

OCA 01-01187

OCA 01-2226

SUBJECT: Letter to Vice Chairman Shelby on Unauthorized
Disclosures

DCI/OCA/[redacted] 5July01
OCA 2001-2226 (FN: Leglib, (b)(3) [redacted] Shelby UD Responseii.doc)

(b)(3)

Distribution:

- Original - Vice Chairman Shelby
- 1 - OCA Registry
- 1 - D/OCA
- 1 - GC
- 1 - DAC
- 1 - EXO/OCA
- 1 - (b)(3) Chron

SE VIOLA 18801

Unclassified

US Classification//Non US//SCI//Codeword//FGI//Dissem Controls//Non-Intell//Declass (as appropriate)

EXECUTIVE CORRESPONDENCE ROUTING SHEET

| | | | |
|--|-----------------------|-----------------------|--|
| 1. Origination Office DCI/OCA/Legislation Group | | 2. Date 08/03/2001 | |
| 3. FROM: Name | Room No. and Building | Phone | |

(b)(3)

4. Subject Letter to Vice Chairman Shelby on Unauthorized Disclosures

| | | |
|--|--|--|
| 5. Originating Office Control # OCA 2001-2226 | 5a. Response to DAC # (Originating Office to Complete) | 5b. DAC Control # (DAC Use Only) DAC-03753-01 |
|--|--|--|

6. Justification / Summary (Required for Immediate and Priority Actions)

Routine Priority Immediate

7. Coordination
This letter has been coordinated with and cleared by the Office of Management and Budget and the National Security Council staff.

NOTE: All correspondence sent to DCI, must be sent via ExDir and DDCI

| | | | | |
|-------------|---|--|----------------|--------|
| 8/3/01 | TITLE Director, Office of Congressional Affairs | <input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI | 8/3/01 | (b)(3) |
| 06 Aug 2001 | TITLE General Counsel | <input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI | 8/7/01 | (b)(3) |
| AUG 06 2001 | TITLE DAC | <input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI | AUG 06 2001 | |
| | TITLE Executive Director | <input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI | 8/8/01 | (b)(3) |
| AUG 09 2001 | TITLE Deputy Director of Central Intelligence | <input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI | 8/14/01 | (b)(3) |
| AUG 14 2001 | TITLE Director of Central Intelligence | <input checked="" type="checkbox"/> SIGNATURE <input type="checkbox"/> CONCUR <input type="checkbox"/> FYI | dk [signature] | (b)(3) |
| 4. | TITLE Deputy ExDir | <input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI | 8/8 | (b)(3) |

FORM 04-00 4468

Unclassified



Office of Management and Budget

Legislative Reference Division

7218 New Executive Office Building
725 17th Street, NW
Washington, DC 20503-0001

Date: 02 August 2001

FROM: Michael Garcia
PHONE: (202) 395-7896
FAX: (202) 395-5691
E-MAIL: Michael_Garcia@omb.eop.gov

| To | FAX # |
|--|--|
| <input data-bbox="261 1089 506 1195" type="text"/> | <input data-bbox="1045 1089 1273 1161" type="text"/> |

(b)(3)

COMMENTS:

Attached is the cleared version of the CIA's response letter to Sen. Shelby on "leaks."
This has been reviewed and modified by OMB and NSC.

Thanks.

AUG-02-2001 12:27

OMB/LRD/RDI

202 395 5716

P.02/02

(b)(3)

AUG-01-2001 18:26

OMB/LRD/LWP

202 395 6148

P.01/01

(b)(5)



TOTAL P.01

CONGRESSIONAL CORRESPONDENCE ACTION PLAN

17 July 01 0950

Suspense Date

Control Number

ACTION: Please forward response as indicated below to OCA for coordination and transmittal.

Prepare a response for DCI signature.

Lead Action Office:

Information Copies:

Prepare a response for D/OCA signature.

