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MEMORANDUM OF CONVERSATION

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IPS by [Signature] Date 10/19/12
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August 15, 1979

SUBJECT: Meeting at CIA

On August 15, representatives of the Central Intelligence Agency's declassification operation and the Office of the Historian (PA/HO) met to discuss problems of clearance and access for the series Foreign Relations of the United States (FRUS). Present from HO were David Trask, Bill Slany, Paul Claussen, and David Baehler. The following were present from CIA:

- [] Information Review Officer in the Directorate for Operations (DDO).
- Gale W. Allen, Chief, Classification Review Division (CRD), Information Systems Staff, Directorate for Administration.
- Jack Pfeiffer, CIA Historian
- [] Chief, Branch for National Foreign Assessment Center, CRD.
- [] Chief, Branch for Directorate of Administration, CRD.
- [] Chief, Branch for Directorate of Operations, CRD.

The last three are each subordinates of Allen. [] Chief, Branch for Directorate of Science and Technology, CRD, was not present.

Allen opened the discussion by indicating the CRD's role in the declassification operation of the CIA. It is the equivalent of the systematic review Staff of the Department's Classification/Declassification Center. The major difference is that it reviews at the 20-year line all of CIA's documents, not just a sample. It also reviews all FRUS material sent to the Agency for review. FRUS galleys and manuscript sent to CIA receive priority attention, as reflected in the recent fast turn-around time.

After the CRD completes its review of each FRUS

compilation, it sends it to [redacted] group in the Directorate for Operations. In response to a question, Allen indicated that the DDO was the only directorate of the four to which FRUS material was automatically referred for follow-up review, because the DDO was the area of greatest sensitivity. Material was referred to the other directorates only if it was sensitive to those areas. It was revealed later that 80 or 90 percent of CIA's mandatory review requests fell within areas covered by the DDO, and the declassification operation there was consequently much more developed than in any other directorate. To review FRUS material, the CRD was using consultants or contractors who were familiar with a specific area by virtue of having served in the field. They were brought on board as needed either for FRUS or for systematic review assignments.

Allen broached the issue of substantive clearance, admitting that there was a lot of room for disagreement on the decisions taken. Even within the CRD, any two analysts might disagree on declassifying the same document, different copies of which turn up in separate collections. If that could happen within CIA, it stood to reason that CIA and HO might disagree on decisions. Trask briefly outlined HO's new procedure for submitting FRUS material for review under E.O. 12965, noting that it was pointless for HO to submit material that was not going to be cleared. There would, however, be cases where HO felt material should be declassified and CIA did not.

Allen then discussed the criteria by which CIA reviewed FRUS material. It was hard to be one hundred percent certain at any given time about what material was in the public domain. The range was great, from the recently published report on assassinations, to the Pentagon Papers, to information that had been specifically cleared by CIA's Publication Review Board. Allen volunteered that he could arrange meetings between his analysts in a given area and the appropriate Department of State historians. If HO could show that knowledge of an incident or policy had already been revealed by "executive disclosure" (i.e., officially divulged), CIA would consider approving it for publication. In response to a question by Slany, [redacted] stated that this excluded memoirs written by foreign government figures after they left office. Otherwise, manuscripts and publications approved by CIA's Publications Review Board constituted a second category of executive disclosure. If any given information has already been cleared by the Board, it will be approved for publication in FRUS. CIA's problem is that prior to 1977 there were no good records of what was officially approved and what was not. CIA has a bibliography of all manuscripts officially approved since the beginning of 1977.

A third category of executive disclosure is the release of

documents through mandatory review. Slany asked whether the CIA had a method of keeping track of the documents that have been declassified in this way. [redacted] answered that the DDO has a computer that indexes all of the documents retrieved for purposes of replying to FOI requests arriving in that directorate. In addition, the Information and Privacy Staff, which is the mandatory review counterpart to the CRD, indexes everything requested of the entire agency. Allen did not recommend that HO make use of the computerized system because the record was not as complete as it could be and the information might not be retrievable in a form that HO could use. Trask pointed out that this body of computer-stored information could itself be considered an official record, reviewable after 20 years.

[redacted] stated that if the Department of State were to make a revelation concerning an incident or policy related to CIA's Directorate of Operations, the DDO would not feel obliged to confirm that disclosure. [redacted] felt particularly conscious of the statutory obligation to protect intelligence sources and methods because CIA was constantly faced with litigation. CIA based its actions on section 6 of the Central Intelligence Agency Act of 1949, which includes language obliging the Director of Central Intelligence to protect sources and methods from unauthorized disclosure. [redacted] acknowledged that in some cases CIA was dealing with personalities rather than certainties, so contact between HO compilers and CIA reviewers would be useful. In response to a question by Trask, Allen indicated that he was prepared to facilitate such contact, beginning with the FRUS volumes for 1952-1954 on which there were differences of view mentioned in Trask's letter of July 23.

In response to a question by Baehler, [redacted] acknowledged that CIA considered FRUS to be the maximum form of executive disclosure. Because of this, the Agency was very careful about each clause, sentence, or document that it cleared for publication. The CIA knew that the Soviets would scrutinize each new FRUS volume, as would the British and the French. He emphasized that there was no going back once publication had occurred, so CIA reviewers must be cautious beforehand.

