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3. CCS has a standing position on non-release of citations and awards to persons retired under cover ^{24,32} (Bagley is retired in Belgium under State cover) so he would have to make a decision on that before he could have the material. He could not be given some of his personnel records, as they are classified, although he could be shown them as in a Privacy Act request; he is not now cleared for access to classified material, although his attorney is. CI Staff considers the materials not cited in the Hart testimony as classified; those portions authorized for use are unclassified only to the extent used by Hart; the exception is the entire handwritten list of options, which has been provided the Committee at its request, and he can see that when he appears before the Committee.

4. I tried to contact the DDA and DDO, reaching John McMahon. He agrees with this preliminary position. Mike Malanik phoned me back today, indicating that when the cover aspect is straightened out Bagley should be treated as anyone else. Dick Rininger of OGC, meanwhile, had advised Mr. Chabot, Bagley's attorney, that the cover consideration has to be resolved first. Bagley was there and Rininger also spoke to him, with Bagley indicating his intention to have his cover removed.

SDBreckinridge

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