Page 2

Friday - 1 October 1971 25X1A 25X1A Accompanied the Director, 25X1 h a meeting with Senator John Stennis and Messrs. Braswell, Goldsmith and Woolsey, of the Senate Armed Services Committee staff. See Memo for Record. Received a call from Mr. Tom Korologos, 25X1 6. Special Assistant to the President, who said the White House was much concerned regarding the upcoming debate on Laos. (See Memo for Record.) Called Ed Braswell, Chief Counsel, Senate 25X1 Armed Services Committee, to say the map we are preparing for next week's secret Senate session on Laos would not be completed until noon tomorrow, and because of its size (6'x 4' when folded) it would be awkward to carry around and I wondered whether there was any need to bring it over tomorrow. Braswell 25X1A said 9:00 a.m. Monday morning would be satisfactory, and I arranged with of his office, would deliver FE Division, that 25X1A is also sending over to Braswell tomorrow 25X1A the map at that time. morning some additional backup material for Senator Stennis' use in the debate. 25X1A In the absence from the office of William 25X1 25X1A Phillips, Staff Director of the Foreign Operations and Government Information Subcommittee, House Government Operations Committee, and I met with Norman Cornish, of the Subcommittee staff, and delivered the Director's response to Chairman Moorhead's inquiry on the impact of the "Freedom of Information" law on the informational activities of the CIA. Mr. Cornish showed an interest in the two cases that we had reported and seemed to be completely satisfied with our response. Mrs. Chorbajian, in the office of 25X1 Representative Robert Steele (R., Conn.), called concerning an inquiry from 25X1A a constituent about an alleged training school for CIA and the Foreign Service The constituent wished to find out what the requirements would be to be eligible. Inquiries with OTR and DCS determined that this address is not an Agency facility. Mrs. Chorbajian was subsequently advised that the address was not connected with the Agency. She was furnished an Agency address for the constituent to write to if there

Journal - Office of Legislative Counsel

is an interest in employment. She also was advised not to be encouraging

in view of the current employment situation.

•		ROUTIN	G AND	RECOR	D SHEET
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	Legislative Counsel				OLC 71-0854
	7D35 Hqs	<del></del>			DATE
D: (Offi ilding)	cer designation, room number, and	D. RECEIVED	FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	Colonel White			lim	Attached for the Director's
<b>2.</b>					signature is a letter to the Chairman of the Foreign Operations and Government
3.	The Director	3 0 SEF	1971	N/L	Information Subcommittee responding to the Subcom-
•					mittee's Government-wide inquiry on the effectiveness of the so-called <u>Freedom of</u>
•					Information Law. The letter has been coordinated with General
6.					Counsel, Mr. Goodwin, and the DD/S.
7.	OLC 7D35				/ John M. Maury
3.					Please return for hand-carry.
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<b>I.</b>					
5.					

Letter to Chairman Moorhead re Freedom of Information Law

for Support

25X1A		
25X1A	Deputy General Counsel	29 Sept 71
	Joseph C. Goodwin Special Assistant to the Director	28 Sept 71  Date
25X1A	John W. Golfey Deputy Director	29 Sel 1971 Date



## CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D. C. 20505

## OFFICE OF THE DIRECTOR

30 September 1971

The Honorable William S. Moorhead Chairman, Foreign Operations and Government Information Subcommittee Committee on Government Operations Washington, D. C. 20515

My dear Mr. Chairman:

This is in reply to your 17 August request for information relating to the study of the effectiveness of 5 U.S.C. 552 dealing with public information.

Our response to your questionnaire and copies of the requested documents are enclosed.

You have also asked for a comment on the general effect of 5 U.S.C. 552 upon the information operations of this Agency. There has been no appreciable effect since almost all records of this Agency are exempted from public inspection under 5 U.S.C. 552 (e.g., "... specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy..." and "... specifically exempted from disclosure by statute..." [5 U.S.C. 552 (b)(1) and (3)]).

Our response to public inquiries are affected not only by the specific exemptions granted under 5 U.S.C. 552, but other applicable provisions of law as well.

The National Security Act of 1947, as amended, provides: "... That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;..." (50 U.S. C. 401).

The Central Intelligence Agency Act of 1949, as amended, provides: "SEC. 6. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403 (d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5, and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: Provided, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 947 (b) of Title 5."

