

OLC 76-0221

28 January 1976

STAT

MEMORANDUM FOR:

[redacted] Chief, Information Systems Analysis  
[redacted] Staff, DDA  
[redacted] PPG/OS  
[redacted] OGC  
[redacted] OSI/DD/S&T  
[redacted] Chief, Reports Control, Operations Staff, DDO

SUBJECT: Representative Bella Abzug's Letter Regarding  
Classification Criteria

1. Attached hereto is a draft of a response to the letter from Representative Bella Abzug which we discussed on various occasions some time ago. I have incorporated the information developed at those discussions. The draft does not include answers to questions numbered 13 and 15. Draft answers to those questions are being prepared and will be circulated in the next day or so.

2. Please review the draft within your components and let me know of any changes, additions, or deletions which you feel are warranted.

3. Since this request is now over three months old, I would hope to have your responses by COB 2 February in order to get the response out before we get a follow-up letter from Representative Abzug.

STAT

[redacted]

Assistant Legislative Counsel

Attachment:  
As stated

**Page Denied**

Next 24 Page(s) In Document Denied

Executive Registry  
15-11848/A

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

OLC 75-2583/a

DD/A 75-5099

24 OCT 1975

29 OCT 1975

Honorable Bella S. Abzug, Chairwoman  
Subcommittee on Government Information  
and Individual Rights  
Committee on Government Operations  
House of Representatives  
Washington, D. C. 20515

Dear Madam Chairwoman:

This is to acknowledge receipt of your letter of September 26, 1975 requesting information relative to Agency implementation of the provisions of Executive Order 11652. As you know, this Agency, on 7 October 1975, forwarded to you a copy of CIA regulation [redacted] which contains answers to some of the questions in your present request. We are actively addressing the remaining questions and will be responding thereto within the near future. In this connection, I would like to note that although your letter was dated September 26, 1975 it was not delivered to this Agency until late on October 14.

STAT

Sincerely,  
**W. E. Colby**

W. E. Colby  
Director

Distribution:

- Original - Addressee
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- 1 - OLC Chrono

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OLC:THW:ndl [redacted] (22 October 1975)



*alms. correo.*

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

75-3959/A

16 OCT 1975

Honorable Edmund S. Muskie, Chairman  
Subcommittee on Intergovernmental Relations  
Committee on Government Operations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I am sending herewith the responses of the Central Intelligence Agency to the questions posed by the Subcommittee on Intergovernmental Relations regarding CIA's implementation of Executive Order 11652. I hope our responses will assist the Subcommittee in its study.

We at CIA are dedicated to conducting our activities in a manner consistent with America's open society. The view once held--both inside and outside CIA--that all Agency activities and policies were required to be kept secret, has been replaced by a more pragmatic approach to secrecy. Illustrative of this fact is the 50% reduction in the number of materials we are classifying since the advent of E.O. 11652. Today, without question, CIA is by far the most open intelligence service in the world. Nevertheless, secrecy remains a prerequisite to success in many of our activities, a principle I fear has not been adequately considered in the recent rush to reveal episodes of CIA's past and present.

In conjunction with its study of the classification of information by our Government, I would urge the Subcommittee to also investigate the effect of the recent amendments to the Freedom of Information Act on Federal agencies. The worthy purpose of the Act--to inform our citizenry--should not disguise the adverse effect the amendments have had on the discharge of Governmental business. The impact on CIA is such that I believe it is quite possible that this Agency will not be able to fully and effectively perform the functions and duties for which it was created unless legislative relief is forthcoming. Provisions such as the ten-day deadline for responding to requests (even those involving hundreds of thousands of documents), and the unlimited number of persons who can request documents (even known agents of foreign intelligence services), are particularly troublesome. I believe it is time a responsible Congressional body re-examined the advisability of this Act, in light of the experience of the past several months.

Sincerely,

*W. E. Colby*

W. E. Colby  
Director

Enclosure



W. E. Colby Letter to Senator Edmund S. Muskie  
Subcommittee on Intergovernmental Relations  
Committee on Government Operations

SUBJECT: Responses to Questions re Agency Implementation of E.O. 11652

**Distribution:**

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- OLC:DFM:sk (10 Oct 75)

**Questions Submitted by the Subcommittee  
on Intergovernmental Relations and Responses  
of the Central Intelligence Agency**

1.) The Interagency Classification Review Committee's Annual Report for 1974 states that your agency has reduced its number of authorized classifiers by 45% since promulgation of Executive Order 11652. Has your agency reached the "minimum number absolutely required for efficient administration" mandated by the order or do you foresee continued reductions? What actions are being taken in this area?