Lead Action Office:

OGC

Information Copies:

CPA;

NO WRITTEN RESPONSE NECESSARY

Lead Office:

Follow-Up Action:

Information Copies:

OCA ACTION OFFICER:

[Redacted Name Box]

(b)(3)

Advance Copies Provided To:

Comments:

NO FURTHER
DISSEMINATION WITHOUT
PRIOR OCA APPROVAL.

DAC - 03386 01
OCA 01 - 01103

RICHARD C. SHELBY, ALABAMA, CHAIRMAN
BOB GRAHAM, FLORIDA, VICE CHAIRMAN

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

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July 9, 2001

The Honorable George J. Tenet
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Director:

Last year President Clinton – over the objection of the Attorney General, the Director of Central Intelligence, and the Director of the FBI – vetoed the Intelligence Authorization bill because it included a provision that would criminalize the ‘leaking’ of classified information.

There remains a consensus within the Intelligence Community and the national security committees of Congress that leaks of classified information are out of control. Just in the months since the Bush Administration took office we have seen numerous examples of leaks throughout the government, particularly in the Hanssen investigation. At present, there is no statutory proscription for disclosing, without authorization, nondefense classified information. The time has come to fill this void.

Last year’s ‘leaks’ provision was drafted with the cooperation and support of the Attorney General, the Secretary of State, the Director of the FBI, and the Director of Central Intelligence. In fact, the Clinton Administration supported the provision in their own Statement of Administration Policy. Only under intense pressure from the press in the midst of a very competitive presidential race did the Clinton Administration waver in its support for the provision late last year.

This provision has been in discussion since the Reagan Administration studied the issue in 1985 and recommended enactment of legislation. It is a provision that is long overdue. With your support, we will work with the Administration to ensure we can enact a tough but fair leaks provision in this year’s Intelligence Authorization Act.

Sincerely,



Richard C. Shelby
Vice Chairman

SE VIOLA 18801



THE VICE PRESIDENT
WASHINGTON

July 19, 2001

The Honorable Richard C. Shelby
Ranking Republican
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Senator Shelby:

Thank you for your letter of July 9th regarding legislation to establish criminal penalties for unauthorized disclosure of classified information. Regrettably, in our careers in public service, you and I have seen situations in which people with authorized access to classified information have broken faith and disclosed secrets that have injured our defense, diplomatic and intelligence capabilities and activities. The American people have a right to expect their Government to protect the national security secrets upon which the protection and advancement of American interests depends.

I understand that Congress is likely to consider legislation to establish criminal penalties for unauthorized disclosures of classified information in connection with consideration of the Intelligence Authorization Act for Fiscal Year 2002. The Attorney General has the lead for the Administration on legislation defining crimes, such as the unauthorized disclosures legislation. The Secretaries of State, Defense, and Energy, the Director of Central Intelligence, and other officials whose organizations depend for their effectiveness upon protection of classified information, are available to assist the Attorney General in this matter.

I have asked the Attorney General to contact you regarding legislation on unauthorized disclosures of classified information. Thank you for your continuing leadership on intelligence issues.

Sincerely,

cc: The Honorable John Ashcroft
Attorney General of the United States
Washington, D.C. 20530

PRINTED ON RECYCLED PAPER

RECEIVED TIME JUL 26 2:10PM

JUL-26-2001 14:21

OMB/LRD/RDI

202 395 5716 P.02/03

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6405

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KATHLEEN P. MCCOY, CHIEF CLERK

July 9, 2001

The Honorable Richard B. Cheney
Vice President of the United States
Old Executive Office Building
Washington, D.C. 20501

Dear Mr. Vice President:

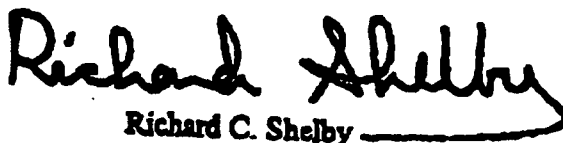
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Sincerely,



Richard C. Shelby
Vice Chairman