These provisions of law require that the Agency refrain from commenting on specific Agency activities.

Please let us know if we can be of any further assistance.

Sincerely,

Richard Helms

Director

25X1A

Enclosures

And Government Information Subcommittee Concerning
Information Operations Under 5 U.S.C. 552 and E.O. 10501

- 1. Between 4 July 1967 and 4 July 1971 the Agency has received two formal requests for access to records under 5 U.S.C. 552.
  - a. Access was granted in one case.
  - b. Access was refused in one case.
  - c. In no case was access granted in part and refused in part.
  - d. No case is now pending.
- 2. As requested, the following information is submitted on the one case in which access was refused:

STATOTHR

in a letter dated 22 July 1967 was received on 26 July.

- b. Access was initially refused on 27 July 1967.
- c. The basis for the refusal was 5 U.S.C. 552 (b)(3).
- d. An administrative appeal was filed against the initial refusal on 31 July 1967.
- e. The Agency's action upon the appeal was taken 8 August 1967 by the Executive Director, Central Intelligence Agency.
- f. The Department of Justice was not consulted on this case as final action was taken more than two years prior to the Department of Justice's memorandum of 8 December 1969 to General Counsels of all agencies.

- 3. To our knowledge, no court action has been initiated under 5 U.S.C. 552 in connection with an Agency refusal to grant access to records.
- 4. Documents with control markings such as "Administrative-Internal Use Only" or "For Official Use Only" are not normally made available outside the Government. "Administrative-Internal Use Only" is used to identify unclassified, nonsensitive administrative information which should not be disseminated outside this Agency. "For Official Use Only" is used to identify intelligence information not warranting a defense classification but requiring dissemination limitation.
- 5. Questions 5, 6, and 7 ask that we provide the number of Agency personnel authorized to classify material under Executive Order 10501 and the name and title of the individuals authorized to classify material Top Secret. Section 6 of the Central Intelligence Agency Act of 1949, as amended, exempts the Agency from provisions of law requiring publication or disclosure of names, official titles, or numbers of Agency personnel.

## Excerpt From Agency Regulations

#### RELEASE OF CIA INFORMATION TO THE PUBLIC -

GENERAL. The purpose of this paragraph is to set out the procedures for releasing information to the public pursuant to the requirements of Public Law 90-23, commonly known as the Freedom of Information Act. The Act requires all Government agencies to make certain categories of information available to the public; it also exempts certain categories. The exemptions of the Act which apply to the Agency relate primarily to classified information. Accordingly, employees are advised to be knowledgeable of the distinction between classification, which will cause information to be exempt, and the use of "control markings," which by themselves will not.

HANDLING OF REQUESTS AND APPROVAL. All public requests for information from the Agency are to be handled and approved or disapproved by the Assistant to the Director of Central Intelligence. As required by the Act the Agency has published a notice in the Federal Register informing the public of the procedures for requesting Agency information.

#### EXCEPTIONS

- (1) The Act exempts information that is:
  - (a) Specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. (This exemption includes all information classified TOP SECRET, SECRET, or CONFIDENTIAL under Executive Order 10501, dated 1953. It does NOT include information marked "Administrative-Internal Use Only," or "For Official Use Only.")
  - (b) Related solely to the internal personnel rules and practices of an agency.
  - (c) Exempted specifically from disclosure by statute. (Under Section 6 of the CIA Act of 1949, this exception includes any information concerning the organization or function of the Agency and the names, official titles, salaries, and number of Agency personnel.)

(d) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

## (e) Identified as:

- (1) Trade secrets or commercial or financial information obtained from a person, which information is privileged or confidential;
- (2) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the agency concerned;
- (3) Personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (4) Investigatory files compiled for law enforcement purposes, except the the extent available by law to a private party; or
- (5) Geological or geophysical data or information, including maps, which concerns wells.
- (2) The Agency will not normally provide documents prepared from materials collected for intelligence purposes from sources which retain a proprietary interest in the materials (e.g., commercial photographs).

