

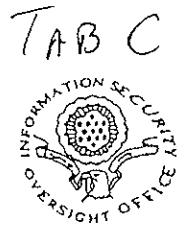


Information Security Oversight Office

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408-0001



JUN - 8 2006

Mr. David S. Addington
Assistant to the President and
Chief of Staff to the Vice President
The White House
Washington, DC 20500

Dear Mr. Addington:

One of my responsibilities under Executive Order 12958, "Classified National Security Information" (the Order), is to consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the program established under the Order. In that regard, I recently received a written complaint suggesting that the Office of the Vice President (OVP) is "willfully violating" a provision of the Order and of "Classified National Security Information Directive No. 1" (32 CFR Part 2001) (the Directive), which implements the Order. The specific concern is with respect to the failure of the OVP to "report annually to the Director of the Information Security Oversight Office statistics related to its security classification program" in accordance with section 2001.80 of the Directive.

Per the attached news article ("Cheney Keeps Classification Activity Secret" by Mark Silva, *Chicago Tribune*, May 27, 2006) the OVP spokesperson indicated that "This has been reviewed and it's been determined that the reporting requirement does not apply to [the Office of the Vice President], which has both legislative and executive functions." I take this explanation to mean that OVP does not believe it is included in the definition of "agency" as set forth in the Order, since it does not consider itself an **"entity within the executive branch** that comes into the possession of classified information." (Emphasis added.)

An interpretation such as the above relative to the Order is fairly recent, since up until 2002 the OVP did submit annual reports to this office. Furthermore, if the OVP is not to be considered an entity within the executive branch, I am concerned that this could possibly impede access to classified information by OVP staff, since such access would be considered a disclosure outside the executive branch. While I recognize that OVP staff personnel may, at times, be supporting the Vice President's performance of legislative duties, I believe it is fair to state that most, if not all, disclosures of classified information to OVP staff by other agencies and entities within the executive branch have been regarded by those agencies as disclosures within the executive branch, since they occur in support of the Vice President's performance of executive duties. As such, I believe it is entirely appropriate that security classification activity by OVP staff in supporting the Vice President's performance of executive duties be reportable to this office in accordance with relevant sections of the Order and the Directive.

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Absent a common understanding as to how the Order applies to the OVP, I would suggest referral of this matter to the Attorney General in accordance with section 6.2(b) of the Order.

Sincerely,

(s) J. William Leonard

J. William Leonard
Director

Enclosure

cc: Official file - ISOO
Reading file - ISOO
JWLeonard:dle - Filed in May 2006 Reading file
Named: OVP - Addison Letter - Leonard

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