

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

NSS review
completed.

ACTION
June 16, 1972

MEMORANDUM FOR GENERAL HAIG

FROM:

TOM LATIMER *TL*

SUBJECT: Interagency Classification Review Committee

David Young has submitted the attached package to HAK and John Ehrlichman on the first meeting of the new Interagency Classification Review Committee chaired by John Eisenhower.

The only item which requires your attention is David's proposal on page 2 of his memo that the NSC's own "departmental" classification committee consist of Jeanne Davis, Dick Kennedy, David, and me and that either Jeanne or Dick should chair the committee.

The NSC committee would concern itself only with problems relating to the proper classification of material produced by the NSC staff.

RECOMMENDATION: That you chose either Kennedy or Davis to chair the NSC classification committee as indicated on page 2 of David's memo.

Call...
Tom - Dick's got to
want to do - I'd much
prefer that you
chair not
Jeanne

MORI/CDF
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THE WHITE HOUSE

WASHINGTON

June 15, 1972

MEMORANDUM FOR: HENRY A. KISSINGER ✓
JOHN D. EHRLICHMAN

FROM: DAVID R. YOUNG ~~DAV~~

SUBJECT: FIRST MEETING OF INTERAGENCY
CLASSIFICATION REVIEW COMMITTEE
JUNE 7, 1972 STATUS REPORT

Ambassador Eisenhower came down to Washington last week, was presented with his commission and chaired the first meeting of the newly created Interagency Classification Review Committee (ICRC). All Committee members as designated by the President were present; namely

J. Fred Buzhardt, General Counsel, Defense
John R. Stevenson, Legal Adviser, State
Lawrence R. Houston, General Counsel, CIA
Ralph E. Erickson, Asst. Attorney General, Justice
John V. Vinciguerra, Asst. Manager, AEC
David R. Young, Special Assistant, NSC
(James O'Neill, Deputy Archivist, by special invitation)

The meeting was conducted along the lines of the distributed agenda (Tab A) and the complete minutes are attached (Tab B). Each department gave a full report on its departmental set up for responding to requests for declassification. The process in each case involves:

- (i) an initial determination by the officer assigned action by the office designated to receive requests,
- (ii) a right of appeal to a departmental committee in the event of denial, and
- (iii) the right of appeal to the ICRC in the event of denial by the departmental committee.

Where the requester appeals to the departmental committee or ICRC the individual officer most closely involved with the subject matter concerned and aware of the implications of declassification shall present the case for continued classification.

As for the NSC's own "departmental committee" I suggest that it consist of Jeanne Davis, Dick Kennedy, Tom Latimer and myself. I think that either Jeanne Davis or Dick Kennedy should chair the committee and oversee the initial determinations by officers given action on requests.

Kennedy to chair _____ Davis to chair _____

In addition, the following actions were taken by the Committee:

- (1) Each department's implementing regulations are to be circulated to the other departments for comments by June 16th. After resolution of any inconsistencies, Committee approval is to be taken by circulated memorandum.
- (2) A short statement on the operating procedures which the Committee intends to follow is to be drawn up and circulated for comments.
- (3) Lists of those persons by title that should have authority to classify in each category are to be submitted by each department by July 1.
- (4) Each department is to undertake to compile an estimate of the amount of classified material it presently has on hand.

With Ambassador Eisenhower's concurrence I have also established a subcommittee of computer experts from each department in order to coordinate the implementation of the data index system requirement under the NSC Directive.

THE WHITE HOUSE

WASHINGTON

June 5, 1972

AGENDA FOR MEETING OF
INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

Roosevelt Room, White House
June 7, 1972, 11:00 AM

Participants: Ambassador John S. D. Eisenhower, Chairman
J. Fred Buzhardt - Defense
John R. Stevenson - State
Ralph E. Erickson - Justice
Lawrence R. Houston - CIA
John V. Vinciguerra - AEC
James B. Rhoads - GSA
David R. Young - NSC

1. Opening Remarks by Chairman
2. Discussion on how Committee might operate in light of foregoing.
3. Reports from Departments on where they stand in regard to the following:
 - (a) issuance of regulations
 - (b) orientation of employees on new rules
 - (c) requests for declassification and decisions thereon to date
 - (d) submission of list identifying classifiers - due July 1st
4. Status report on crises declassification projects.
5. Discussion of public relations aspects - if time available.
6. Setting of time for next meeting.