## Excerpt From Agency Regulations

Executive Order 10501, Safeguarding Official Information in the Interests of the Defense of the United States, as amended, has been fully incorporated into internal Agency regulations which are classified. The basic policy for handling information to protect intelligence sources and methods from unauthorized disclosure follows:

"PROTECTED INFORMATION. The problem of determining what information relates to the protection of intelligence sources and methods is of such complexity that no final determination can be made in regard to any single piece of information within the Agency or the other intelligence components except at the Director's level. Under his responsibility for protection of such information there have been established overall policies and detailed procedures for the appropriate dissemination of information and for its protection in the executive branch of the Government. Every request for information outside of the system designed to serve the executive branch becomes a special problem requiring specific determination by or on behalf of the Director. Therefore, all files, documents, records, and information (whether or not reduced to writing) in the offices of the Central Intelligence Agency, including the several field offices, or acquired by any person as a result of service with or on behalf of the Agency, are to be regarded in the first instance as protected information."

for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this issuance, see the application dated July 12, 1967, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW.,

Washington, D.C.

Dated at Bethesda, Md., this 13th day of July, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.
[License No. DPR-14; Amdt. 1]

The Atomic Energy Commission having found that:

a. The application for license amendment dated July 12, 1967, compiles with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The issuance of the amendment will not be it mical to the common defense and security - to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. DPR-14 is hereby amended by restating subparagraph 2.B., in

its entirety, to read as follows:

"2.B. To receive, possess, and use at any one time 6,550 kilograms of contained uranium-295 in connection with operation of the facility pursuant to the Act and Title 10 CFE, Part 70, 'Special Nuclear Material'."

This amendment is effective as of the date of issuance.

Date of issuance: July 13, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-8445; Filed, July 20, 1967; 8:45 a.m.]

# CENTRAL INTELLIGENCE AGENCY PUBLIC ACCESS TO RECORDS

## **Procedures**

1. Purpose. Pursuant to the requirements of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552), the following are established as the rules of procedure with respect to public access to the records of the Central Intelligence Agency.

2. Organization and requests for information. The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Requests for information and decisions and other submittals may be addressed to the Assistant to the Director, Central Intelligence Agency, Washington, D. J. 20505.

3. Procedures for request of records.
(a) Requests for access to records of the Central Intelligence Agency may be filed by mail addressed to the Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505.

(b) Requests need not be made on any special form but may be by letter or other written statement setting forth the pertinent facts with enough specificity that the requested record can be identified.

(c) If the request does not sufficiently identify the record, the Assistant to the Director shall so inform the requestor who may then resubmit his request together with any additional information which will help to identify it.

(d) When, the requested record has been identified the Agency will determine whether it is exempt from public inspection under the provisions of 5 U.S.C. 552(b). If it is exempt, the Assistant to the Director shall deny the request.

(e) If the Agency determines that the requested record is not subject to exemption, the Assistant to the Director will inform the requestor as to the appropriate reproduction fee and upon receipt of this fee, will have the record reproduced and sent to the requestor. Fees paid in accordance with this paragraph will be paid by check or postal money order forwarded to the Assistant to the Director and made payable to the Treasurer of the United States.

4. Appeals. Any person aggrieved by any determination made or action taken pursuant to the foregoing provisions of this notice may request the Executive Director of the Agency to review that determination or action. No specific form is prescribed for this purpose and a letter or other written statement setting forth pertinent facts shall be sufficient. The Executive Director reserves the right to require the person involved to present additional information in support of his request for review. The Executive Director will promptly consider each such request and notify the person involved of his decision.

5. Effective date. This notice shall become effective upon its publication in the FEDERAL REGISTER,

L. K. WHITE,
Executive Director,
Central Intelligence Agency.

[F.R. Doc. 67-8446; Filed, July 20, 1967; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17436]

## ALLEGHENY AIRLINES ROUTE 97 INVESTIGATION

## Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 15, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Wash-

ington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 8, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 14, 1967.

[SEAL]

MILTON H. SHAPIRO, Hearing Examiner.

[F.R. Doc. 67-8471; Filed, July 20, 1967; 8:47 a.m.]

[Docket No. 18595]

# ALM DUTCH ANTILLEAN AIRLINES Notice of Postponement of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding heretofore assigned to be held on July 26, 1967, is hereby postponed and is now assigned to be held on August 9, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., July 18, 1967.

[SEAL]

RICHARD A. WALSH, Hearing Examiner.

