



United States Department of State

Washington, D.C. 20520

Case No.: 201107149

Mr. Grant F. Smith
Director of Research, IRmep
Calvert Station
P.O. Box 32041
Washington, DC 20007

Dear Mr. Grant:

I refer to your request dated January 19, 2011 to the Federal Bureau of Investigation, for the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). Three of the relevant documents retrieved in response to your request originated with the Department of State and were referred to us for appropriate action.

We have determined that the three documents may be released in full.

Two documents originated with the Department of Defense and have been referred to that Department for review and direct reply to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Galovich". The signature is written in a cursive style with a large, sweeping "A" and a long, trailing "v".

Alex Galovich
Co-Director, Acting
Office of Information Programs and Services

Enclosures:
As stated.

1 - Mr. V. V. Kolombatovic
(Attn: R. W. Feuer)

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November 4, 1976

Assistant Attorney General
Criminal Division
Attention: Internal Security Section

Director, FBI

REC-52

65-76077-5

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2011 BY UC 60322 LP/PJ/SZ

ALLEGED UNAUTHORIZED DISCLOSURE
OF CLASSIFIED INFORMATION
FURNISHED TO CONGRESS

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Reference is made to your memorandum dated July 21, 1976, captioned as above, requesting this Bureau to conduct a limited inquiry concerning an alleged unauthorized disclosure of classified information furnished to Congress.

Enclosed is a copy of a memorandum from the U. S. Department of State (USDS) dated October 21, 1976, captioned as above, which encloses a copy of the document containing the classified information allegedly disclosed. Also enclosed is the USDS's response to the questions set forth in your memorandum.

The enclosed material [from the USDS] completes the limited inquiry which you requested of this Bureau.

Enclosures - 4

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ENCLOSURES

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SEE NOTE PAGE 2

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CONFIDENTIAL MATERIAL ATTACHED

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director's Sec'y _____

Department of State, A/GIS/IPS/SRP
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With concurrence of: _____
IPS by HARE obtained _____ Date 10/18/2011

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Assistant Attorney General
Criminal Division

NOTE:

The Department requested that a limited inquiry be conducted through our Liaison Section with the Department of Defense and USDS. This inquiry relates to the possible unauthorized disclosure of the contents of a classified document relating to the proposed sale of a Hawk Missile system to Jordan. This document had been submitted to the Senate Foreign Relations Committee and the House Foreign Affairs Committee and reportedly originated within the Department of Defense.

The New York Times, 8/8/76, edition reported that this document was subsequently transmitted to Mr. Morris Amitay, Director of the American Israel Public Affairs Committee.

The Assistant Attorney General requested that we obtain a copy of the questioned document as well as answers to questions relating to the document's origin, classification, extent of official dissemination, whether it can be declassified for purposes of prosecution, etc.

The above-mentioned USDS report enclosed a copy of the classified document as well as the answers to various questions relating to the classification of the classified document. The USDS advised that the information could be declassified for the purposes of prosecution inasmuch as possible disclosure of the information has already occurred.

The Department of Defense's response was furnished to the Assistant Attorney General by memorandum dated 10/18/76.

APPROVED:	Ext. Affairs.....	Laboratory.....
Asst. Dir.:	Ext. & Int. Affs.....	Ident. Div.....
Dep. AD Adm. & Insp.....
Dep. AD Inv.	Rec. Mgnt.....
Asst. Dir.:	Intell.....	Spec. Inv.....
Adm. Serv.....	Training.....



DEPARTMENT OF STATE

Washington, D.C. 20520

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CONFIDENTIAL (Unclassified
without attachments)

October 21, 1976

MEMORANDUM

To: S.A. Robert W. Felt *RF*
Federal Bureau of Investigation

From: L/NEA - David H. Small *DH*

Subject: Alleged Unauthorized Disclosure of Classified
Information Furnished to Congress

Attached are the State Department's responses to the questions put to us through you regarding the allegations of unauthorized disclosure of classified information relating to the Hawk/Vulcan sale to Jordan. Also attached for your convenience are copies of the classified notices transmitted to Congress, and the unclassified cover letters which accompanied them.

Attachments:

- Tab 1 - Responses to questions.
- Tab 2 - Classified notice to Speaker Albert, No. 75-35 with covering letter dated July 10, 1975.
- Tab 3 - Classified notice to Speaker Albert, No. 75-40 with covering letter dated July 10, 1975.

*10-21-76
H.A. Lynde*

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3 ENCLOSURE

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DATE 06-13-2011 BY UC 60322 LP/PJ/SZ

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1. The origin of the document and the name of the individual responsible for the security of the classified information disclosed.

It is uncontested that the Department of Defense is the originating agency for the correspondence in question. This is clear from the face of the documents and is confirmed by letter of 8 July 1976 from Lt. General Fish, Director, Defense Security Assistance Agency, and Deputy Assistant Secretary (ISA), Security Assistance, to David Small, Assistant Legal Adviser for Near Eastern and South Asian Affairs, Department of State.

