United States Department of State
Washington, D.C. 20520

Case No.: 201107124

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

Dear Mr. Smith:

I refer to your request dated January 19, 2011 to the Federal Bureau of Investigation (FBI), for the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). The FBI forwarded some of the retrieved documents to the Department of Justice (DOJ), which in turn forwarded 12 documents to the Department of State for review.

Eleven of the documents forwarded by the DOJ may be released in full and are enclosed.

The remaining document has been forwarded to the Department of Defense, which will respond directly to you.

Sincerely,

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

Enclosures:
As stated.
Dear Mr. Dubbs:

We have been referred to you by the Director, Freedom of Information Staff, Bureau of Public Affairs, Department of State.

On August 7, 1975, The New York Times reported that the contents of a classified document which the White House had submitted to the Senate Foreign Relations Committee and the House Foreign Affairs Committee on the subject of the proposed U.S. sale of a Hawk missile defense system to the Kingdom of Jordan, had been improperly transmitted to a registered agent of the State of Israel by Senator Clifford Case (N.J.) and Representative Joabesh S. Bingham (N.Y.) and/or their aides. The foreign agent involved was Morris Antifay, Director of the American-Israel Public Affairs Committee, the registered lobby of the State of Israel.

This Committee joined with two other organizations, American Jewish Alternatives to Zionism, Inc. (headed by Rabbi Elmer Berger) and Middle East Perspective (headed by Dr. Alfred KiiLenthall), in calling upon Attorney General Edward Levi to conduct an investigation into the alleged illegal disclosure and to bring appropriate charges against those responsible. The Attorney General replied that he could act in such a matter only upon receipt of a complaint from the agency or department which classified the document. We have spent all of the months since seeking to discover who classified it and the Bureau of Public Affairs has now informed us that you are "the officer responsible for the classification of that Confidential document."

That the document was classified at the time and it is still classified today, is attested by replies to our requests to be provided with a copy.

Will you kindly advise us:

(a) As the officer responsible for maintaining the security of the classified document in question, on what date did you initiate action to discover the identity of the individual(s) responsible for the violation and to institute appropriate action to punish the violator?
If you did not initiate any such action, please state why you did not.

The unauthorized disclosure of classified government documents relating to our country's foreign affairs is a treasonable act. Section 2383 of Title 18 (the U.S. Criminal Code) provides that "whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States...is guilty of misprision of treason and shall be fined not more than $1,000 or imprisoned not more than seven years, or both."

Section 2384 of the same Criminal Code provides that "if two or more persons in any state or territory subject to the jurisdiction of the United States conspire to...prevent, hinder or delay the execution of any law of the United States...they shall each be fined not more than $25,000 or imprisoned not more than twenty years, or both."

The unauthorized disclosure of classified government documents has always been regarded as a serious violation of the law. In the case of Daniel Ellsberg, federal prosecution failed only because the government had used illegal means to gather evidence against him. More recently, the House of Representatives has voted to initiate action to punish radio newsman Daniel Schorr for what it regarded as his unauthorized disclosure of a classified government document. Neither of these instances involved the current foreign relations of the United States, or disclosure of confidential material to the agent of a foreign power. The matter which here concerns us involves the supply of arms and defense materials to a friendly power, and the disclosure of confidential information regarding such arms and defense aid to the agent of a government which has been at war with that friendly power for many years and a substantial area of whose territory has been under military occupation by that enemy for nine years. This is a far more serious breach of security than were the Ellsberg and Schorr matters which chiefly involved disclosure of historical facts not directly concerned with our country's present defense posture.

As the Code indicates, not only was the disclosure itself a breach of the law but any deliberate delay in prosecuting those responsible for the disclosure is equally a criminal act punishable by heavy fines and long imprisonment.

In the circumstances, we ask that you consider thoughtfully the violation we have cited and the applicable sections of the Criminal Code, and that you then advise us fully what action you have taken or now plan to take with a view to dealing with this violation of security.

Very truly yours,

Norman F. Dacey
Chairman

dko
encls.
The Israel Lobby Is Small and Agile

The Israel lobby is small and agile, according to a recent analysis by the Washington Post. The lobby is composed of a small number of influential organizations and individuals who work to promote pro-Israel policies in Congress and among the American public. Despite its size, the lobby has been effective in influencing legislation and policy decisions.

The lobby's most prominent organizations include AIPAC, J Street, and the American Israel Public Affairs Committee (AIPAC). These organizations have been active in recent years, with AIPAC alone reportedly having a budget of $40 million.