**MINUTES OF JUNE 7, 1972 MEETING
OF INTERAGENCY CLASSIFICATION
REVIEW COMMITTEE**

Participants: Ambassador John S. D. Eisenhower, Chairman
J. Fred Buzhardt - Defense
John R. Stevenson - State
Ralph E. Erickson - Justice
Lawrence R. Houston - CIA
John V. Vinciguerra - AEC
James O'Neill - GSA, Archives
David R. Young - NSC

Also attending: Charles N. Brower - State
Charles L. Marshall - AEC

Fredericka Paff - Justice (note taker)

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Proceedings:

1. Chairman Eisenhower made an opening statement, a draft of which was circulated afterwards. (Copy at Tab I). A number of points relating to the operation of the Interagency Committee were made:

- (A) Each Committee member should make every effort to attend each meeting in person. On the rare occasions when that is impossible, a deputy should be designated to attend and act in his place;
- (B) An agenda will be made up for each meeting by selecting from proposed agenda items submitted in advance by the Committee members;
- (C) When discussion of a particular problem within an agency is contemplated, a knowledgeable agency official may be included at the Committee meeting;
- (D) Meetings will be run informally. There will be no formal votes; Chairman Eisenhower will

determine the consensus, giving dissenters an opportunity to set out their views;

- (E) The Committee will not report regularly to the White House, but only when there is a "snag";
- (F) Declassification requests will not be considered by the Interagency Committee until they have been processed by the appropriate agency.

2. Discussion of how the Committee might operate, points made:

- (A) We will want something concrete planned in the way of Interagency Committee operating procedures, so that we can respond to inquiries about the current and projected activities of the Interagency Committee with something concrete. Chairman Eisenhower said there would be no formal regulations governing Interagency Committee proceedings, at least at the outset, because we were not aware of what the workload would be etc.
- (B) The Order requires the Interagency Committee to take action on general complaints about the administration of the Order from outside the government without processing them through the agencies first.
- (C) The Interagency Committee approval of agency regulations required by the Order will be handled as follows. Each agency will provide David Young with a sufficient number of copies of its proposed regulations to permit circulation to each Committee member. David Young will circulate the draft regulations to each Committee member, as soon as they are received. Each Committee member will have a week from the date of receipt to make comments and/or sign indicating his approval.

- (D) Each agency will decide what part of its regulations affect the public and should be published in the Federal Register in accordance with the NSC Directive. There will be no publication for purposes of soliciting public comment prior to the issuance of agency regulations.

3. Reports from Departments.

(A) Justice

- (a) A draft set of proposed regulations is ready for circulation to the Interagency Committee members.
- (b) Copies of the Order, the Directive, and the "Notice" have been circulated to each division. The regulations will be circulated when approved to each employee with a clearance. Briefings will be conducted to the extent practicable. Attention is being given to FBI practices with respect to classification of investigative materials.
- (c) Justice has only one declassification request under the new Order, from the Department of the Army. It involves 30-year old FBI records still in the custody of the Department, which include material relating to FBI informants.
- (d) Justice anticipates no difficulty in providing the lists of classifiers prior to July 1. The designations have already been made. A greater than 50% reduction in Top Secret classification authorities has been accomplished.

(B) State

- (a) Has submitted for circulation a draft of its proposed regulations.
- (b) A simplified explanation of the new rules has been sent to all offices. Questions have come in and are

being answered. The "Notice" has been sent to individual classifiers, and stamps have been distributed. New employees are being briefed. A package is being prepared for security officers worldwide. State is planning to use posters and other visual aids. Outgoing matter is being monitored, and a substantial reduction in classification has already resulted.

