

11 September 1975

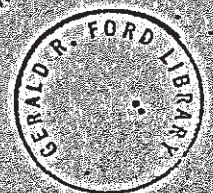
MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Responsibilities of the Director of Central Intelligence

1. The question posed is what are the responsibilities of the Director with respect to giving classified testimony to a congressional committee in executive session when there are indications that such testimony would be publicly released. It is assumed that no opportunity would be afforded the Director to sanitize and delete the classified information before public disclosure. The Director is charged by law with the protection of intelligence sources and methods from unauthorized disclosure. It would appear that the Director would be derelict in his responsibilities under that law if he were to proceed to give the classified testimony containing sensitive intelligence sources and methods if he were on notice that it would be publicly disclosed either by the committee or by any individual member of the committee. Furthermore, Executive Order 11652 prescribes procedures for safeguarding classified information from public disclosure. Again, I believe the Director would be acting irresponsibly in the face of E.O. 11652 to give testimony in executive session when he had reason to believe that it would be publicly disclosed. Also, in my opinion the Director would not be subject to legal action even if he were under subpoena in such a situation. The matter clearly becomes a political question.

2. Depending upon the rules of the particular committee concerned, there might be required a vote of the full committee to release publicly. In any event, an individual member could release it within the Congress with impunity under the law because of the immunity clause in the Constitution. It is possible that there may be disciplinary aspects under either the Senate or the House rules or the committee rules, but the member would not be subject to any criminal action.

JOHN S. WARNER
General Counsel



CIA: Memo: John S. Warner (CIA legal counsel) - William E. Colby (DCI)

Legal advice to the DCI re providing information to Congress

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SOURCE: FBI



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