The lobby's influence has been particularly pronounced in recent years, with both the House and Senate passing resolutions in favor of Israel. These resolutions, however, have been met with criticism from some members of Congress, who argue that the lobby's influence has been too great.

The lobby's effectiveness is due in part to the close relationship it has with key lawmakers. For example, many members of Congress have received financial support from the lobby, and others have been invited to attend events and receptions hosted by its leaders.

Despite its size, the lobby has been successful in advancing its agenda, largely due to its ability to mobilize a small but dedicated group of activists and influencers. The lobby's success has been a source of concern for some, who argue that it is too powerful and too influential.

The lobby's small size and agility have allowed it to adapt to changing political circumstances and to respond effectively to challenges from within the American public and Congress. Despite its size, the lobby has been able to mobilize effectively and to advance its agenda. The lobby's success has been a source of concern for some, who argue that it is too powerful and too influential.
March 18, 1976

Mr. Norman F. Dacey
Chairman
The American Palestine Committee
P.O. Box 137
Southbury, Connecticut 06488

Dear Mr. Dacey:

I refer to your letter of February 26, 1976 requesting information about the classification of the document advising Congress on the sale of Hawk missiles to Jordan.

After looking into this question and discussing it with the Department of Defense, I found that although the document was technically classified Confidential by the Comptroller of the Defense Security Assistance Agency, there is an agreement between the Department of Defense and the Department of State regarding Congressional notices of this type, whereby the Department of State assumes responsibility for the classification of information which by its unauthorized disclosure could reasonably be expected to cause damage to U.S. foreign relations. Thus, the officer responsible for the classification of that Confidential document was the Deputy Assistant Secretary for Near Eastern and South Asian Affairs.

Sincerely,

Barbara Ennis
Director
Freedom of Information Staff
Bureau of Public Affairs
April 29, 1976

Mr. Robert L. Keuch  
Deputy Assistant Attorney General  
Criminal Division, Rm. 2113  
10th & Constitution Avenue, N.W.  
Washington, D.C. 20530  

Dear Bob:

As we agreed, I am enclosing a copy of the American Palestine Committee letter to Spike Dubbs, along with an earlier State letter to the Committee on the Hawk Missile document classification.

The document is technically a Defense Department document classified by Defense. However, State issues very detailed classification guidelines regarding military sales and assistance programs for the Middle East, which the Department of Defense follows. A notice of a sale is normally not considered by the Department of Defense to require classification and protection as information related to United States national defense. Rather, as in this case, classifications are attached at the suggestion of the State Department pursuant to foreign relations considerations. The usual foreign relations reason, as in this case, is the request of a foreign government for confidence.

I would appreciate any comments you could offer on the issues presented by the letter in light of this background.

Sincerely yours,

David H. Smale  
Assistant Legal Adviser for Near Eastern and South Asian Affairs

Enclosures:
a/s
Mr. Norman Y. Dorsen
The American Palestine Committee
P.O. Box 127
Southbury, Connecticut 06489

Dear Mr. Dorsen:

Your latest letter dated June 22 has been received. The Department has attempted to be responsive to your letters and the concerns expressed in them.

As you were informed in Mr. Dubs' letter of May 19, 1978, the Department of State has discussed the disclosure incident with the Justice Department. Mr. Dubs does not possess any special information regarding the alleged disclosure incident. While the State Department did not originate or classify the document, it has made the judgment that the document was properly classified for foreign relations reasons. We are not aware that any Department of State official has failed to meet his obligations under applicable law and regulation regarding this document.

Sincerely yours,

S/  
David E. Small
Assistant Legal Adviser
for Near Eastern and South Asian Affairs

Department of State, A/GIS/IPS/SRP
Change to ____________________________  
( ) Release  ( ) Excise  ( ) Deny  ( ) Declassify  
Exemptions b ( ) E.O. 13526 25x ( ) ( )  
Declassify after ____________________________  
With concurrence of: ____________________________  
IPS by ____________________________ Date 10/07/2011

146-1-14-0
Dear Mr. Dubs:

This will refer to our previous correspondence regarding the unauthorized disclosure by two members of the Congress to a registered lobbyist of the State of Israel of the contents of a document officially classified by you as secret.

We have endeavored unsuccessfully to learn from you what official steps you have taken to cause an investigation to be made of the circumstances of the leak, having in mind the obligation imposed upon you by Sections 2383 and 2384 of the U.S. Criminal Code. It is now four weeks since our last request (May 25) in which we invited a prompt response.