[F.R. Doc. 67-8472; Filed, July 20, 1967; 8:47 a.m.]

[Docket No. 19655; Order No. E-25423]

## EASTERN AIR LINES, INC., ET AL.

## Order Regarding Reservations Pracfices and Procedures in East Coast-Florida Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of July, 1967.

Agreement adopted by Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., relating to reservations practices and procedures in the East Coast-Florida Market, Docket 18554, Agreement C.A.B. 19655, as amended.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which establishes ticketing time limits in certain East Coast Markets in an effort to alleviate reservation problems during peak holiday periods.

<sup>2</sup> Southbound from Dec. 15, through Dec. 26, 1967, and northbound from Dec. 30, 1967 through Jan. 7, 1968.

<sup>&</sup>lt;sup>1</sup> Between Fort Lauderdale, Fort Myers, Key West, Miami, Sarasota/Bradenton, Tampa/St. Petersburg, and West Palm Beach on the one hand, and, Baltimore, Boston, Hartford/Springfield, New Haven, New York/Newark, Philadelphia, Providence, Washington, D.C., and Wilmington on the other hand.

WILLIAM'S. MOORHEAD POTOVER NET Release 2007/03/07: CIA-RDP73B00296R000100070003-1 OGDEN R. REID, N.Y. FRANK HORTON, N.Y. JOHN & RACE BORN, ILL. JIM WRIGHT, TEX.
JOHN CONYERS, JR., MICH.
BILL ALEXANDER, ARK.

NINETY-SECOND CONGRESS

PAUL N. MCCLOSKEY, JR., CALIF.

225~3741

# Congress of the United States

House of Representatives

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B371-B WASHINGTON, D.C. 20515

August 17, 1971

Honorable Richard Helms Director Central Intelligence Agency Washington, D. C. 20505

Dear Mr. Director:

After many years of hearings and other investigative work by this subcommittee, Congress passed the Freedom of Information Law which became effective on July 4, 1967, as 5 U.S.C. 552. We want your help in the Subcommittee's current study of the law's effectiveness.

The study is being carried out under the requirement that the Foreign Operations and Government Information Subcommittee study the economy and efficiency of the information operations at all levels of the Federal Government.

Will you please respond to the enclosed questionnaire by close of business, September 30, 1971?

In addition to the specific answers and material requested, please comment upon the general effect of 5 U.S.C. 552 upon the information operations of your agency. clude, if pertinent, an explanation of the types of public records made available as a result of the law but without the necessity of resorting to the formal application process.

If you have any questions, please call Mr. William G. Phillips, Staff Director of the Foreign Operations and

Approved For Release 2007/03/07: CIA-RDP73B00296R000100070003-1 Honorable Richard He1ms
Page Two
August 17, 1971

Government Information Subcommittee at 225-3741.

With best regards,

Sincerely,

WILLIAM S. MOORHEAD Chairman

WSM:wpm

Enclosure: "Information Questionnaire"

WILLIAM S. MOORHEAD POTOVED For Release 2007/03/07 : CIA-RDP73B00296R000100070003-1 ogden R. REID, N.Y.
JOHN E. MOSS, CALIF.
TORREST MACRONIA D. MASS.

TORBERT H. MACDONALD, MASS. JIM WRIGHT, TEX. JOHN CONYERS, JR., MICH. BILL ALEXANDER, ARK.

#### **NINETY-SECOND CONGRESS**

FRANK HORTON, N.Y.
JOHN N. ERLENBORN, ILL.
PAUL N. MCCLOSKEY, JR., CALIF.

225-3741

# Congress of the United States

## House of Representatives

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE OF THE

**COMMITTEE ON GOVERNMENT OPERATIONS** 

RAYBURN HOUSE OFFICE BUILDING, ROOM B371-B WASHINGTON, D.C. 20515

INFORMATION OPERATIONS UNDER
5 U.S.C. 552 AND E.O. 10501
HOUSE FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE

- How many <u>formal</u> requests for access to records under 5 U.S.C. <u>552</u> has your agency received between July 4, 1967, and July 4, 1971?
  - a. In how many cases was access granted?
  - b. In how many cases was access refused?
  - c. In how many cases was access granted in part and refused in part?
  - d. How many cases are pending?
- 2. For each of the cases in which access was refused, please provide the following information:
  - a. The name and address of the individual or organization presenting the request for access and the date upon which it was presented;
  - b. The date upon which access was initially refused;
  - c. The section of 5 U.S.C. 552 (b) (1) through (9) which was the basis for the refusal;
  - d. Whether an administrative appeal was filed against the initial refusal and, if so, the date of the appeal;
  - The date of the agency action upon the appeal and the title of the individual who took the action;
  - f. Whether, before the final refusal, the agency consulted the Department of Justice as requested by the Department's memorandum of December 8, 1969, to General Counsels of all agencies.

