

OGC 83-00293

11 January 1983

MEMORANDUM FOR: Director of Central Intelligence

FROM: Stanley Sporkin
General Counsel


SUBJECT: FOIA Legislation

1. I believe that there are two key things which need to be done immediately to get our FOIA relief efforts launched effectively in the new Congress.

- First, there has to be a highly visible demonstration of Administration interest in securing Intelligence Community FOIA relief. The best way to do this would be to have the President mention the issue in his State of the Union Message. The statement does not have to specify exactly what kind of relief the Administration wants, but it should promise that a proposal will be sent to the Congress. I have attached such an FOIA insert. Getting it included in the State of Union will, in my judgment, require your personal intervention with the President or those closest to him.

- Next, the Administration must formally submit a legislative proposal to the Congress. I am now preparing a package for transmittal to the Office of Management and Budget. I would anticipate that we will have to expedite the legislative clearance process with at least one high-level meeting involving Department of Justice and Intelligence Community officials. Our proposal will be along the lines of the original Chafee Bill (i.e., exclusion of certain file categories from search and review), but it will reflect the agreements that reportedly have been reached with outside parties. It also will be designed to allow us room to make some compromises and trade-offs during the legislative process.

2. I recommend, therefore, that as an initial step you attempt to have the President include the attached insert in his State of the Union Message.


Stanley Sporkin



F100

INTELLIGENCE INSERT
STATE OF THE UNION ADDRESS

This year I intend to work closely with the Congress as we continue to enhance national security by strengthening our intelligence capabilities. Recognition of the need to correct weaknesses in this critical area has resulted in commitment of the resources necessary to ensure that in the coming decades our government will have the information it needs to safeguard American interests. Last year I proudly signed the Intelligence Identities Protection Act into law, providing long overdue protection for the brave men and women who serve in difficult and often dangerous intelligence assignments.

But more remains to be done. We need legislation to relieve our intelligence agencies from time-consuming and costly requirements which distract them from their vital missions. I intend to send to the Congress a legislative proposal to provide relief for our intelligence agencies from the incongruous burdens of the Freedom of Information Act. We must end the wasteful and debilitating diversion of resources and critically needed intelligence skills, and ensure that individuals and governments around the world remain confident of the determination and ability of the United States to protect information confided to us. I look forward to working with the Congress in achieving this most important goal.