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CONF: EA/PAMSI/A INFO: C/ORMS, DC/EA, EA/LGL, EADORECORD, LIMITO, MDSX, ODPD, FILE, C/EA, EA/XO (3/P)

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TOT: 272220Z SEP 96

DIRECTOR 960961

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TO: IMMEDIATE

FROM: LIMIT EA/PAMSI/A INFO EA/LGL, CHIEF/EA, DC/EA

SLUGS: WNINTEL

SUBJECT: DEMARCHE TO USG REGARDING US LEGISLATION ON DECLASSIFICATION

REF: NONE

TEXT:

1. ACTION REQUIRED: PLEASE FAX BY COB 2 OCT A COPY OF THE DEMARCHE TO THE USG REGARDING LEGISLATION ON THE DECLASSIFICATION OF DOCUMENTS. ADDITIONALLY, WE WOULD APPRECIATE RECOLLECTION OF REACTION TO THE US LEGISLATION AS WELL.

* 2. THE<JOHN>F.<KENNEDY>REVIEW BOARD<(JFK>BOARD) ESTABLISHED BY THE PRESIDENT TO DECLASSIFY ALL DOCUMENTS RELATING TO THE<JOHN>F.<KENNEDY>ASSASSINATION HAS COME ACROSS TWO DOCUMENTS (AND FOUR CIA DOCUMENTS)WHICH THEY WOULD LIKE TO DECLASSIFY WHICH REVEAL THE EXISTENCE OF AN AGENCY RELATIONSHIP. THE REVIEW BOARD HAS BROAD AUTHORITY TO DECLASSIFY DOCUMENTS RELATED TO THE<JFK>COLLECTION REGARDLESS OF THEIR COUNTRY OF ORIGIN OR THE SENSITIVITY OF THE SUBSTANCE. IT HAS COME TO OUR ATTENTION THAT THE BOARD HAS REVIEWED THE TWO DOCUMENTS AND THE FOUR CIA DOCUMENTS AND DEEMED THEM APPROPRIATE FOR RELEASE. GIVEN THE OBVIOUS SENSITIVITY OF OUR RELATIONSHIP OGC IN COORDINATION WITH EA/LGL AND EA/PAMSI, IS PREPARING A MEMO TO THE BOARD REQUESTING THEY NOT RELEASE THE FIRST TWO DOCUMENTS BECAUSE THE DOCUMENTS ARE THE PROPERTY OF GOVERNMENT. INSTEAD WE ARE WILLING TO PROVIDE SUMMARIES OF THESE DOCUMENTS OMITTING ANY MENTION OF THEIR ORIGIN OR OF THE EXISTENCE OF A RELATIONSHIP. THE AGENCY DOCUMENTS WHICH MAKE REFERENCE TO OUR RELATIONSHIP WOULD BE REDACTED TO TAKE OUT ALL REFERENCES

* 3. IN OUR EFFORT TO PRESENT A SOLID CASE TO THE<JFK>BOARD, THE MEMO INCLUDES A STRONG ARGUMENT THAT EVEN APPROACHING THE ON THE ISSUE OF DECLASSIFICATION OF A DOCUMENT WILL STRAIN OUR RELATIONSHIP WITH THEM. OUR ARGUMENT

