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CONFIDENTIAL DRAFT

Mr. Michael T. Blouin
Director, Information Security Oversight Office
General Services Administration
Washington, D.C. 20405

Dear Mr. Director:

This is in response to your thoughtful communication of 11 April 1979 concerning extension of the intervals between reviews for declassification of information in certain categories. We are in basic agreement that little information warrants classification beyond the first ten-year extension following initial review, when one considers the entire mass of classified information existing throughout the Government.

Nevertheless, that fraction of the mass which does warrant such extension is heavily concentrated in the files of the Central Intelligence Agency and of other Intelligence Community member agencies and departments. My statutory responsibility and authority for protection of information relating to intelligence sources and methods has already been frequently exercised in the certification of classification extensions, under Executive Order 12065 as well as its predecessor (E.O. 11652).

The categories listed by the Secretary of the Army in his 12 February 1979 letter to you are valid, as far as they go. The needs of the Intelligence Community as a whole would be better served by a more complete and detailed categorization, however. Attachment 1 hereto lists and describes six categories of information which concern intelligence sources and methods and are deemed to merit waivers of the Order's ten-year review interval requirement. As requested in your 11 April letter, appropriate time intervals for further reviews of the information to be included are also specified. The types of information cited in the Secretary of the Army's letter are covered under one or another of the categories, along with other information also affecting Community members.

Rationales for these waiver categories are discussed in Attachment 2 hereto (classified Confidential). For the reasons cited therein, it is impossible at this time to predetermine any maximum duration of classification for the information covered.

ENCLOSURE 2

In accordance with Information Security Oversight Office Directive No. 1, use of these categories will be strictly limited to information that:

-- has been systematically reviewed for declassification at least once;

25X1

UNCLASSIFIED WHEN
DETACHED FROM
ATTACHMENTS

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-- is determined through such review to require extension of classification, based on an identifiable need therefor, during a period in excess of twenty additional years;

-- cannot be assigned a definitive date or event for declassification; and

-- is certified accordingly by an agency head authorized to do so under the Order.

Your early approval of the review-interval waiver categories specified in Attachment 1 and explained in Attachment 2 is requested, so that they may be incorporated in declassification guidelines. The Order requires such guidelines to be issued on or before 31 May 1979.

Yours sincerely,

STANSFIELD TURNER

Attachments:
1 and 2, as indicated

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CATEGORIES OF INFORMATION FOR WHICH THE DIRECTOR OF CENTRAL INTELLIGENCE REQUESTS WAIVERS OF REQUIREMENTS FOR FURTHER REVIEW AT TEN-YEAR INTERVALS FOLLOWING INITIAL REVIEW FOR DECLASSIFICATION, PURSUANT TO EXECUTIVE ORDER 12065 AND INFORMATION SECURITY OVERSIGHT OFFICE DIRECTIVE NO. 1.

CATEGORY A

Information obtained through, resulting from, or concerning confidential joint arrangements between United States Government agencies or elements thereof and foreign government components, agencies or units having intelligence, counterintelligence, and/or other national defense or security functions and responsibilities.

Time Intervals for Subsequent Reviews: 50 years following the initial review, and thereafter at 20-year intervals.

CATEGORY B

Information constituting or concerning counterintelligence, defined by National Security Council Intelligence Directive No. 5 of 17 February 1972 (paragraph 1b), as "...that intelligence activity, with its resultant product, devoted to destroying the effectiveness of inimical foreign intelligence activities...(including)...the process of procuring, developing, recording and disseminating information concerning hostile clandestine activity and of penetrating, manipulating or repressing individuals, groups or organizations conducting such activity", and further defined by Executive Order 12036 of 24 January 1978 (Section 4-202) as "...information gathered and activities conducted to protect against espionage, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document or communications security programs."

Time Intervals for Subsequent Reviews: 30 years following the initial review, and thereafter at 20-year intervals.

CATEGORY C

Information, including Sensitive Compartmented Information (SCI), involving or concerning intelligence sources or methods and covered under special access, distribution and protection programs established or continued pursuant to Section 4-2 of Executive Order 12065.

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Time Intervals for
Subsequent Reviews: 30 years following the initial review, and thereafter at 20-year intervals.

CATEGORY D

Information which, although not assignable to any of the preceding or following review-interval waiver categories, would disclose intelligence activities, sources, or methods including intelligence policies, plans, procedures, operations, or organizational composition of any element of a National Foreign Intelligence Board (NFIB) or other United States Intelligence Community (USIC) member agency or agencies, or which would identify undercover personnel or clandestine human agents thereof.