- (c) No decisions have yet been made on requests. The New York Times has made a very extensive request, which will result in substantial search costs. There is a real problem with identifiability, burdensomeness, and the adequacy of fees chargeable by regulation for searches (now \$3.50 per hour). Harvard Law Professor Charles R. Nesson, a defense counsel for Ellsberg, has made an extensive request in connection with his clients' case. A subpoena is also involved.
- (d) State anticipates no problem in submitting the list of classifiers by July 1. It expects to have 300 officials with Top Secret authority. Under 10501 all foreign service officers had Top Secret classification authority. Now only the Ambassador and one other official have Top Secret authority at each post.

(C) AEC

- (a) Draft regulations have been submitted.
- (b) Have had an orientation meeting of field office security officers and key officials in Washington.
- (c) There have been 17 requests for declassification, mostly routine. Only one request came from the public, a contractor (KMS), and since that came today no action has yet been taken.

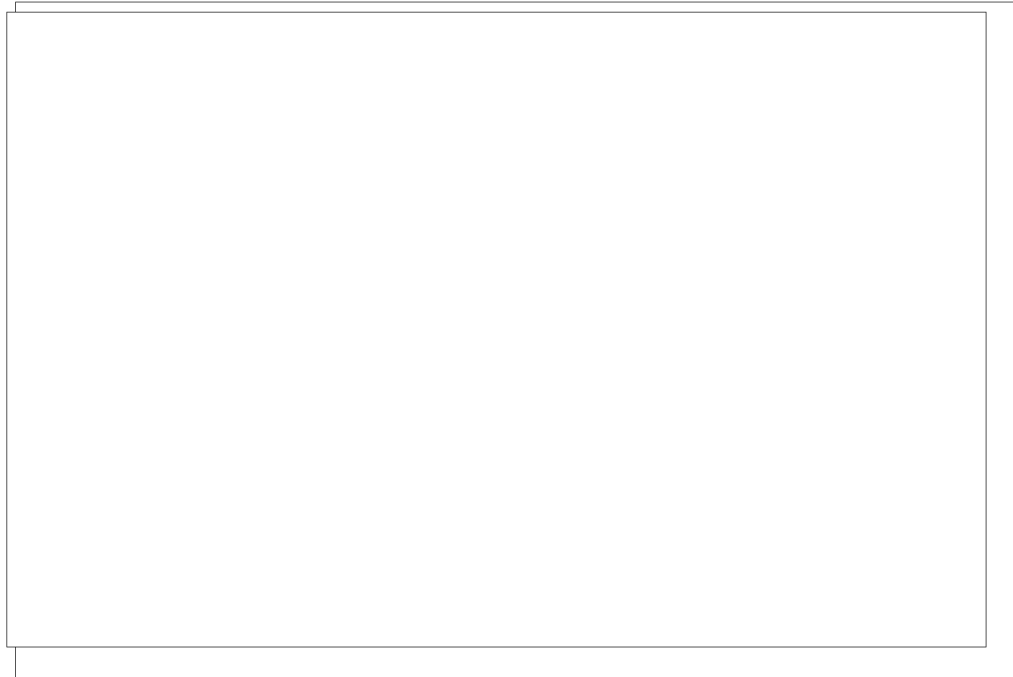
- (d) AEC has a list of classification authorities. There will be 25 officials with Top Secret classification authority.

In AEC almost all classified material is "Restricted Data" or "Formerly Restricted Data" under the Atomic Energy Act. It can be downgraded or declassified only pursuant to the provisions of the Atomic Energy Act.

AEC has had a document declassification project underway for the past 8 months, during which 660,000 documents have been declassified.

(D) CIA

- (a) Have had difficulty with regulations because of differences between components. Hope to have regulations out by June 8.
- (b) Employees have been notified that the regulations are on the way. Orientation will start soon. A document management system is being instituted.



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- (d) Will have list by July 1; have Top Secret already.

