

~~Jim Rankin~~~~11-6-11-01~~

4 DEC 17 1953

4 Honorable Morris Wolf  
4 General Counsel  
4 Foreign Operations Administration  
4 Washington 25, D. C.

Dear Mr. Wolf:

This is in reply to your letter dated December 15, 1953, to the Attorney General, requesting certain advice with respect to interpretation of Executive Order No. 10501 of November 5, 1953, and will confirm discussion had on the same matter between Mr. Hale of your office and a member of my staff.

As you have noted, Executive Order No. 10501 applies only to information which requires protection in the interests of national defense, and while the order recognizes the requirement for the protection of certain other information it does not attempt to specify the means or extent to which such non-defense information should be protected. In this connection there should be noted the exception that the order reserves the classifications "Top Secret," "Secret," and "Confidential" for appropriate defense information, "except as may be expressly provided by statute" (section 1). Under the circumstances, it is clear, your view that there is certain non-defense information developed in the Foreign Operations Administration which requires protection is not inconsistent with the order.

While Executive Order No. 10501 does not pertain to non-defense information, it seems to me clear that one of its important effects could be lost by use of the term "Restricted" (eliminated by the order for use in classification of defense information), for classification of non-defense information. For this reason it is strongly suggested that for the purpose of indicating any necessary restrictions on the use of non-defense information there should be utilized some such term as "For official use only," "For staff use only," or "For U. S. Government use only." This does not apply to instances in which use on non-defense information is provided for by statute of one of the terms defined by Executive Order 10501 as a defense classification, in which instances it is suggested that the term used should be followed by an appropriate statutory citation.

Sincerely,

J. Lee Rankin

Assistant Attorney General  
Office of Legal Counsel