## INFORMATION QUESTIONNAIRE

2

- 3. For each of the requests for access to records which has resulted in court action under 5 U.S.C. 552, please provide the following information:
  - a. The case citation and the date court action was initiated;
  - b. A brief description of the agency records requested;
  - c. A citation of the section of 5 U.S.C. 552 upon which the agency relied to refuse access;
  - d. A <u>brief</u> explanation of the current status of the court action.
- 4. What legend is used by your agency to identify records which are not classifiable under Executive Order 10501 but which are not to be made available outside the government?

Please list each term and explain its application.

- 5. How many officials of your agency are authorized to classify material TOP SECRET under the terms of Executive Order 10501?

  Please identify, by name and title, each individual so authorized.
- 6. How many officials of your agency are authorized to classify material SECRET under the terms of Executive Order 10501?
- 7. How many officials of your agency are authorized to classify material CONFIDENTIAL under the terms of Executive Order 10501?

In addition to concise and specific answers to the above seven questions, please provide:

1. Two copies of all rules, directives, orders, memoranda, etc., implementing 5 U.S.C. 552 and two copies of all amendments or other changes to them.

## INFORMATION QUESTIONNAIRE

- 2. Two copies of all rules, directives, orders, memoranda, etc., issued by your agency to guide employees in the handling of records which are not classifiable under Executive Order 10501 but which are not to be made available outside the government.
- 3. Two copies of all rules, directives, orders, memoranda, etc., on the handling of information under Executive Order 10501.

PLEASE PROVIDE ANSWERS TO THE ABOVE QUESTIONS AND COPIES OF THE REQUESTED DOCUMENTS TO THE HOUSE FOREIGN OPERATIONS AND GOVERN-MENT INFORMATION SUBCOMMITTEE, ROOM B-371B, RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515 BY CLOSE OF BUSINESS, THURSDAY, SEPTEMBER 30, 1971.

3

The Director  Mr. John Maury  Action Approval Comment Concurrence I 8 AUG 1971  DIRECT REPLY PREPARE REPLY RECOMMENDATION SIGNATURE		UNCLASSIFIED OFFICIA	AL ROUTING		DEGREE
The Director  Mr. John Maury  Action  Action  Approval  Comment  Concurrence  T 8 AUG 1971  AUG 1971  THE Director  AUG 1971  AUG 1971  FILE  RECOMMENDATION  SIGNATURE	-0	NAME AND A	DDRESS	DATE	INITIALS
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FORM NO. 237 Use previous editions

30 September 1971

NOTE FOR: Colonel White

The attached proposed letter for the Director's signature was prepared in response to a survey of the effectiveness of the so-called Freedom of Information Act by the House Subcommittee on Foreign Operations and Government Information.

In response to the Subcommittee's questionnaire and request for documents, excerpts from classified Agency regulations have been included on an unclassified basis, subject to your approval.

- The substance of "Release of CIA Information to the Public."
- "Protection and Disclosure b. Subparagraph b of of Information."
- c. Meaning of the control markings "Administrative-Internal Use Only" and "For Official Use Only" as contained in

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John M. Maury Legislative Counsel

Approved For Release 2007/03/07: CIA-RDP73B00296R000100070003-1

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NOTE FOR: JMM

Attached for the Director's signature is a letter to Chairman Moorhead on the impact of the Freedom of Information law. For your signature is a note to Col. White seeking his approval to declassify certain portions of Agency regs which are being sent as an enclosure to the Director's letter.

Also for your signature is an explanatory note to the Director.

FYI - is a Memorandum for the Record to remind you of some of the considerations involved in preparing the reply.

LLM