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SOME THOUGHTS ON ESTABLISHING SPECIFIC GUIDELINES FOR THE REVIEW OF DIFFERENT CATEGORIES OF MANUSCRIPTS

1. The decision whether or not to release a particular piece of information contained in a manuscript will depend on two factors: the degree of sensitivity of the information and the type of publication involved. Generally, manuscripts will fall into the following three categories: 1) official government documents such as FRUS, official DOD histories, or manuscripts containing excerpts from classified documents, 2) factual articles and books, including autobiographical accounts, written by former or present Agency employees, and 3) fictional works. The latter may present particular problems when the author is identified as CIA, or if the events depicted are only thinly-disquised versions of actual situations in which the author-protagonist participated or had first hand knowledge. Such works will generally be handled according to the criterea established for biographical or autobiographical works.

Varying Degrees of Sensitivity of Classified Information

2, Sensitivity will normally involve one or more of the following: foreign relations or foreign government information, classified information belonging to other government agencies, and intelligence sources and methods. Truly fictional works present the fewest problems in this respect, but when the author is known to be CIA, present liaison equities should be taken into account since the author's views may well be interpreted as being the views of his service (CIA).

Sensitivity concerning intelligence matters covers a wide spectrum

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Officially Published Material

3. The guidelines for officially published information are fairly clearcut in most cases. A general rule is not to acknowledge a CIA presence in any particular country overseas, thus eliminating any mention of the other categories of information relating to CIA.

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Non Fiction

4. Factual articles, commentaries on international affairs, intelligence activities, etc., and biographical or autobiographical works by former or present Agency employees are generally subject to the same limitations as

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official disclosure. However, this is because there is a presumption that the author obtained all classified information in the course of his employment with CIA. The enforcement of the secrecy agreement, however, is based on the Snepp decision, which holds that the employee or former employee has a fiduciary relationship with CIA. Thus, even though the information is properly classified, we may not be able to prevent the author using it if he attributes it to a properly declassified document or to open sources. The sensitivity of any revelation may vary with the credibility of the author. For example, a former DCI's statement will usually carry more weight than that of a low-ranking former employee. We may take into consideration such things as disclaimers, or footnotes citing open sources. However, all matters which we consider sensitive should be noted, even if the deletion is not enforcable in a court of law, so that the author's cooperation may be solicited. As a rule, we do not give advice on how a sensitive passage or phrase should be reworded, but such comments may be forwarded to the PRB for its consideration.

Fiction

5. Often the most difficult type of manuscript to judge is a work of fiction concerning foreign affairs or intelligence matters written by a former employee. Obviously, any former employee knows a great deal about matters that must remain classified, and it will be difficult to avoid using such information, even with the best of intentions, in a work concerning intelligence activities. Just as obviously, there is a vast amount of information available about intelligence activities in general, and about CIA activities in particular, in any public library. There are collections of books about intelligence matters, there are bibliographies and scholarly treateses, and even a magazine that reviews the literature. There is a great deal that is known objectively about the CIA and its operations. Much of this information cannot be confirmed officially, not because the "opposition" is unaware of the facts, but because of the adverse consequences of official disclosure. There cannot be more than one or two backward countries in the world who do not believe that CIA

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works out of the American Embassy or Consulate even if they cannot positively identify a particular individual as a CIA employee. Any capable author can write a reasonabley accurate spy story concerning CIA using open sources, and so can a former employee turned writer.

Sensitive Information in Fiction

Our procedure in reviewing such fiction is as follows:

First, we will identify all properly classified information. At this time we will operate on the assumption that the writer obtained all such information in the course of his employment unless he has specifically cited open sources. Then, we will carefully isolate those items which are clearly available only from classified sources, or, which are truly sensitive and which could cause problems by the mere fact that they are used by a former CIA employee. We will require these items to be deleted from the manuscript.

HOW DO WE KNOW THIS

WHAT MAKES THINGS SENSITIVE — THAT IS THE QUESTION

This exercise will leave us with a body of information that would remain classified if it were to appear in an official publication or in a factual account, but which may be widely accepted as being factual by both friends and enemies, the reference to a CIA station in some large foreign capital, for example. The essential difference here is that the author may be presumed to be speaking the truth when he mentions it. It would be useless to argue that the author of a fictional account is under no obligation to tell the truth, and that he could just as easily invent a fictional [redacted] as confirm it. The question is, should we ever apply standards to a particular work which does not appear to be realistically defensible from a legal viewpoint? If we lean too far in the direction of pragmatism we run the risk of not being evenhanded and could get into trouble: " If X can write an article about [redacted] why can't I write abou[redacted]

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HOW DO WE KNOW THIS?

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Don -
It is good to see people like Karl thinking about these problems. There is much to be done in this area. What we need particularly badly are guidelines that can be understood, implemented, and defended. We must take examples and distill from them a basic, broader principal which can be applied to a certain range of information. For example: In fiction we don't allow writing about actual events in an identifiable way. This seems like a basic guideline we can live with. We need more.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

REVIEW OF FICTION

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FROM: CRD/S&T/[redacted]

EXTENSION

NO.

DATE 10 Feb 82

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. C/CRD				-1. I sense the need for a more uniform approach to the review of fiction or quasi-fictional MS. Official executive disclosure is pretty clearcut, although the VN situation may find us modifying the traditional quidelines, but there are some nuances to the review of novels that should be explored, and I don't think the DO is addressing this in a consistant way. My concern is that, while we cannot let our judgement be overly influenced by legalistic arguments, we do not want to get so tied up by knee jerk reactions to certain words and phrase that we goad some would-be author or his editor into a successful court challange. If we lose in court, we could end up setting a precedent and eventually lose the right to "censor" anything that can make a prima facie case of being fiction. It's sort of like the 16th century Christian princes cheerfully slaughtering whole populations over the question of the true meaning of the eucharist while the Muslim horde was advancing on Vienna. Good theology doesn't necessarily preserve your kingdom.
2. OPS	10 Feb 82		SK	
3.				
4.				
5.				
6.				
7. C/S & T	2/10		HB	
8.				
9.				
10.				
11.				
12.				The attached is a first cut at a set of guidelines for use by CRD. If we ever acquire primary responsibility for MS. review, we may have to further refine. I have not really addressed the question of DDI equities since most fiction seems to deal with the ops side, but the general approach applies.
13.				
14.				
15.				

(OVER)

FORM 1-79 610 USE PREVIOUS EDITIONS

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This has been prompted by a recent Howard Hunt spy novel (Quarry) set in London, perhaps the one place in the world where we would have trouble defending the deletion of "station", but our long involvement in essentially non-clandestine activities in SE Asia could cause some problems in non-official and fictional writing, regardless of what is decided re official disclosure.

Would the CRP Committee want to consider this?

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