

Classified Information Procedures Act of 1980

Sometimes referred to as “Graymail” law, the Classified Information Procedures Act of 1980 stemmed from concern that defendants in certain criminal cases could avoid prosecution if they insisted that the use, and thus the disclosure, of certain classified information was crucial to their defense. Unwillingness on the part of the government to release the information could result in a prosecution being dropped. This threat was known as “graymail”.

General Provisions –

Among its core provisions, CIPA initiates an early focus on security issues by requiring a defendant in a criminal case to notify the prosecution and the court prior to trial of any classified information that he reasonably expects to disclose in his defense. Also, the notice provision is a continuing one, and a defendant must provide a separate notice of any additional classified information that he becomes aware of after his initial notice and intends to use. A defendant may not introduce any classified information that was not included in a CIPA notice.

Source:

- The U.S. Intelligence Community: An Annotated Bibliography (Mark Lowenthal, Garland Publishing Inc., New York & London, 1994)
- www.fas.org/sgp/crs/secretcy/89-172.pdf Congressional Research Service Report, 1989