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CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

28 October 1979

Mr. David Baylor  
Office of the Historian  
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Columbia Plaza  
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Washington, D.C. 20520

Department of State, A/GIS/IPS/SRP  
Change to \_\_\_\_\_  
 Release ( ) Excise ( ) Deny (X) Declassify  
Exemptions b ( ) ( ) E.O. 13526 25x ( ) ( )  
Declassify after \_\_\_\_\_  
With concurrence of: obtained CIA / not obt  
IPS by [Signature] Date 10/22/79

Dear Dave:

This letter is in response to two letters dated September 27, 1979 from Mr. John Glennon concerning several Agency deletions from Volumes XIII, "Indochina," and XV, "Korea," of the Foreign Relations of the United States series. The points in Mr. Glennon's letters were discussed with the Directorate of Operations which has the greatest direct Agency interest in this material. We would like to pass the results of these discussions to you and your associate historians concerned with the various area volumes of the FRUS because in the main, the Agency rationale for handling a particular subject matter will apply uniformly:

1. Official Disclosure. The attachment to your letter concerning Volume XV equates references from open literature to authorized executive disclosure of previously classified information. We cannot accept that equation as valid. Such citations of the open literature may be useful in alerting us to public treatment of a topic on which there are classified holdings, but they do not oblige us to make executive disclosure of the same or comparable material. The fact of publication of numerous unofficial works places no obligation on this Agency to make authorized executive disclosure of statements made in those unofficial works. To reason otherwise would, in the face of the First Amendment entitlement of most Americans and aliens legally resident in the United States and the weakness of our statutes with respect to the protection of official secrets, place us in an untenable position. Such rationale would leave us vulnerable to the Ellsbergs and Agees of this world who, having purloined official classified material and had it published, could then point to the fact of publication as a basis for requiring the Agency to make official confirmation.

Publications such as the Rozitske, Colby and Cline books are sometimes referred to as "semi-official memoirs." The fact of the authors' prior association with CIA and even (in two cases) of review of the manuscripts by Agency personnel does not give these books status as authorized executive disclosure.

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The Church Committee's "Final Report" is, of course, legislative and not executive disclosure. The rule that we have followed with regard to that particular publication and others like it is this: If the publication quotes from a document which was supplied officially by CIA to the Congress, we generally acknowledge the existence of the document if Congress chooses to reveal its existence, and generally, we disclose the quoted segment, but only that. Of course, if additional executive disclosure was made subsequent to the legislative disclosure of portions of a CIA document, we must take that executive disclosure into account.

Concerning another aspect of the same problem, the disclosure of the Agency's classified material by another component of the Executive Branch does not constitute authorized executive disclosure by this Agency unless competent authority of this Agency, and more particularly in the case of Directorate of Operations information, of the Directorate of Operations, has concurred. This is pertinent with reference to the citation of "The Pentagon Papers" in the DOD version. It is even more pertinent to memoirs such as those by Edward G. Lansdale, written and published without Agency acknowledgment that they constitute authorized executive disclosure. (Mere review of a manuscript by the Agency does not constitute authorized executive disclosure.)

2. CIA Presence. Objection has been raised to our denial of the letters "CAS" when "mere mention of CIA presence" is at issue. Our standard Agency practice, in compliance with Section 6 of the CIA Act of 1949, is not to disclose CIA locations abroad. "Mere mention of CIA presence" is clearly disclosure if authorized release is made. That information is classifiable under Section 1-301, E.O. 12065.

Recognizing that certain distinctions could be made with regard to Vietnam and Laos, the DCI did, on 4 May 1979, determine that disclosure of CIA stations and bases in those countries would be made in connection with the Agency's response to Freedom of Information Act requests for MIA reports. Of course, authorized executive disclosure made in one context is also applicable to other contexts and generally cannot be withdrawn. It is in recognition of that fact that the Directorate of Operations practice with regard to disclosures concerning certain CIA stations and bases in Vietnam and Laos must be limited as follows:

- a. Laos, Vientiane Station - 17 July 1966 through 16 November 1968;
- b. Vietnam, Saigon Station - 17 November 1968 through 30 April 1975;
- c. Vietnam, Hue - 22 October 1967 only;
- d. Vietnam, Can Tho - 17 June 1967 through 26 March 1974;
- e. Vietnam, Nha Trang - 5 December 1969 through 12 June 1972.

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It will be immediately apparent to the knowledgeable that certain CIA locations in Laos and Vietnam are not included in the disclosable list. The decision is interpreted to mean that unlisted locations should not be disclosed. Furthermore, disclosure of the presence of the listed locations during the specified periods does not obligate disclosure of the same stations or bases for prior or subsequent periods if, indeed, they existed at those earlier or later periods.