While we are certain that you have not intended to give the appearance of exhibiting disdain for public inquiries courteously submitted, the lack of any satisfactory response leaves us with no alternative to that conclusion.

We do not wish to proceed publicly under Sections 2383 and 2384 but you appear to leave us no other course. To allow for a possibility of there having been a delay in communications, we will wait a further seven days before commencing action to fix responsibility.

Very truly yours,

Norman F. Dacey
Chairman
May 19, 1976

Mr. Norman Dacey
The American Palestine Committee
P. O. Box 137
Southbury, CT 06488

Dear Mr. Dacey:

Thank you for your letters of March 30 and May 7 concerning the allegations of unauthorized disclosure of classified material relating to the sale of a Hawk missile system to Jordan.

The Department of State shares your concern for the proper handling of classified material, including materials which contain information considered sensitive by a foreign government. However, the legal situation regarding breaches of confidentiality is somewhat more complex than your letter implies. Further, it has been the understanding of the Department of State that determinations as to whether or not the U. S. criminal code has been violated particularly by persons outside the Department, or as to the action to be taken with regard to allegations of such violation do not depend upon any formal action by the Department or particular officials of the Department.

We consulted with the Justice Department informally after receipt of your first letter and, at their request, transmitted it to them for further consideration. The matter is still under review in the Justice Department, which expects to provide you with a direct response in the near future.

Sincerely yours,

/s/ Adolph Dubs

Adolph Dubs
Deputy Assistant Secretary for Near Eastern and South Asian Affairs

cc: Department of Justice - Mr. Robert Keuch

Clearance: NEA/P - Mr. Barry Drafted by: L/NEA:DSmall:llb x 29501 5/18/76

Department of State, A/GIS/IPS/SRP
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With concurrence of:
IPS by HARE Date 10/17/2011

not obl. obtained
June 25, 1976

Mr. John L. Martin
Department of Justice
Criminal Division, Rm. 200
Washington, D.C. 20530

Dear John:

Per our telephone conversation yesterday, I am forwarding copies of our recent correspondence with Mr. Dacey.

As I mentioned before, neither Mr. Dubs nor I know anything more about this alleged unauthorized disclosure than what we all have read in the papers. The document in question has not recently been reviewed for declassification but could be reviewed should this appear desirable for any reason. I might explain that Mr. Dubs was brought into this in March merely as a result of his responsibilities for Freedom of Information matters within the NEA bureau.

A copy of the correspondence is being sent to Defense, as the originating and classifying agency for the document in question. Should Defense or Justice believe an investigation might be warranted, we are prepared to cooperate fully.

Sincerely yours,

[Signature]

David H. Small
Assistant Legal Adviser for Near Eastern and South Asian Affairs
June 22, 1976

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Mr. Adolph Dubs
Deputy Assistant Secretary of State
For Near Eastern & South Asian Affairs
The Department of State
Washington, D.C. 20520

Dear Mr. Dubs:

This will refer to our previous correspondence regarding the unauthorized disclosure by two members of the Congress to a registered lobbyist of the State of Israel of the contents of a document officially classified by you as secret.

We have endeavored unsuccessfully to learn from you what official steps you have taken to cause an investigation to be made of the circumstances of the leak, having in mind the obligation imposed upon you by Sections 2383 and 2384 of the U.S. Criminal Code. It is now four weeks since our last request (May 25) in which we invited a prompt response.

While we are certain that you have not intended to give the appearance of exhibiting disdain for public inquiries courteously submitted, the lack of any satisfactory response leaves us with no alternative to that conclusion.

We do not wish to proceed publicly under Sections 2383 and 2384 but you appear to leave us no other course. To allow for a possibility of there having been a delay in communications, we will wait a further seven days before commencing action to fix responsibility.

Very truly yours,

Norman F. Dacey
Chairman

Department of State, A/GIS/IPS/SRP

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IPS by HARE Date 6/7/20

dko

DEDICATED TO THE RETURN OF THE PALESTINIAN PEOPLE TO THEIR HOMELAND
June 16, 1976

Mr. Adolph Dubs,
Deputy Assistant Secretary for Near Eastern and South Asian Affairs
The Department of State
Washington, D.C. 20520

Dear Mr. Dubs:

It is now more than three weeks since we wrote you for the third time regarding the unauthorized disclosure to an agent of the State of Israel of the contents of a document classified "secret," relating to the Administration's plan to provide the Kingdom of Jordan with a Hawk missile defense system.