The current number of authorized classifiers in this Agency is in the range required for the efficient administration of CIA. Two Agency-wide reviews have been conducted since Executive Order 11652 was implemented to reduce the number of CIA classifiers. The first of these, in early 1973, resulted in a reduction in the number of classifiers from 3,199 to 2,178. The second review resulted in further reductions, but, as expected, less substantial than those produced by the initial review. These exercises will be held periodically in the future in an effort to keep the number of authorized classifiers to the minimum.

2.) Despite progress in reduction of authorized classifiers, quarterly summary reports submitted by your agency to the ICRC continue to show that large numbers of classified documents are being generated. Are fewer classifiers now classifying more? Explain.

Although we have been able to reduce the amount of classified information produced since the advent of E.O. 11652 by an estimated 50%, secrecy is essential to much of CIA's work, and large numbers of classified documents will always be generated. Given a necessary amount of secrecy, the fewer the number of classifiers, the more each will classify.

3.) Quarterly summary reports to the ICRC by your agency are based on documents in the CIA Data Index. What proportion of total materials classified by your agency is included in the Data Index? In preparing the quarterly summary report, is an actual count made of items entered into the Data Index or is a scientific sampling utilized? If the latter, please provide details as to the technique used and its estimated accuracy.

The CIA Data Index is a listing of the Agency's finished intelligence reports. An estimated 25,550 items were entered on the Data Index in 1974. We do not have statistics reflecting the total number of materials classified by CIA. However, certain documents could actually be counted, and these numbered approximately 514,500 in 1974. Uncounted classified correspondence, miscellaneous administrative forms (several of which are created every pay/leave period for every employee), inter-office memos, etc., probably bring the total to the neighborhood of 5,000,000 items.

In preparing the quarterly summary report, an actual count of documents entered into the Data Index is used. The figure is seldom complete, however, because of processing backlogs. The cumulative figure is adjusted each quarter to reflect this.

4.) What is the standard procedure in your agency when an official not possessing classification authority originates a document that in his/her view warrants classification? Are such documents reviewed individually by an authorized classifier or does a recommendation to classify usually suffice to obtain the approval of an authorized classifier? How frequently are such requests made?

Documents originated by employees without classification authority are reviewed by an employee possessing classification authority. These personnel review the substantive content of the document and determine the classification level and General Declassification Schedule (GDS) status. Documents are reviewed individually, but some categories of information are covered by classification guides. Because most Agency employees do not have classification authority, this procedure occurs many times daily.

5.) Is "derivative classification"--the practice of classifying a document automatically on the basis that it derives in part from a previously classified document without reviewing the particular document de novo--used within your agency? If so, are those who classify in this manner listed with the ICRC as authorized classifiers? Can you estimate how many persons have authority to classify in this manner who are not listed with the ICRC?

Derivative classification is used, particularly with respect to finished intelligence studies which are based on a variety of classified source documents. The chief of the producing office serves as the official classifier of these studies. These officials are included within the total number of authorized classifiers which is supplied to ICRC.

6.) Data extrapolated by the subcommittee from your quarterly summary reports to the ICRC show that, on the average, 96% of all documents reported classified by your agency are being exempted from the General Declassification Schedule. Is this the "absolute minimum consistent with national security requirements" as prescribed by E.O. 11652?

CIA's quarterly reports to ICRC are based upon entries to the Data Index, i.e., finished substantive intelligence reports. Inherent in substantive information are clues to the means by which it was obtained--intelligence sources and methods. The Director of Central Intelligence is charged by statute, the National Security Act of 1947 (50 U.S.C. 403), to protect intelligence sources and methods from unauthorized disclosure. Agency reports must normally be protected beyond the automatic declassification periods, to insure the continuing efficacy of these sources and methods. As many CIA documents as possible are subject to the GDS.

