

memorandum

DATE: 10 April 1978

REPLY TO
ATTN OF: GENERAL COUNSEL

SUBJECT: Agreement with Select Committee on Assassinations

TO: DIRECTOR

1. Reference attached letter dated 5 April 1978 from John Kester to G. Robert Blakey, Esq., and attached memorandum from G to Director dated 5 April 1978.

2. At the time you approved submitting to Mr. Kester the two attachments to the above-referenced memorandum from G Group, I believe you had not yet seen the letter from Kester to Blakey. I have discussed the Kester/Blakey letter with General Counsel, DoD. She told me that the letter does not contemplate, and was not based on an understanding, that Kester would provide the briefing.

3. The agreement contained in the Kester/Blakey letter does not in any way limit the use the Committee could make of the information disclosed at the briefing except that DoD, or a defense agency, could not be revealed as the source. In my view, therefore, it should be assumed that any information given to the Committee will be made public, probably together with the exchange of correspondence between Kester and Blakey.

4. Against this background, I recommend that the attachments to the G Group memorandum not be sent to Kester and that the briefing of the Committee be in much less specific terms than the G Group summaries. The briefing should be done without any notes or documents present. If the briefer uses any documents, it can be anticipated that Blakey will attempt to obtain a copy on the spot, and if he fails may well issue a subpoena. The briefing could be performed either by Kester or (since NSA's role is an open secret) by someone from here such as Julia Wetzel or Mike Smith.

5. Given the chance, I would have asked General Counsel, DoD, to insert in paragraph 1 of the Kester/Blakey letter the language penciled in on the attachment. According to Deanne, she intended for us to have prior review of the letter but forgot to send it to us in time. Nonetheless, I propose that we interpret paragraph 1 as if that language were included and that we do not disclose to the Committee any information from which intelligence sources or methods could be inferred.

6. This memorandum has been reviewed by LAO which concurs in the recommendations contained herein.

2 Encls:

a/s

cc: LAO ←



D. B. Silver
DANIEL B. SILVER
General Counsel

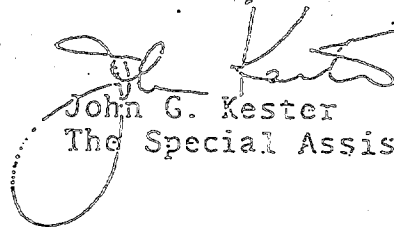
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5. Nothing in the Committee's undertaking affects the Committee's right to invoke in the future any subpoena power available to it to secure and disclose the information, provided, however, that the Committee will not disclose the information until any related litigation has been concluded by judicial action that permits disclosure.

Please confirm your agreement with the foregoing by so noting on the enclosed copy of this letter and returning it to me.

Sincerely,


John G. Kester
The Special Assistant

Enclosure

Agreed:

G. Robert Blakey



displaced

April 5, 1978

G. Robert Blakey, Esq.
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, D.C. 20515

*Sent without
suggested change*

Dear Bob:

With respect to the points mentioned in your letter of March 28, I believe that the following takes care of your concerns. The oral briefing to be provided by the Department of Defense on information obtained from intelligence sources will be conducted on the following understanding:

1. The briefing will not deal with intelligence sources and methods; *or information that might reveal such sources or methods*
2. The briefing will cover the information from DoD intelligence sources requested in your letter received on December 20, 1977 and addressed to the Director, National Security Agency, and that request is withdrawn;
3. The Committee has outstanding no other requests to the Department of Defense for information from intelligence sources (other than certain files on particular individuals) and, as previously agreed, if such requests are made in the future they will be stated as specifically as possible with respect to dates and subject matter and will be directed to the Department of Defense rather than any Defense intelligence entity;
4. The Committee agrees, for itself and on behalf of those designated by the Committee to attend the briefing, not to reveal the Department of Defense or any Defense agency as a source of any information transmitted in the briefing.