify the agency in question. If you deny all or part of this request, please cite the specific exemptions you believe justifies your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. In excising material, please "black out" rather than "white out" or "cut out".

Additionally, we are hereby requesting a waiver of all fees. The James Madison Project is a non-profit organization under the laws of the District of Columbia and has the ability to disseminate information on a wide scale. Stories concerning our activities have received prominent mention in many publications including, but not limited to, *The Washington Post*, *The Washington Times*, *St. Petersburg Tribune*, *San Diego Union Tribune*, *European Stars & Stripes*, *Christian Science Monitor*, *U.S. News and World Report*, *Mother Jones* and *Salon Magazine*. Our website, where much of the information received through our FOIA requests is or will be posted for all to review, can be accessed at <http://www.jamesmadisonproject.org>. Prior requests submitted by our organization have been granted a full waiver, for which we are grateful.

Furthermore, there can be no question that the information sought would contribute to the public's understanding of government operations or activities and is in the public interest. The revelations surrounding the existence of the Inspector General's report, which were first reported by the *New York Times*, and the allegations involving former DCI John Deutch's alleged mishandling of classified materials, have been the subject of national attention. The Inspector General faulted current DCI George Tenet and other

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senior CIA officials for waiting too long before notifying the Justice Department or congressional intelligence oversight committees of the case. The underlying allegations led to the unprecedented revocation of Mr. Deutch's security clearance and an appearance by DCI Tenet before the Senate Intelligence Committee. The reported admission that Mr. Deutch would have pled guilty, as indicated in the enclosed article, marks the first time a former DCI would have ever been disciplined for such conduct. The matter continues to be the repeated subject of public discussion, both in print and on television and radio. Not only is this request regarding "actual or alleged" government activity, but it pertains to actual negligence and misconduct committed by officials of the United States Government, to include those within the CIA.

Please respond to this request within 20 working days as provided for by law. Failure to timely comply may result in the filing of a civil action against your agency in the United States District Court for the District of Columbia. Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me.

Sincerely,

Mark rector

Enclosure

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James Madison, 1822

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Ex-CIA Head Planned Guilty Plea

By MICHAEL J. SNIFFEN

.c The Associated Press

WASHINGTON (AP) - Former CIA Director John M. Deutch agreed last Friday to plead guilty to a misdemeanor for mishandling government secrets, but President Clinton pardoned him before the Justice Department could file the case against him, officials said Wednesday.

Deutch was among 176 people granted some form of clemency by Clinton just hours before he left office on Saturday. Clinton's pardon for Deutch said it was "those offenses described in the Jan. 19, 2001 information."

But Justice officials said the department did not file a criminal information in court against Deutch on that day - last Friday. An information is used to file charges almost exclusively in cases where defendants have reached a plea bargain with prosecutors and thus have waived their right to have a grand jury consider the charges and agreed to have them filed directly with the court in a criminal information.

Federal officials said last Friday that Deutch was near a plea bargain with prosecutors in which he would plead guilty to a misdemeanor but not be sentenced to any time in prison for keeping secrets on his unsecured home computers, which were linked to the Internet.

A federal law enforcement official, requesting anonymity, said Wednesday that Deutch signed the agreement Friday but too late to file it in court that day. The next time it could have been filed was Monday but in the meantime, Clinton issued the pardon Saturday.

Justice officials have declined to release the information or any plea bargain documents and say there is no reason to file them in court now the Deutch has been pardoned for the offense.

The timing illustrates the hasty nature of some of Clinton's last-minute pardons, but has little or no practical effect on Deutch because even if the charges had been filed and his plea taken earlier, he would still have avoided incarceration and gotten a presidential pardon.

A pardon releases a person from the punishment of a crime. States have different criteria for restoring the individual rights of those granted presidential pardons.

Presidents have the power to pardon citizens for offenses before those citizens are charged with any offenses, as President Ford did in pardoning his predecessor, President Nixon, for any crimes he may have committed in the Watergate scandal.

Deutch's attorney, Terrence O'Donnell did not return calls seeking his comment.

Deutch, CIA director from May 1995 to December 1996, stored and processed hundreds of files of highly classified material on unprotected home computers that he and family members also used to connect to the Internet, according to an internal CIA investigation. The Defense Department's inspector general found similar conduct during Deutch's prior service at the Pentagon.

Now a professor at the Massachusetts Institute of Technology, Deutch was stripped of his security clearances by CIA director George Tenet in 1999. As a former deputy defense secretary, Deutch also had Pentagon clearances, but he voluntarily gave them up last year.

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TELECOPIER TRANSMITTAL SHEET

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SUBJECT: FOIA Request - John Deutch

DATE: January 24, 2001

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MESSAGE/CONTENTS:

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