We have had no response.

There has been a flagrant violation of the U.S. Criminal Code, Mr. Dubs. The Department of State has confirmed that you bore the responsibility for reporting that violation promptly to the Department of Justice. We have asked that you advise us promptly of the steps you have taken in accordance with the law to fix responsibility for the violation and to punish the violators. You have failed to provide that information.

Failing receipt of the information within ten more days, we shall file formal charges.

Very truly yours,

Norman F. Dacey
Chairman

Department of State, A/GIS/IPS/SP
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IPS by HARE Date 10/17/2011

DKO

DEDICATED TO THE RETURN OF THE PALESTINIAN PEOPLE TO THEIR HOMELAND

[Note: The text is terminated without further content.]
May 25, 1976

Mr. Adolph Dubs,
Deputy Assistant Secretary for Near Eastern and South Asian Affairs
The Department of State
Washington, D.C. 20520

Dear Mr. Dubs:

Receipt is acknowledged of your May 19th reply to our letters of March 30 and May 7 regarding unauthorized disclosures by Senate members of the contents of classified documents relating to the sale of a Hawk missile defense system to Jordan.

You advise that it is the understanding of the Department of State that "determinations as to whether or not the U.S. Criminal Code has been violated, particularly by persons outside the Department, or as to the action to be taken with regard to allegations of such violation, do not depend upon any formal action by the Department or particular officials of the Department."

Enclosed is a photocopy of a letter from the Assistant Attorney General, Criminal Division, which spells out that "the agency which originally classified it as affecting the national security of the United States is responsible for safeguarding such information from unauthorized public disclosure. In the event classified information is released without proper authorization, it is the responsibility of that agency to inform the Department of Justice in order that an appropriate investigation may be undertaken to determine whether there has been a violation of Federal law."

Next, we enclose a letter from Mr. George F. Sherman, Public Affairs Advisor of the Department of State confirming that the information which is the subject of our inquiry was, in fact, classified, and not available for release to us.

Finally, as we advised you earlier, the Bureau of Public Affairs has identified you specifically as "the officer responsible for the classification of that document."

It appears, Mr. Dubs, that as Harry Truman put it, "the buck stops here" at your desk. We assume that it is an essential part of your duties as Deputy Assistant Secretary to be aware of important stories which appear in the New York
Times concerning our country's relations with those Middle Eastern countries which are in your Department. It follows that you must have been aware of the story published by the Times on August 8, 1975 which stated that: "The same day a confidential notification from the administration reached the Senate Foreign Relations Committee and the House Foreign Affairs Committee, Mr. Amitay (the registered lobbyist of the State of Israel) was informed of it, though secret, by aides of Senator Clifford P. Case, Republican of New Jersey, and Representative Jonathan Bingham, Democrat of New York... Mr. Amitay said the two members of Congress asked for his 'reaction' to the administration letter."

From these records, it appears that you, in your official capacity, classified as secret a document sent by the administration to two committees of the Congress. Subsequently, you became aware that a criminal violation of the document classification had taken place.

We have asked you to state if and when you notified the Department of Justice of such violation; pursuant to your responsibility as spelled out by Mr. Thornburgh in his letter of October 10. In reply you have stated that you "consulted with the Justice Department informally" upon receipt of our letter of March 30, 1976. It would appear that you did not make a timely report of the violation. This must now make you uneasy for, as we observed in our letter of March 30th, "the unauthorized disclosure of classified government documents relating to our country's foreign affairs is a treasonable act. Section 2383 of Title 18 (the U.S. Criminal Code) provides that 'whence, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States... is guilty of misprision of treason and shall be fined not more than $1,000 or imprisoned not more than seven years, or both.'"

Section 2384 of the same Criminal Code provides that "If two or more persons in any state or territory subject to the jurisdiction of the United States conspire to... prevent, hinder or delay the execution of any law of the United States... they shall each be fined not more than $20,000 or imprisoned not more than twenty years, or both."

If you were to give tardy recognition to the seriousness of this matter within the next ten days, file a formal complaint with the Department of Justice we would be inclined to think of it as a delayed but none-the-less genuine effort to deal with a matter the seriousness of which may not have been fully apparent to you. Such a course would happily point public attention to those responsible for the violation and eliminate any thoughts that you had condoned what was obviously a treasonable act.

We shall hope to hear from you promptly in this matter.

Very truly yours,