



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000



Serial: LR/068/92
19 June 1992

MEMORANDUM FOR LEGISLATIVE REFERENCE SERVICE, DEFENSE LEGAL
SERVICES AGENCY

SUBJECT: LRS Designator S.J.Res. 282-O, The Assassination Materials
Disclosure Act of 1992 - INFORMATION MEMORANDUM

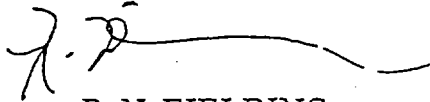
1. We have reviewed the subject legislation. Although a number of our concerns have been addressed, we note that the draft still requires the application of review standards that do not compare with those applicable to classified information set forth in Executive Order 12356, National Security Information, 3 C.F.R. 166 (1983), reprinted in 50 U.S.C. § 401 note. Though we may very well be able under this legislation to continue to protect against disclosure of sensitive information, we continue to believe there should be but one standard for determining if information must be classified and protected from public disclosure to avoid damage to the national security. Moreover, any legislation in which Congress determines standards for the classification of national security information would serve as an unfortunate precedent.

2. This legislation still requires the Review Board to publish a notice of each of its decisions to postpone disclosure of assassination materials to the public (Section 9(d)(3)). Each such notice is to describe the subject, originating agency, length of document and ground for postponement. This section should be amended to make clear that such notice is to be provided consistent with the procedures governing the handling of classified information under E.O. 12356.

3. The provision in Section 9(c)(4)(A) requires the Review Board to publish in the Federal Register its determination regarding postponement of disclosure at the same time that it notifies the agency head of its decision. Since the affected agency may appeal the board's decision the Board should not publish information that later, in the appeal process, may be proven as requiring continued protection. Thus, this provision should be amended to require that the Board coordinate its proposed Federal Register notice with the concerned agency so that it may ensure the notice does not include classified information.

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Carl
BF
JFK

4. If you have any questions concerning this memorandum, please call Rhea Siers of my staff at (301) 688-7438. Please fax us a copy of the final DoD comments regarding this resolution as soon as it is available.

A handwritten signature in black ink, appearing to read "R. N. Fielding", with a long horizontal line extending to the right.

R. N. FIELDING
Legislative and Regulatory Counsel