You will note that, whereas the period covered by the DCI's decision to disclose varies for different locations, that time-frame is later than that which applies to the documents in question. Therefore, to the extent that documents either are dated or refer to periods other than those for which disclosure has been authorized, "mere mention of CIA presence" must continue to be denied.

3. Foreign Liaison. Another point that bears mention is our obligation, by statute, not to reveal the fact of or details concerning intelligence liaison relationships between CIA and foreign intelligence and security services. If disclosed, "mere mention" of the receipt of reports from a foreign intelligence service carries with it revelation of the existence of a relationship, particularly when the text makes clear that the reference is to a relationship that involves CIA. As you are aware, we do not make that type revelation in authorized executive disclosures, and cannot do so for the sake of the Foreign Relations of the United States series which epitomizes authorized executive disclosure.

4. CIA Internal Documents. One item ((458 JAN) relates to what we refer to as an appraisal of the situation, a specific type of CIA field station report that is defined in CIA regulatory issuances. Those issuances make the point that the appraisal of situation is intended primarily for internal (CIA) use as a guide to the operational environment existing at that time and place. It is not a vehicle for making policy recommendations regarding future action of the U.S. Government, and such recommendations must not be included in the appraisal of situation reports. Of course, such appraisals may be disseminated to other U.S. officials by CIA Headquarters, but a specific authentication statement is mandatory. That statement includes (and included in the past a comparable reminder) as follows: "Prepared primarily for internal Agency use, it is disseminated in the belief that it may be useful to others in their own assessment of the situation." Your opinion of the document in question (458 JAN) as "a perceptive analysis by the unnamed senior CIA representative [ ] does not reduce our responsibility to respect the controls that were applied when dissemination was made, if 458 JAN was, indeed, an appraisal of the situation as contrasted to a situation report. The accompanying statement that "we are unable to see how intelligence sources and methods would be compromised by declassification of this document" is presumably true. That is, however, but one aspect of our responsibilities under Section 6 of the CIA Act of 1949. We do not release appraisals of the situation for these additional reasons:

- a. Disclosure would confirm the presence of a CIA station (at a time not covered by the DCI's decision of 4 May 1979);

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b. Disclosure would facilitate external analysis of CIA's capacity to judge the operational environment under a particular set of circumstances:

c. Enhancement of external analysis increases the capacity of hostile elements to disrupt, penetrate, or thwart current efforts in the same or similar location.

Obviously, our most important reasons relate to the protection of sources and methods. Were the specific report to be reconsidered, in disregard of established practice with respect to this type of report, we still would have to go back to the sourcing of the individual paragraphs of the report to determine sourcing. In sum, our entitlement to the denial of disclosure of appraisals of the situation is, in our view, greater on numerous counts than the finding that a given document "deserves to be part of the official record."

5. Foreign Relations: With regard to the item appearing in documents 62-63 CHI concerning the status of the U.S. Consulate in Hanoi after the armistice, one factor we -- with at least some judicial sanction -- must take into account to determine identifiable damage to the national security is the present day impact of disclosure. The fact that an issue was an important foreign policy matter is not sufficient justification for us to ignore the possible present day difficulties that could result from disclosure. We believe that your Area Desks share our concern in this regard.

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The remainder of the text under "Discussion" and the text under "Recommendation" simply reiterates some of the key points noted above and remains classified for the applicable reasons identified above. Summarizing the individual points listed, the CIA and Directorate of Operations particularly are well-advised not to release official information that makes clear to host country authorities that CIA has or had a station in the country, or that CIA has or had an intelligence liaison relationship with intelligence services of the host country. I might recall one recent event for its value as an analogy. You will recall the furor in the United States that followed disclosure by The Washington Post of classified information in a 9 August 1979 article headlined "Foreign Spy Activity Found Rampant In U.S..." A comparable or worse reaction must be anticipated in certain countries when the situation is reversed. [redacted] Our concern is not that disclosure of this sort is embarrassing but that it has a definite impact on current or future diplomatic and operational environments in which CIA must carry out intelligence activities. Briefly stated, then, this is the identifiable damage to the national security that in our view unauthorized disclosure reasonably could be expected to cause.

7. I want to reiterate that the above represent the position of the Directorate of Operations but also is essentially the Agency position on these matters. I am forwarding them to you in the hope it will aid you and your staff in appraising what information in these categories we would consider classified and want to protect from disclosure.

[redacted]

Gale W. Allen  
Chief, Classification Review Division  
Information Services Staff  
Directorate of Administration

Attachment: a/s

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