7.) Section 5(B) of E.O. 11652 states that in the use of the exemption authority, "...such official shall specify in writing on the material the exemption category being claimed." Can you provide details as to which exemption categories are being claimed on documents exempted by your agency, and in what proportions. If estimates or samples are used, please give the basis for such.



A recent one-day sample of raw intelligence reports and cables showed that 19 of 143 exempted documents were exempted under both sections 5(B)(1) and 5(B)(2), and the remaining 124 documents were exempt solely under 5(B)(2). These cables and reports did not include the Agency's finished intelligence studies. These studies draw upon a wide range of source materials, including reports originated by other agencies of the intelligence community. The producer of the finished intelligence study must carry over to that document the various controls--including GDS exemption categories--which appear on the source documents utilized in his research. Exemption categories of source documents, considered collectively, nearly always include exemptions 5(B)(1), (2), and (3); accordingly, the overwhelming majority of the Agency's finished intelligence disseminations are exempted under these three subsections. Section 5(B)(4) has been used only rarely.

8.) Would your agency object to a requirement that exemptions be reported by exemption category to the ICRC on a quarterly basis in addition to the present practice of reporting only the total number of exemptions?

We would not object to such a requirement. It would, however, increase the burden of preparing the reports, but not greatly.

9.) Section 5(B) of E.O. 11652 also requires, "unless impossible," that a date or event for automatic declassification be placed on all exempted documents. What proportion of exempted documents fail to receive such a date or event? Are non-dated exemptions reviewed on a regular basis to provide for entrance of a date or transference into the General Declassification Schedule?

Estimating the date that a document reflecting Intelligence Sources and Methods or information obtained in confidence from a foreign liaison service can be automatically declassified involves such uncertainties that we have found it impossible to estimate a date or event for declassification of virtually all CIA documents which are exempt from automatic declassification. For this reason there is no regular review.

10.) Are documents exempted upon examination by a document-by-document basis or are blanket exemptions covering subject area being used to exempt groups of documents without individual examination? What is the volume of such blanket exemptions, and what limitations are placed on them?

The only practical and efficient way CIA can determine whether its large amount of classified materials require exemption from the GDS is through the use of classification guides. These are directives which state that a category of documents drawn from a particular source must be protected beyond the automatic declassification periods. The use of the guides does not, however, mean that documents are not individually examined. They must be examined to determine the classification level, whether they are covered by the classification guide, and whether additional exemption categories are applicable. Documents exempted by CIA under a classification guide probably comprise in the area of 60% of all exempted Agency documents.

In addition to the use of classification guides to cover categories of information, certain Agency forms are also subject to exemption by category. It has been determined that a number of Agency forms would require classification and exemption when filled in. These are not subsequently examined on an individual basis. The decision is made when the form is designed, and reviewed each time it is modified.

11.) Section IV,C of the National Security Council Directive governing the "Classification, Downgrading, Declassification and Safeguarding of National Security Information" (May 17, 1972) requires

Whenever a classified document contains either more than one security classification category or unclassified information, each section, part or paragraph should be marked to the extent practicable to show its classification category or that it is unclassified.

To what extent is this requirement being carried out on classified documents, particularly on those exempted from the General Declassification Schedule?

CIA does separately classify each section of some publications. Each article or report in a publication consisting of several articles or reports carries a separate classification, as do graphics within reports. The classification of each paragraph in a finished intelligence report is not listed, except in some biographic sketches. Raw intelligence reports and cables disseminated by CIA are almost always derived from a single source, and thus the entire document is of the same classification level.

12.) Section VI,G(2) of the NSC directive provides for classified materials of "sufficient historical or other value to warrant preservation" to be "systematically reviewed on a timely basis...for the purpose of making such information and material publicly available." Is this done annually or less frequently? How many documents are reviewed in this manner and what percentage of your agency's holdings does this represent?

The CIA has three active programs to make public formerly classified materials. Pursuant to Section IIIA of the National Security Council Directive and Section 5(E) of Executive Order 11652, the Agency, in collaboration with the Records Declassification Division of the National Archives, is reviewing 30-year-old materials originated by CIA's predecessor agencies (the Coordinator of Information and the Office of Strategic Services). Significant progress has been made in completing the review of records held by the National Archives and Presidential libraries, and our efforts are now being concentrated on documents still in the custody of CIA. Some declassified record series have already been turned over to the National Archives for accessioning, e.g., OSS motion picture films, OSS maps, and captured German military-geographic studies. Statistics on the volume of material reviewed by the Agency under the 30-year program were included in the ICRC Annual Progress Reports for 1973 and 1974. We do not have figures to indicate the percentage of Agency holdings this represents.

