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THE WHITE HOUSE

WASHINGTON

12/19/74

MEMORANDUM FOR THE PRESIDENT

THROUGH: DONALD RUMSFELD

FROM: WILLIAM N. WALKER

SUBJECT: Chairman, Interagency Classification
Review Committee (ICRC)

The Interagency Classification Review Committee was created by Executive Order in March of 1972 (Tab A) to assist the National Security Council in monitoring implementation of the classification and declassification of National Security information as outlined in the Order, and to review and act upon suggestions and complaints from individuals within and without the government with respect to matters of classification. The ICRC consists of a Chairman, the only member appointed by you, and representatives from the Departments of State, Defense, Justice, AEC, CIA and NSC and the National Archives. Currently, James Rhoads, the National Archivist, serves as Acting Chairman, succeeding John S. D. Eisenhower.

The Chairman of the ICRC presides over monthly meetings during which elements of national classification policy are reviewed. The Chairman also directs the staff and deals with Congress.

The ICRC is becoming increasingly important. The Freedom of Information Act was recently amended and there are seven bills now before the Congress which would seriously diminish the discretionary powers of the Executive Branch in determining confidentiality. One such bill would create an independent

regulatory commission to determine classifications.

I propose the appointment of Leslie C. Arends for the Chairmanship of the ICRC. He is retiring and will have time available for part-time assignments, and he wants something more than an honorary position. Having served on the House Armed Services Committee, he is sensitive to the problems of security. With your approval, I would like to offer the Chairmanship to Mr. Arends. I have not yet discussed the post with him pending your approval.

Approve _____ Disapprove _____

The Chairmanship of the ICRC is without compensation. In order to compensate Congressman Arends, should he be approved by you and if he accepts the appointment, it will be necessary to give Mr. Arends a Presidential Commission. This is required so that his Congressional retirement annuity would not be affected (Explanation, Tab B). Should Congressman Arends desire compensation, I suggest that he be named Special Consultant to the President for Classification Policy and paid on a When Actually Employed basis at a rate of \$138.00 per day. This will not be an offset to his annuity.

Approve _____ Disapprove _____

INTERAGENCY CLASSIFICATION REVIEW COMMITTEEIndependentAUTHORITY:

Executive Order 11652, March 8, 1972
(effective 6/1/72)
Executive Order 11714, April 24, 1973

METHOD:

See below

MEMBERS:

A Chairman designated by the President,
The Archivist of the United States, and
representatives of the:

Department of State
Department of Defense
Department of Justice
Atomic Energy Commission
Central Intelligence Agency
National Security Council Staff

NOTE: Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments.

CHAIRMAN:

See above

PURPOSE:

Assist the National Security Council in monitoring the implementation of this Order and meet regularly and on a continuing basis to review and take action to ensure compliance on classification and declassification of national security

Compensation for the Chairman, Interagency Classification Review Committee (ICRC).

The position of Chairman of the ICRC is without compensation. The last Chairman appointed by the President, John S. D. Eisenhower, was paid as a consultant to the White House Office for his work as Chairman. However, for a former Member of Congress to receive his annuity and also to receive a salary for his service as Chairman, he must be commissioned by the President. He cannot simply be a consultant to the White House.

The necessity of a Presidential Commission is spelled out in U. S. Code, Title V, Sec. 8 344 b(4), attached, which states: "If a member receiving annuity from the Fund becomes employed in an appointive or elected position, annuity payments are discontinued during the employment and resumed in the same amount on termination of the employment, except that (4) . . .this section does not apply to a member appointed by the President to a position not requiring confirmation by the Senate." For your information, this was the situation with Melvin Laird when he became a Counselor to the President. Laird, as a Counselor, was paid both his annuity and his White House salary. As Secretary of Defense he was not paid his annuity.