Time Intervals for
Subsequent Reviews: 30 years following the initial review, and thereafter at 20-year intervals.

CATEGORY E

Intelligence reports, not containing foreign government information, which bear the legend "THIS IS UNEVALUATED INFORMATION", and documents lacking that legend but having formats or content similar to those of items so designated, in which the format(s) used, subject matter, source descriptions or other content could, in collections or aggregates of such reports or other documents, disclose the nature, interests, scope or extent of United States intelligence activities in, or in relation to, particular foreign countries or areas, or could identify intelligence sources and methods deployed for such activities.

Time Intervals for
Subsequent Reviews: 30 years following the initial review, and thereafter at 20-year intervals.

CATEGORY F

Cryptologic, including cryptographic, information involving or concerning the acquisition or transmission of intelligence or the means used to protect such acquisition or transmission from unauthorized disclosure, including cryptographic, communications and emanations security techniques, materials and equipment.

Time Intervals for
Subsequent Reviews: 50 years following the initial review, and thereafter at 20-year intervals.

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REASONS FOR REQUESTS BY THE DIRECTOR OF CENTRAL INTELLIGENCE FOR WAIVERS OF EXECUTIVE ORDER 12065 REQUIREMENTS CONCERNING REVIEW OF CLASSIFIED INFORMATION AT TEN-YEAR INTERVALS FOLLOWING INITIAL REVIEW FOR DECLASSIFICATION. [redacted] 25X

These waivers are considered necessary for the reasons cited under each of the categories listed below: [redacted] 25X

CATEGORY A

The definition of "foreign government information" provided in Section 6-103 of the Executive Order, as amplified in Section I(F) of Information Security Oversight Office Directive No. 1, applies to this category. Unauthorized disclosure of such information is presumed to cause at least identifiable damage to the national security, per Section 1-303 of the Order. Foreign government information is exempt from automatic declassification and twenty year systematic review (Section 3-404), and is subject where appropriate to foreign government coordination of any guidelines to be used in its systematic review for declassification (Section IIIC1b of the Directive). [redacted] 25X

Liaison on intelligence matters with foreign governments, which provide substantial and extremely valuable data and services not otherwise feasible to obtain, is an essential part of the total United States intelligence effort. The development and maintenance of fruitful liaison relationships make it necessary to protect information so acquired for as long as foreign parties to liason agreements may request that protection. [redacted]
25X1

Declassification and release of liaison information without its suppliers' express consent would violate the expectation of confidentiality (Section I(F) of the Directive) inherent in liaison agreements, and could well result in their unilateral abrogation by the foreign governments concerned. Systematic review of thirty-year-old (and even older) information, in accordance with the present Executive Order and its predecessor (E.O. 11652), has already generated a number of CIA requests to foreign liaison services for permission to declassify items received from them. Responses to date have been uniformly negative. [redacted] 25

Some of the services queried, as well as several others with which longstanding and important U.S. intelligence liaison relationships exist, have expressed grave concern over the possibility that information they have provided in confidence might be declassified and placed in the public domain. Certain foreign governments no longer regard the U.S. Government as entirely trustworthy in this regard. [redacted] 25X1

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Once initial review has established that documents or other items of information cannot then and there be declassified because they fall within this liaison category, further reviews at ten-year intervals would be futile. Foreign governments simply will not authorize declassification of information they have designated as sensitive, regardless of age, unless and until they can determine that it no longer requires protection in terms of their own national security perceptions and concerns. 25X

The requested interval of fifty years between the initial (thirty-year) and first subsequent review (conducted when each item attains an age of eighty years) is intended to provide sufficient time for foreign governments to make declassification determinations covering much if not most of the Category A information reaching that age. There can, however, be no guarantee that all liaison information will be declassifiable even at age eighty. The requested intervals of twenty years between any additional reviews that may be required should be adequate for such residual information in Category A. X1

CATEGORY B

It will be apparent that some counterintelligence (CI) information also meets the criteria for inclusion in Category A above, and must accordingly be assigned thereto rather than to Category B. The latter therefore covers CI information of U.S. origin which has been reviewed for declassification (normally at an age of twenty years) and assigned to Category B on the basis of that initial review, upon determination that it cannot be declassified for at least another twenty years and must be reviewed again before declassification. 25

CI sources and methods tend to be extremely sensitive, because of the potentially adverse impact of CI activities on U.S. defense and foreign relations and thus on the national security. CI "cases", moreover, are often very long-lived; they somewhat resemble murder cases under the criminal law, in that they are subject to no "statute of limitations" but remain open virtually indefinitely unless resolved. 25