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WILL ENUMERATE THE THE UNFAVORABLE REACTION THE [REDACTED] HAD TO RECENT DISCLOSURES AND AGENCY REQUESTS FOR PERMISSION TO DISCLOSE INFORMATION PASSED TO US [REDACTED]. EXAMPLES WE INTEND TO CITE INCLUDE THE DUTY TO WARN ISSUE WHERE [REDACTED] WERE ADAMANT ABOUT NOT GIVING PERMISSION TO DISCLOSE THEIR INFORMATION BECAUSE OF SOURCE PROTECTION ISSUES, [REDACTED] ABOUT THE BOOK PUBLISHED BY A FORMER AGENCY EMPLOYEE THAT ALLUDES TO [REDACTED] THE RECENT DEMARCHE EXPRESSING CONCERN THAT A FORMER AGENCY OFFICER ALLEGEDLY DISCLOSED CLASSIFIED INFORMATION (AN ALLEGATION THE DDCI ASSURED [REDACTED] WOULD BE THOROUGHLY INVESTIGATED) AND THE DEMARCHE [REDACTED] RAISING CONCERNS ABOUT OUR U.S. DECLASSIFICATION LEGISLATION AND WHETHER THE LEGISLATION PROVIDES ADEQUATE GUARANTEES ABOUT NOT DISCLOSING INFORMATION PASSED TO US [REDACTED] WITHOUT EXPRESS AUTHORIZATION FROM SUCH [REDACTED] WE WILL ALSO MAKE REFERENCE TO A RECENT APPROACH [REDACTED] ASKING FOR OUR OKAY IN THEIR DECLASSIFYING SOME OF OUR DOCUMENTS, AND OUR STRONGLY-WORDED RESPONSE DENYING PERMISSION AND ARGUING THAT SUCH DISCLOSURE WOULD BE A BREACH OF TRUST.

* 4. IN ORDER TO BOLSTER OUR POSITION WITH THE <JFK> BOARD, REQUEST STATION OBTAIN A HARD COPY OF THE [REDACTED] DEMARCHE ON THE DECLASSIFICATION LEGISLATION THAT CAN BE ATTACHED TO THE MEMO. WE BELIEVE THAT SUCH HARD COPY EVIDENCE [REDACTED] WILL BOLSTER OUR ARGUMENT SIGNIFICANTLY. WE ARE UNABLE TO LOCATE THE ACTUAL TEXT OF THIS DEMARCHE IN HQS.

5. THE BOTTOM LINE HERE IS THAT WE DO NOT WANT EVEN TO APPROACH [REDACTED] ABOUT DECLASSIFYING THE AFOREMENTIONED DOCUMENTS. WE HOPE OUR MEMO CONVINCES THE BOARD THAT, IN LIEU OF RELEASING THE DOCUMENTS, SUMMARIES THAT OMIT ALL REFERENCE [REDACTED] WILL SUFFICE.

6. FYI: OUR FALLBACK POSITION IF THE BOARD TURNS DOWN THE CONCEPT OF SUMMARIES, IS TO MAKE CLEAR THAT WE CANNOT RELEASE THE [REDACTED] DOCUMENT, EVEN IN REDACTED FORM, WITHOUT [REDACTED] PERMISSION; FURTHER, THAT IF WE SEEK AND ARE DENIED PERMISSION AND THE BOARD NONETHELESS PROCEEDS WITH THE DECLASSIFICATION, IT WILL HAVE A TREMENDOUS NEGATIVE IMPACT ON OUR RELATIONSHIP WITH THE [REDACTED]. IN SUM, OUR GOING-IN POSITION IS WE WANT TO AVOID RAISING THE SPECTER [REDACTED] THAT THE AGENCY MAY HAVE TROUBLE PROTECTING THEIR SECRETS. IF THE BOARD TURNS DOWN OUR INITIAL PROPOSAL AND INSISTS WE SEEK [REDACTED] PERMISSION TO DECLASSIFY, WE WILL DO SO. IN SUCH AN EVENT, OUR LEGAL PEOPLE BELIEVE A STRONGLY-WORDED DOCUMENT FROM THE [REDACTED] REFUSING PERMISSION WOULD PROBABLY PERSUADE THE BOARD NOT TO RELEASE THE [REDACTED] DOCUMENT. WE WILL KEEP YOU ADVISED ON HOW THIS IS PROGRESSING AND WOULD APPRECIATE ANY FURTHER GRIST FOR THE MILL AS WE CRAFT OUR MEMO TO THE BOARD AS WELL AS THE TEXT OF THE [REDACTED] DEMARCHE ON DECLASSIFICATION LEGISLATION.

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END OF MESSAGE

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