

OPTION 1

Materials to be Supplied

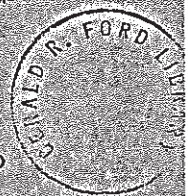
Provided the Committee agrees to declassification procedures as set out below, the Executive branch will supply all ^{intelligence related} materials requested with the following narrow exceptions:

- 1 • Identities of secret agents and sources;
- 2 • Identities of persons ^{and agencies} involved in operations which would be subject to personal, physical danger, to extreme harrassment or to economic or other reprisals if their names were to be publically identified;
- 3 • Material provided confidentially by cooperating foreign intelligence services;
- 4 • Specific details of sensitive intelligence methods and techniques of collection; and
- 5 • ~~Identities of certain Americans and American organizations and agencies which have been promised confidentiality to the appropriate intelligence agency.~~

Verification procedures through Congressional leadership would be available in case of Committee disagreement with the Executive agency decision to withhold documents or portions thereof.

Declassification

If the Committee desires to declassify, that is, publish, these documents and the appropriate Executive agency objects,

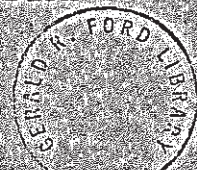


the following procedure would apply:

SPECIAL NOTE: All documents provided to the Pike Committee will, in fact, be loaned.

Documents given to the Church Committee will be given conditionally, and if a dispute arises concerning publication which triggers this procedure, then they will be considered to have been "loaned" from the time of delivery.

1. The appropriate Executive agency will have a reasonable opportunity to make its case to the Committee, in Executive session, why the document, or portion thereof, should not be declassified.
2. If agreement is impossible, the Committee will submit the disputed materials to a special review board, made up of Congressional leaders. If the review board agrees with the Executive agency that the materials should remain classified, then this settles the issue. If the leadership Committee disagrees with the Executive agency and concurs, in the Committee judgment, that the material should be declassified, then they will so advise the President.
3. In order for the materials to remain classified (thus overruling the committee decision) the President must certify that disclosure outside of the Committee of such information would adversely affect the intelligence



activity of the United States in foreign countries.

SPECIAL NOTE: At this point, Congress can still exercise its right to subpoena the materials and litigate the issue in court.



NOTE CONCERNING OPTION 1

This applies only to deciding on how to handle classified materials.

This leaves open the problem of protecting the Executive decision-making process. If this objective were to be folded into the Option 1 procedure, then an exception to materials offered would have to include:

"Other matters, the complete confidentiality of which the President certifies is essential to the effective discharge of Presidential powers."

A third issue concerns the decision-making process of Executive department agencies (for which no Constitutional separation of powers argument can be made).



WH: Office of Counselor to Pres (Marsh)

no date (c. Sept 22, 1975)

Paper "Option 1 [4 Nths]" on what material should be
supplied to Pike Committee

GRFL: GRFP: WHOPns: James E. Connor files: Intl Series, b. S7, f: "Intl Coordinating Group - General."



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