

OGC 73-1101

13 June 1973

MEMORANDUM FOR THE RECORD

SUBJECT: June 1973 Meeting of the ICRC

1. The Interagency Classification Review Committee met today at 10:00 a.m. in the second floor conference room of the White House. Mr. Rhoads, the Acting Chairman, presided. Members in attendance included Mr. Brower of State, Mr. Houston of CIA, Mr. Marshall of AEC, and Mr. O'Neill of Archives. Mr. Ulman attended for Justice in the absence of Mr. Dixon. Dr. Cooke and Mr. Leibling attended for Defense and I understand Dr. Cooke is now the permanent Defense member. The new member representing NSC is General Scowcroft but he was represented today by Colonel Kennedy who was accompanied by Mr. Oswald Day. Mr. Dixon Neekum (phonetic spelling), introduced as an Assistant Director of the Office of Management and Budget, also attended. Chairman Rhoads welcomed the new members. He also indicated that during the period when he serves as Acting Chairman, he wants to have a representative of OMB sit in.

2. The minutes of the May meeting, with certain changes proposed by Mr. Brower, were accepted.

3. Item 2 of the agenda involves the question of automatic declassification of material placed in Group 3 under E. O. 10501. Mr. Ulman advised that in the opinion of the Department of Justice, material in Group 3 under the old Order does not automatically declassify. A discussion ensued from which ultimately it was agreed that each department, of course, is at liberty to provide, by regulation

or otherwise, for automatic declassification or downgrading of documents or categories of documents in Group 3. An ICRC paper to that affect will be circulated. Additionally, the Ad Hoc Committee appointed by Chairman Rhoads by his 30 May memorandum is asked to consider whether E.O. 11652 should be amended to provide for automatic downgrading of Group 3 documents.

4. Item 3 of the agenda (ICRC procedures) involves the question of ICRC jurisdiction in the area of intelligence sources and methods. Mr. Ulman reported receipt of the CIA letter asking Justice's acceptance of our proposed request to ICRC that the Committee not entertain appeals from departmental rejections which involve intelligence sources and methods. He noted that the Attorney General is to appear before the Muskie-Kennedy Committee on 26 June on the subject of government information. His testimony will cover, among other things, classification matters and the Department wants to confer with him concerning the CIA request prior to that time. Mr. Rhoads received Mr. Ulman's assurance that the Department of Justice should be able to respond to the CIA request sufficiently early to permit the Committee to take final action on the procedures paper at its next meeting. Mr. O'Neill also pointed out that in view of the fact that the only appeal from departmental decisions involving 30-year-old documents is to ICRC (that is, there is no appeal to a departmental committee) acceptance of the CIA proposal would mean there would be no appeal at all in the case of a 30-year old document involving intelligence sources and methods. He will propose changes in language in the proposed ICRC procedures paper. Mr. Rhoads stated that he wants to approve the procedures at the July meeting.

5. Mr. Tufaro reported on Item 4 of the agenda. He praised the work of the Archivist's personnel who participated in the work group. He also passed out a paper dated 19 June which, among other things, named the personnel of the various agencies who have participated and are to participate in the future. He invited all concerned to satisfy themselves that the right people are involved.

6. With respect to Item 5 of the agenda, Mr. Rhoads indicated his thought is to produce a series of memoranda to departments which, in effect, would recite ICRC decisions and actions. After some discussion, it was agreed that this might be desirable and it was further agreed that the memoranda appropriately could be addressed by the Chairman to the department heads. Colonel Kennedy noted the requirement under the order that NSC supervise the implementation of the E. O. and suggested that in some instances it might be appropriate for the memoranda to department heads issue from the NSC and take the form of instructions to department heads.

7. Several items not on the agenda were discussed. All agencies are asked to supply the name of its representative for the Ad Hoc group created by Chairman Rhoads in his memorandum of 30 May. Several agencies have named their representatives. Colonel Kennedy named Mr. Day as the NSC representative and Mr. Houston named [redacted] for CIA. Mr. Rhoads handed out a rewrite of the brochure reflecting comments from various departments. All concerned are to forward comments by early next week.

8. The working group on foreign derived information is to meet again on Friday, 22 June. A paper prepared by NARS was handed out; it will be considered at the Friday meeting.

9. Mr. Rhoads announced that Mr. Tufaro is resigning to return to the practice of law in New York by the end of the month. He paid glowing tributes to Mr. Tufaro's work and various members associated themselves with the Chairman's comments. Mr. Tufaro expressed his pleasure and appreciation for his work in the White House and with the Committee. He also stated his view that the work of the Committee and the program set up by the Executive Order are just beginning and that reform is yet to be accomplished.

[redacted]

Associate General Counsel

STATINTL

cc: ES/CIA Management Committee

✓ SAIC

Orig - OGC Subj: Security - E.O. 11652 ICRC - Agendas & Minutes

1 - RHL Signer

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