(E) GSA - Archives

- (a) A draft of proposed regulations for handling requests for declassification of records originating in other agencies was circulated. GSA's regulations for its own records pursuant to the Order will be forwarded shortly.

The procedures for handling requests for material in Presidential libraries have not yet been established.

There was a brief discussion of the availability of WWII material. State material is not a major problem because their material is open through 1945. The bulk of still-classified WWII documents is Department of the Army material. DOD has sent guidelines to the GSA for WWII material which it is expected will make possible "bulk declassification" of approximately 95% of it. The British have loosened up on diplomatic materials, but have made a caveat with respect to military and intelligence materials.

- (b) [Not applicable]
- (c) There have been no formal declassification requests, but there have been several inquiries from journalists who are testing the ground.

- (d) [Not applicable]

(F) DoD

- (a) A draft of proposed regulations has been submitted for circulation.
- (b) A training program by the services is well underway. DoD personnel are operating under the pro-

posed regulations pending their approval by the Committee.

- (c) There is no apparent increase in requests for declassification. DoD also has the Nesson-Ellberg subpoena. To date DoD has been able to locate only 5 of the 37 categories of documents requested. They believe 22 of them are in the Johnson library. Apparently departing Johnson administration officials stripped DoD's files--not only of White House correspondence, but also of internal DoD documents. While copies may exist somewhere in DoD, the main file copies are gone.

4. Status report on crises declassification projects.

David Young reported on the progress to date on government initiated declassification of materials relating to certain postwar crises. Lebanon was selected as a pilot project. DoD, State and CIA have coordinated to collect and sort all the material. The outcome now awaits a State decision on the international political impact of release. It was agreed this would be handled separately from the Foreign Relations series, and that it would be made available sanitized in accordance with the assessment of its international impact.

In various agencies there may be crises materials that can be collected and declassified without difficulty. Committee members should think about possible crises, so that a list can be made up for the President. Cuba is a possibility.

5. Discussion of public relations aspects.

- (A) There is a possible problem of favoring certain newspapers by giving them scoops in response to declassification requests. Yet if we make simultaneously available to all what we make available to any, there will be a problem in allocating search fees. It was suggested that a policy of first come and pay, first served be followed, but that copies be made available to all on

request once the first copy is made available to the first requester. This would ordinarily give the first the scoop he paid the search fees for.

- (B) Chairman Eisenhower said some temporary operating procedures for the Committee should be developed, which would not be volunteered but which would be available if necessary for publicity purposes.

6. The next meeting is scheduled for July 6, 1972, at 10:00AM. Chairman Eisenhower asked the agencies represented to do three things:

- (A) Finish drafts of their proposed regulations for Interagency Committee approval immediately;
- (B) Supply by July 1 lists by title of classification authorities at each level, together with comparative statistics on the number of classifying authorities under E. O. 10501 and E. O. 11652; and
- (C) Prepare an estimate of the number of classified documents each agency now has at each of the three classification levels before the next meeting.

OPENING REMARKS - INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

11:00 A.M., June 7, 1972

Good morning. I would like to welcome you to the first ~~official~~ meeting of the Interagency Classification Review Committee, which became an official body as you all know, this last Thursday, June 1st. Most of you, I realize, have worked on the problem of shaking loose the amount of classified material in the Government's vaults for some time and that task involved the concept of this Committee. Therefore, I will not waste your time and mine in reviewing contents of Executive Order #11652 of March 8th or the implementing instructions issued this last May 17th. Neither is it necessary for me to emphasize to you the importance of the chores we have been given and of the President's personal interest in the success of our mission.

This all can be summarized by stating that this is now an official standing Committee and our chores in this regard command top priority of all our time and efforts.

We all realize that we are in the process of a task of pioneering. We are going into unknown territory and it is as yet undetermined as to the volume of effort that is going to be required of us. We do not know, for example, the size or composition of the permanent staff necessary to keep the records straight and to channel requests ^{for access} ~~in coming~~ in the proper directions. But this very unknown quantity is part of what makes this job so exciting.

