

Exchange Mail

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FROM Baker, James E.

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SUBJECT DCI Statement on Budget [UNCLASSIFIED]

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TEXT_BODY Some additional edits from Jim Steinberg just showed up in hard copy.
I have added them to the statement I circulated yesterday to CIA/OGC and DOD/GC. Two additional references to President have been deleted.
This will make George unhappy, as his staff were already commenting that the statement appeared to make the decision the DCI's. Indeed, in consultation with the President as stated in para. 3.

Whit
Peters informally reports that the Secretary of Defense is still opposed to release, but is probably not prepared to sign an affidavit himself, or convince George to do so. No final decision reached. (My read: Sounds like a moving target at this point. Unwise to consider this a cleared statement until our front office has spoken with Sec. Cohen directly.) Whit also believes Cohen will support some sort of legislative exemption for subordinate figures, while conscious that we do not want to undercut the argument that current classification authority is fully sufficient to protect numbers.

TRANSLATED_ATTACHMENT

DCI statement.doc
STATEMENT OF THE DCI ON
DISCLOSURE OF FY 1997 INTELLIGENCE BUDGET

In May, 1997, Steven Aftergood, on behalf of the Federation of American Scientists, filed suit under the Freedom of Information Act (FOIA) seeking to have the Central Intelligence Agency publicly release the total budget appropriation for intelligence for fiscal year 1997.

In order to defend this lawsuit, I, as head of the Intelligence Community, would have had to sign a declaration to the court that release of the figure in question could cause serious damage to the national security. I found that, in good conscience, I could not attest to that statement. Indeed, to do so would have conflicted with the view I had previously expressed in testimony to the Congress that release of the aggregate total would not, in and of itself, damage national security. I did express concern at the time I offered this assessment that release of the overall number might lead to further, more detailed disclosures -- and I still have this concern -- but I did not oppose release of the overall figure as such.

Following consultations on this matter with other agencies, and with the President, I am announcing that the aggregate amount appropriated for the intelligence and intelligence-related activities in fiscal year 1997, standing alone, can be declassified and released to the public. The President concurs in this decision.

In announcing this decision, I note that the Aspin-Brown Commission on the Roles and Capabilities of the U.S. Intelligence Community recommended disclosure of this figure to the President in its April, 1996 report. Several of my predecessors, including Robert Gates and John Deutch, have also supported such disclosure.

While the President had previously indicated his preference to take

such action
in concert with the Congress, the present circumstances do not allow
for this
sort of joint action. Congress is not a party to the FOIA lawsuit.

Our decision is premised upon two important points -- points which I
now wish to
explain and emphasize.

First, we will consider disclosure of future aggregate figures, but only
after
consideration of whether such disclosures could cause harm to the
national
security by showing trends over time.

Second, we will continue to protect from disclosure subsidiary
information
concerning the intelligence budget that is classified: whether the
information
concerns particular intelligence agencies or particular intelligence
programs.
In other words, the Administration intends to draw a firm line at the
top-line,
aggregate figure. Beyond this figure, there will be no other disclosures
of
currently classified budget information, which in our judgment could
harm
national security.

This issue has been debated for at least the last 23 years, occupying
the
attention of the courts, the Congress, and blue-ribbon commissions on
numerous
occasions. It is my hope that today's action will finally put the matter
to
rest. The American people will now be able to see for themselves how
much of the
federal budget goes for intelligence and intelligence-related functions.
I think
this is appropriate for our democracy so long as it does not jeopardize
the
ability of our intelligence agencies to carry out their mission
successfully in
support of US national security.

Accordingly, I acknowledge that the aggregate amount appropriated
for fiscal year
1997 is \$_____.

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