

# Memorandum



To : The Attorney General

Date October 25, 1985

From : Director, FBI

Subject : WILKINSON, et al., v. FBI, et al.

ACTION MEMORANDUM

In January, 1984, former Attorney General William French Smith filed a claim of state secrets privilege for information subject to discovery in the above-captioned civil action. The claim was predicated upon fourteen documents selected by the Government, as representative of the types of information for which the claim was asserted. The information relates to the FBI investigation of the Communist Party of the United States (CPUSA) which, as you are aware, has extended for several decades and since October, 1976, has been investigated pursuant to the Attorney General's Foreign Counter-intelligence Guidelines.

In support of the claim, a declaration by former Assistant Director Edward J. O'Malley, Intelligence Division, was filed.

We have had occasion to reexamine, from a classification standpoint, information contained in the O'Malley declaration in conjunction with our ongoing processing of FBI records for release in response to various disclosure statutes, such as the Freedom of Information Act.

This ongoing review and reevaluation of dated CPUSA information for classification/declassification purposes, with the guidance and direction of the Department Review Committee (DRC), has resulted in the declassification of certain information contained in the instant state secrets claim. Specifically, sources and methods, and the information derived therefrom, appearing in Documents 2, 3, 4, 5, 8, 9, and 10 of the fourteen sample documents has been declassified. It is our conclusion that this information does not meet the classification criteria of Executive Order 12356.

Accordingly, we request that the state secrets privilege claim on file herein be modified to protect the remaining classified information.

1 - Mr. Richard K. Willard  
Acting Assistant Attorney General  
Civil Division

1 - Mr. A. R. Cinquegrana  
Office of Intelligence  
Policy and Review

1 - Ms. Margaret A. Irving  
Office of Legal Policy

*Ref to Galbreath  
acc  
doesn't contain  
rational which might be  
helpful*

*It is our understanding  
In modifying claim, it may well be that  
you will be asked to identify an appropriate individual*

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DEPT. OF JUSTICE

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DECLASSIFIED  
Authority N.W. 30130  
By AL NARA Date 11/13/09