[redacted] distinguished between review of various types of material. NIE's and SNIE's, for example, did not often present a clearance problem.

[redacted] Slany asked [redacted] whether there were guidelines by which decisions on these various categories of material were made, pointing out that

because HC had not had access to the greater body of material, its historians did not know what categories of material might lie beyond in the area of covert operations. [] responded that the guidelines were established initially in his [] head, and then discussed. The inference was that nothing has yet been written by way of guidelines. In response to a question by Trask, [] indicated that CIA had supplied the National Archives with agency guidelines for systematic review, to be applied to material found in the files of other agencies.

[] stated that in cases where CIA was involved, the Agency might have to extend classification beyond 20 years because of the sensitivity of an issue. He cited Stephen Kane's compilation on Guatemala for 1952-1954 as an example. CIA would have to resist the publication of anything more than the basic fact that the Agency participated in the overthrow of the Arbenz regime. It could not allow publication of details concerning how it was done, what incidents were involved, or what sources or methods were used, even though Kane was being granted access to documentation on these matters. Trask indicated that HC was not interested in publishing details concerning the mechanics of operations. But were policy issues -- for example, whether or not the Ambassador was fully cognizant of the operation and whether or not he was part of its planning -- also excluded under [] criteria?

[] said CIA would defer to the Department of State on the foreign relations aspects of an issue. If the Department, taking into consideration relations with a given country today, determined that no foreign relations problem was involved, such information could be published. Trask asked if it was the sensitivity of an operation that was really at issue. [] then returned to the wording of E.O. 12065: would its release contribute to "identifiable damage" to the national security? That was the key phrase, he said, not sensitivity. He then reiterated that CIA would defer to the Department on the foreign policy aspects of an issue. Asked about CIA's justification for withholding material beyond 20 years, [] mentioned the 30-year rule for foreign government information, CIA's statutory mandate for protecting sources and methods, and problems of forgery of internal CIA documents by unfriendly governments if the format of a CIA document was revealed.

[] volunteered that the FRUS editorial note was a useful device for maintaining the integrity of the series by acknowledging CIA's presence in a given country while at the same time avoiding detailed coverage of CIA activities in any given operation. Most friendly foreign governments would recognize the validity of this sort of treatment. Slang pointed out that in order to prepare editorial notes, the Department's

historians would need access to CIA documents. The possibility of a partnership existed in which FRUS could perform a useful service. There was some general discussion of the access question. [] noted that HO had recently gained access to various documents through Pfeiffer's office. Access to documents originated by the DDO area was at the discretion of individual area division chiefs, some of whom might be reluctant to hand over material. Trask noted that HO understood that its channel for access after Pfeiffer's operation ceased at the end of 1979 was to be the Center for the Study of Intelligence. Allen explained that the Center was a unit of CIA's Office of Training, under the Directorate of Administration, to which fellows were assigned for 9 or 12 months' study. The Center also has a permanent staff. There was some discussion of why the Center might have been designated to service HO's needs.

Claussen noted that in CIA's review of FRUS material during the past year there were some inconsistencies, oversights, and possible inaccuracies in what was recommended for deletion, both within and between volumes. It would therefore be highly desirable for FRUS compilers to meet with appropriate CIA declassification analysts to discuss the four volumes cited in HO's letter of July 23, as well as other volumes now outstanding. He pointed out that the charter under which FRUS is prepared requires that there be no alteration of the texts of documents and no deletions without an indication of where in the text deletions are made. The obligatory indication of ellipsis or bracketed notations might in some cases suggest to readers familiar with other published accounts of a given event that more sinister actions were undertaken than was actually the case, or that more had been deleted from a given document than was actually removed.

Allen once again suggested meetings between FRUS compilers and his declassification analysts to talk about specific instances of disagreement on declassification actions. He applauded and encouraged liaison for the sake of omitting "inconsistencies, oversights, and inaccuracies." He said that some CIA officers, when faced with a declassification decision, did not have all the necessary information, and would therefore welcome consultation with HO specialists. Allen proposed that the meetings be held informally, but that the conclusions reached be documented. It was agreed that Baehler and Allen would arrange appointments. Volumes for 1952-1954 on Latin America and Indochina would probably be the first two to be considered.

Trask observed that from HO's point of view there were three categories of material: first, that which was clearly not releasable; second, that which was clearly releasable; and

third, that about which HO was unsure. This third area would be the subject of discussion. HO could be more helpful if it knew the appropriate guidelines.

Baehler briefly described the new declassification system within the Department of State and pointed out that in the future CIA would receive the documents the Department wished to publish in raw, unedited photocopy form. [] expressed concern about whether or not HO could always recognize CIA matters contained in State Department documents. Claussen pointed out that such matters would be identified by experienced officers on the Department's central declassification staff.

[] asked whether HO had approached the National Security Council on access to and declassification of the sort of material HO sought from the CIA. He said that on questions of policy concerning covert activities, CIA was really only an executive secretariat to the NSC in the later 1950s and 1960s. NSC had a more important role than the CIA, and HO would do well to get into the NSC files if it wanted to publish the documents on intelligence operations of greatest historical interest.

Trask emphasized in conclusion that HO wanted to be sure that it had done everything possible to put in the published record what was appropriate. At the same time, he was sure that it had been made clear during this exchange of views that HO intended to act responsibly.