It is not clear who is "the individual responsible for the security of the classified information disclosed." Under E.O. 11652 and the implementing National Security Council Directive of May 17, 1972, there is no single individual responsible for the security of classified information. Rather, each person in possession or custody of classified information or documents is responsible for their security. A wide range of persons in the White House, NSC, State Department, Defense Department and Congress are, thus, among the individuals responsible for the security of the classified information improperly disclosed. According to a story appearing in The New York Times on August 5, 1975, written by David Binder, the documents in question were disclosed to Morris Amitay by aides to Senator Clifford Case and Representative Jonathan Bingham. Had the disclosure, loss, or compromise of classified information occurred in the Department of State, the Office of Security would have had responsibilities, under the Department's security regulations, for certain follow-up measures called for by the NSC Directive of May 17, 1972, relating to the determination of the identity of the person responsible for the compromise and the taking of any appropriate administrative, disciplinary or legal action. The Department of State has no information regarding the allegations contained in The New York Times, or can it shed further light on who is responsible for the unauthorized disclosure or for the supervision of Congressional compliance with security regulations.

2. Specific portions of the document which are classified and whether the information was properly classified.

Regarding Transmittal No. 75-35, the specific dollar amount, \$87.0 million, and the number of M163 weapons, 100,

Department of State, A/GIS/IPS/SRP

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were the only classified information in the document. Regarding Transmittal No. 75-40, the classified portions were, similarly, the dollar amount, \$265.5 million, and the numbers of Hawk batteries, 14, and Hawk missiles, 532.

The material appears to have been properly classified. As required by Section 4 of E.O. 11652, each document showed on its face the classification, Confidential; its inclusion under the General Declassification Schedule; and the identification of the individual at the highest level that authorized that classification, the "Director, Comptroller" of the Defense Security Assistance Agency. The fact that neither indicated the date of preparation, but showed, instead, the date of transmittal, would not appear to be a sufficiently material deviation from the rules as to invalidate the classification, but this would be a matter for Justice to determine. Substantively, the Department of State, which is an "interested agency", within the meaning of the NSC Directive, in regard to these security assistance transactions, and which provides the foreign relations guidance relied upon by the Defense Department in classification of such documents, considers that the unauthorized disclosure of information on the numbers and value of important defense systems acquired by a foreign government could reasonably be expected to cause damage to that government's confidence in the United States as its major weapons supplier and thus cause damage to a significant aspect of our foreign relations. The specific details of Jordan's military equipment needs are information provided us in confidence by that government. The classification of the documents in question was, in our view, substantively proper.

3. The extent of official dissemination of the document.

Within State, such documents are disseminated to the following offices: NEA, NEA/ARN, NEA/RA, PM, PM/SAS, INR/RNA, and H.

4. Whether the information has been the subject of an official release prior to the August 8, 1975 article.

It is not clear that August 8, 1975, is the relevant date, since the The New York Times article appearing that date alleges disclosure immediately after receipt of the documents by the Congress on July 10, 1975. Further, a check of The New York Times indicates the publication of

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classified information relating to these weapons sales to Jordan at least as early as July 12, 1975. The appropriate Bureaus of the Department are unaware of any official release of the information whatsoever. "Leaks" are not considered to be "official release" and neither the July nor August press stories constitute official release.

5. Whether prior clearance for release of the information was sought from proper authorities.

The appropriate Bureaus of the Department are unaware of any request for authorization to disclose the classified information in question having been made to the Department of State or to the Defense Department prior to the leak.

6. Whether the data can be declassified for the purpose of prosecution and, if so, the name of the person competent to testify concerning the classification.

With the public disclosure of the information having already occurred, the authorization of its release for the purpose of prosecution would not be expected to cause damage to our relations with Jordan. Thus, from a foreign relations viewpoint, the documents could be declassified for that purpose. The person competent to testify concerning the foreign relations aspect of the classification is Deputy Assistant Secretary of State Arthur R. Day.

7. Whether declassification had been decided upon prior to the release of the information.

Not to the knowledge of the appropriate State Department Bureaus.

8. What effect, if any, the disclosure of the information has had on the national defense.

While the Department of State could authoritatively address the impact of the disclosure on the national security of the United States, or, more particularly, the foreign relations interests which are a part thereof, it would defer to the Department of Defense for an authoritative assessment of the effect on national defense. In the Department of State's judgment, however, it is entirely possible that the simplistic press reports about the overall cost, generated by these specific disclosures of classified information regard-

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ing financial aspects of the Hawk/Vulcan sale to Jordan, -- reports carried widely in Middle Eastern media -- contributed to the serious misunderstandings that subsequently arose in 1976 between the Governments of Jordan and Saudi Arabia regarding the overall cost of Jordan's air defense program (which the Saudis had earlier agreed to finance). The eight-month impasse that resulted from these misunderstandings delayed implementation of the Hawk/Vulcan sale and prompted Jordan to explore seriously the acquisition of comparable air defense equipment from the Soviet Union. Had Jordan actually entered into such a major arms-supply relationship with the Soviets, this would have had a significant adverse impact on U.S. national defense interests and on U.S.-Jordanian relations. Fortunately, this damage was averted by the successful resolution of the Hawk/Vulcan funding controversy between the Jordanians and the Saudis in August of this year.

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