The ongoing systematic review (begun under E.O. 11652) of Office of Strategic Services (OSS) and Central Intelligence Group (CIG) permanent records created during the period 1942--1947, all of which are therefore now well over thirty years old, has shown that numerous CI items dating from that era still meet the current classification requirements of E.O. 12065 (Section 1-3). Identifiable damage to the national security would result from their disclosure even today. 25

In some cases that damage is presumptive, under the Order's provisions (Section 1-303) covering "the identity of a confidential foreign

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source" as well as foreign government information (see above under Category A). In others, the identifiable damage would primarily involve other aspects of "intelligence activities, sources or methods" or of "foreign relations or foreign activities of the United States" under Sections 1-301(c) and (d) of E.O. 12065. [redacted] 25X

When no date or event for declassification can be established for CI documents or other items of information identified upon initial systematic review as meeting current classification requirements and expected despite their age to meet such requirements for at least another twenty years, as provided in Section III C 26(2) of the ISOO Directive, such items belong in Category B unless properly assignable to Category A above. [redacted] 25X1

The specified thirty-year interval between initial review at twenty years and the first subsequent review should make it feasible to declassify a significant proportion of CI records, although not necessarily all of them, when they thus become fifty years old. As with Category A, twenty-year intervals between the first such subsequent review and any ensuing ones would cover residual Category B information. [redacted] 25X

CATEGORY C

Documents or other items potentially assignable to this category but containing foreign government information will be initially reviewed for declassification at an age of thirty years. When such information falls within Category A above, the item must be assigned thereto and reviewed at the subsequent intervals specified under that category. Special access program information of U.S. origin, requiring initial review at age twenty if not earlier, is subject to considerations similar to those affecting Category B (counterintelligence) above:

(1) an original high degree of national security sensitivity, in view of the Order's provision (Section 4-201) limiting the use of special access programs to "particularly sensitive" information;

(2) the fact that such information may require a lengthy period of initial classification protection (currently twenty years for SCI--see NFIB-9, 1/35 of 21 December 1978) and may not be automatically declassifiable at the expiration thereof (again, SCI provides a good example) but must then be reviewed to determine whether that protection remains necessary; and

(3) the likelihood that this initial review will indeed establish a need to extend classification for a period exceeding twenty addi-

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tional years, the length of which cannot be predetermined in terms of any specific future date or event that would allow declassification. [redacted] 25X

Reviews of Category C information at ten-year intervals following initial review at age twenty would be unlikely to result in significant numbers of declassifications. Hence the requested intervals of thirty years between the initial and first subsequent reviews, and of twenty years between those to be conducted thereafter. [redacted] 25X

CATEGORY D

This category is needed to reduce the number of nonproductive subsequent reviews in the case of information on intelligence activities, sources or methods which cannot logically be included in any of the other waiver categories requested but which requires classification for more than twenty years beyond the date of initial review and for which no specific future declassification date or event can be predetermined. The stated subsequent review intervals for such information are compatible with those specified under the other categories covering information of U.S. origin. [redacted] X1

CATEGORY E

This category has already been identified to the Archivist of the United States, by letter of 1 December 1978, as one for which waiver of the Order's requirement for reviews at ten-year intervals would be requested. The reason for this waiver is, of course, the fact that individually declassifiable items may require continued long-term protection when considered in the aggregate. Most Category E items can be downgraded to the CONFIDENTIAL classification level upon initial review (at age twenty), regardless of the level at which they were originally classified. [redacted] X1

The same applies to "UNEVALUATED INFORMATION" reports and similar documents obtained as a result of intelligence liaison agreements, which can also be downgraded but must be assigned to Category A above because of their sources. A relatively small proportion of "UNEVALUATED INFORMATION" items constitutes or concerns counterintelligence and may properly be assigned to Category B; the review intervals requested are the same for that category as for Category E. [redacted] 25X

CATEGORY F

This category relates in part to all of the preceding ones, in that

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the information which they cover is or may be processed at some stage of its existence through the application of cryptologic/cryptographic procedures. The compromise thereof would permit decipherment, and thus unauthorized disclosure, of the information carried via the electronic or other cryptographic communications channels used. [redacted] 25X

The sources and methods employed to acquire and process cryptologic/cryptographic intelligence represent an extremely high initial degree of national security sensitivity, and may require long-term classification protection. Confidential joint agreements with foreign governments are involved in many cases, whether or not particular documents containing sensitive cryptologic/cryptographic intelligence specifically refer thereto. When they do, the items concerned may be assigned to Category A above; the requested review intervals are the same for both categories although Category F items containing only information of U.S origin will, of course, be initially reviewed for declassification at twenty rather than at thirty years of age. [redacted] 25X

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