



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

Serial:

The Honorable Glenn English
Chairman of the Subcommittee
on Government Information
Justice and Agriculture
Committee on Government Operations
United States House of Representatives
Room 2235 Rayburn House Office Building
Washington, DC 20515

DRAFT

Dear Mr. Chairman:

I am pleased to respond to your letter of 5 May 1983, concerning the New York Times article of Thursday, 28 April 1983, about persons from the National Security Agency (NSA) visiting the George C. Marshall Research Library.

The Marshall Library, though a private institution, has a government-authorized, secure-storage facility to protect SECRET information in the collections entrusted to it by various donors. Certain personnel at the Library have government-authorized security clearances to permit them to handle sensitive information contained in the collections. The collections of two former NSA officials, former Technical Advisor to the Director, William F. Friedman, and former Director, LTG Marshall S. Carter, USA, Retired, (now President of the Marshall Foundation) have been deposited with the Library. The Friedman Collection was, in fact, transported to the Marshall Library by NSA under armed guard at the request of the Marshall Foundation to ensure the protection of sensitive information.

NSA has had a long and mutually beneficial relationship with the Library and has declassified much information in the Friedman collection for open use. In addition, we have provided the Library copies of other materials recently declassified for use in their historical research programs.

The answers to your questions and a copy of a letter to General Carter relating to this matter are attached.

Sincerely,

LINCOLN D. FAURER
Lieutenant General, USAF
Director, NSA/Chief, CSS

Encls:

Approved for Release by NSA on 06-24-2015 pursuant to E.O. 13526

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Enclosure to Serial:

1) What prompted NSA to review the papers at the Marshall Library?

NSA had seen evidence that materials in the Friedman Collection which were supposed to have been closed had been exposed. In addition, materials in the Carter Collection relating to NSA operations had been exposed and we had not been aware that any of this collection had been opened to the public.

2) Which collections were reviewed and how were they selected for review?

The Friedman Collection and the Carter Collection were reviewed. They were selected for review because both individuals were former NSA officials whose collections contain classified and other sensitive information.

3) Which papers were reviewed and how were they selected?

The correspondence files were reviewed. Those papers believed to contain classified information or information protected by statute received particular attention.

4) Does NSA have any ownership or other rights with respect to any papers in the Marshall Library Collection?

On behalf of the U.S. Government the NSA maintains responsibility for assuring that certain classified or other sensitive information in the collections is protected. In addition NSA maintains ownership of certain properties on loan to the Marshall Foundation.

5) The New York Times reported that some papers were withdrawn from public files at the request of NSA.

a) Were any of the papers reviewed by NSA already declassified? Had any of the papers been declassified?

Yes. Some were already classified.

In the Friedman Collection, only papers that had long been withheld and had been exposed without approval of Marshall Foundation authorities were recommended to be closed again.

Enclosure to Serial:

One government technical manual which had been declassified in error was reclassified. (It had not, to our knowledge, been exposed to the public.) The entire Carter Collection was closed to the public at direction of the donor.

b) Did NSA classify any papers in the Marshall Library? If so, how pages were classified? On what authority were these papers classified? Please be specific with respect to the classification rules in Executive order 12356.

Yes. Approximately 5 pages were classified pursuant to E.O. 12356, Section 1.3(a)(8) and (b), (c), and (d).

c) Were any papers marked "For Official Use Only"? If so, how many? What is the significance of the designation "For Official Use Only"?

Several files of correspondence were indicated to be "For Official Use Only", though very few were so marked. This action had the effect of a recommendation to the Library staff that these papers remain in the secure vault where they were reviewed. The marking "For Official Use Only" protects from public disclosure that official information which is protected by Statute (Public Law 86-36).

d) Did NSA request that any unclassified papers be removed from public files? If so, why?

None of the materials reviewed by NSA were in public files. All were in the secure vault.

e) Did NSA physically remove any papers from the Marshall Library collection?

No.

f) Library officials told the New York Times that NSA requested that some documents should be put in a vault. Why?

As indicated in response to d) above, all papers seen were in the vault. NSA recommendations had the effect of retaining certain materials in the vault.

Enclosure to Serial:

g) On what basis did NSA determine that some papers in the Marshall Library collection should be treated as if they were classified, placed in a vault, or simply removed from public access?

On the basis of determination of classification pursuant to E.O. 12356 or sensitivity of information protected by statute.

6) Did NSA review the security arrangements at the Marshall Library to determine if they afforded sufficient protection for information deemed to be sensitive? Did NSA ask the Library to restrict access to individuals approved by NSA or individuals with security clearances?

The security arrangements at the Marshall Library were established by the Department of the Army. NSA accepts their determination as adequate. NSA's recommendations to the Library related only to "closed" files as opposed to "open" or publicly available files.

7) The New York Times article quoted a letter from you to Marshall S. Carter as stating that the visit to the Marshall Library by NSA officials was "part of a continuing review of research materials used by author James Bamford."

a) What is the nature and extent of this review?

NSA, in fulfillment of its responsibility for protection of information relating to cryptology, regularly reviews published information to determine if classified or protected information has been disclosed without authorization.

b) What other institutions or individuals have been contacted by NSA officials as part of this review?

No other institutions have been contacted. The only individuals that have been contacted are former NSA officials or employees.

c) Has NSA requested that other papers be removed from public access? Please describe any such requests.

No.

Enclosure to Serial:

d) Are there any other ongoing or completed reviews of materials other than those used by James Bamford?

Yes. "Reviews of materials" are always underway.

8) Does NSA have any authority to classify information in private papers? From what provision of law or Executive Order does this authority derive?

Yes. May statues (e.g., 18 USC 798, Public Law 86-36), Executive Orders (e.g., E.O. 12333, E.O. 12356), Federal Regulations (e.g., Federal Paperwork Management Regulation), Indoctrination Oaths, Terminations Oaths, Non-Disclosure Agreements, etc., all have the effect of assigning responsibility for classified or protectable sensitive information in private papers to the cognizant government agency. In addition, such material in private correspondence remains "official records".

9) Does NSA have any authority to restrict disclosure of information in private papers if the information is not subject to classification under Executive Order 12356?

Yes. See response to question 5c above.

10) Had NSA examined any of the materials at the Marshall Library before learning of James Bamford's plans to publish a book on NSA?

Yes.

11) Has NSA ever provided any funds to the Marshall Library? Is NSA now considering providing any funds to the Library?

No.

No.

12) Did William F. Friedman enter into a secrecy or pre-publication agreement with NSA, its predecessor organization, or with any other government agency? If so, please provide a copy.

Yes. The records are retired. We will attempt to retrieve them.