Based on my study of the background documents, I am impressed by the wide range of responsibilities that this Committee is going to be faced with. In the light of these, it is quite obvious that this Committee is going to have to remain as high level and broad in its activities as possible. We are going to have to act in a supervisory capacity -- watchdog is the word one newspaper used -- and not as an operating group. If we tried to perform all our tasks without decentralization, we would have to build a permanent staff almost comparable to a separate agency. Thus the only way in which we can do what is expected of us without building our own bureaucracy is to depend on the departments and agencies that you all represent. The people in your organizations are going to have to do the vast bulk of the spade work under this Committee's supervision and monitoring.

Based on my evaluation of this problem, I propose that we follow certain basic procedures until experience shows us otherwise.

First of all, I cannot emphasize strongly enough the necessity for continuity in personal attendance. On a completely arbitrary basis I have selected the first Wednesday of every month for us to meet, and I ask that you mark your own personal calendars accordingly so that the people in this room can attend as close to 100% of the regular meetings as possible. Of course attendance on the part of an individual will sometimes be simply impossible; therefore I presume that each of you will select a deputy to attend when it is physically impossible for you personally to be here. This presumption is not meant to de-emphasize the necessity for those of you whom the President has specified by name to be here.

It is probably overly optimistic to estimate that we can do our job on the basis of one meeting a month. As I visualize the way things will go, the activity may be rather slight at first because of the internal work which will be in progress in each of your organizations. Then, after certain cases have been duly processed -- a maximum of sixty days from the time of a request for access -- the work load may involve two or three or more additional meetings per month. After that I would expect the pace to taper off to a routine. Our schedule will have to be paced in accordance with the way things unfold.

Secondly, for each meeting we will make every effort to issue to each of you an agenda several days in advance, hopefully a week. This agenda should include specific cases that we are to consider, along with some background provided by the organization concerned, to give you a chance to give it some thought ahead of time.

Third, we will not conduct these meetings on a formal basis, with recorded votes as does a Congressional committee. While I may occasionally ask for a show of hands to indicate a consensus, I do not visualize reporting to the White House the position taken by any single organization. We should realize, of course, that this Committee as such has no final authority; it is advisory to the President only. Therefore, if the Committee cannot reach an agreement, I will summarize the situation in a report to the President and any of you who dissent from what I consider the consensus have the right to submit

your independent views. I trust that this type of situation will occur rarely, if ever.

Fourth, I do not visualize submitting weekly or even periodic reports to the White House. We should impose on the time of the President and his staff only when necessary -- that is, when we come up with specific recommendations for amendments to the directives under which we work, or when the Committee as a whole disagrees with the position of a Department concerned in a given case and the Department wants to stand its ground.

Finally, I would like to outline the priorities of our efforts.

First of all is the matter of each organization's internal instructions for implementing the President's directive. I ask that you get about this as soon as possible for a study by Dave Young and myself and anyone else on the Committee interested.

Second, I would appreciate your making as thorough an estimate as possible of the numbers of TOP SECRET, SECRET, and CONFIDENTIAL documents on hand in each of your organizations. For some this chore will be easy. However, in the Department of Defense, I would visualize it as being rather difficult. Nevertheless, if the Archives can estimate some 760 million papers on hand in their files, the rest of you should be able to come up with somewhat of a reasonable ballpark estimate. The reason for this request is to afford us a gauge by which we can evaluate our efforts after a period of say a year or so.

Finally our routine activities in this Committee should include monthly progress reports if such can be reasonably ascertained and, of course, consideration of any appeals for declassification that have been duly processed.

In closing I would like to emphasize once again that this Committee is a monitoring organization and -- bureaucratic as it may seem -- we intend that all cases brought before this body will first have gone through the mill, through one of your organizations.

And one final plea: during our meetings let us try to hold extraneous discussion to a minimum. There is a natural tendency to haggle interminably over one detailed point. If we do not keep our comments fairly concise, we can find ourselves all here with a full-time job.

I would now like to open the meeting to a discussion and would welcome any comments on what I have said.