Materials declassified, in whole or in part, as the result of FOIA requests or mandatory review requests under the Executive Order, are provided on a continuing basis to a commercial firm which indexes and microfilms the documents and makes their products available to the public on a commercial basis. (Other Federal agencies are also involved in this program.)

In addition, the Agency publishes an Annual Declassification List, which includes citations to all documents which have become declassified through the Advanced Declassification Schedule or the General Declassification Schedule. Copies of this report are provided the Archivist of the United States and thereby become available to members of the public.

13.) Section VII of the NSC directive further requires establishment of a data index for classified materials of "sufficient historical or other value to warrant preservation." Has such an index been established within your agency and how many documents are included? Is information indexed into the system "at the earliest practicable date during the course of the calendar year in which it is produced" as provided by the directive? What is the delay between classification and indexing?

CIA has a fully operational Data Index. As of 3 October 1975, the Data Index included approximately 62,650 entries. Under normal circumstances, copies of documents are received by the component responsible for input to the Data Index on the date disseminated, and are added to the Index within one week.

14.) Section VI,G(2) of the NSC directive requires an inventory of all Top Secret materials at least annually. How frequently are such inventories conducted within your agency and to what extent?

Section VI,G(2) requires an annual inventory of all Top Secret materials, but excepts repositories of large volumes of classified materials, which must develop lists or other finding aids. As a repository storing large amounts of classified materials, CIA has made component Top Secret Control officers individually responsible for the inventory and control of Top Secret documents under their jurisdiction. However, the Agency is currently implementing an automated Top Secret control system which will provide a centralized Top Secret inventory capability. We expect this system to be operational by 30 June 1976.

15.) Approximately how many mandatory declassification review requests does your department receive each quarter? Has the number of requests tended to increase or decrease since enactment of amendments to the Freedom of Information Act in 1974?

CIA received an average of 50 mandatory declassification review requests per quarter in the year preceding the amendments to the Freedom of Information Act. During the first and second quarters of 1975, the Agency received 40 and 35 mandatory declassification review requests, respectively. The slight decrease in mandatory declassification review requests has coincided with a debilitating increase in FOIA requests. We have received over 7000 such requests this year, a large number of which require the classification review of volumes of material.

16.) What determines whether a request for declassification is handled under provisions of the Freedom of Information Act or E.O. 11652? Are the time limits specified in the Freedom of Information Act utilized in all requests whether the act is cited or not?

The only mandatory review requests we currently receive concern materials donated to Presidential libraries. GSA has determined that these materials are not subject to the Freedom of Information Act. FOIA time limits are utilized only for requests treated under the Act.

17.) Upon denial of an appeal on a mandatory declassification review request, is the requester informed of his right to judicial review under the Freedom of Information Act whether the act is cited or not?

Upon denial of an appeal of a mandatory declassification request, the requester is informed of his right under the Order to appeal to the ICRC.

18.) What procedures exist to facilitate requests by an employee or contractor to review a classification decision? Are time limits similar to those under the Freedom of Information Act utilized in handling such "inside" requests? Are such requests by employees and contractors encouraged?

Pursuant to Section 4(D) of Executive Order 11652, any holder of classified material may inform the originator if the holder believes that the material is unnecessarily classified, classified at the wrong level, or improperly exempted from the General Declassification Schedule. This provision is incorporated in the CIA regulation which implements the Executive Order. No time limits apply to these matters. Employees are definitely not discouraged from making such challenges.

Agency regulations charge the CIA Information Review Committee with responsibility for receiving, considering, and taking action on suggestions and complaints with respect to the administration of the Order. In actual practice, challenges of this type are resolved through action by the Committee's staff secretariat, the Information Review Staff, in negotiating directly with the originator of the disputed material.

19.) Are contractors with your agency required to establish as part of their costs the management of classified materials they hold? Could you estimate the total cost incurred by contractors for classification management and approximately what percentage this represents of your total contract amounts?

Agency contractors are not required to establish, as a separate line item of cost, the management of classified materials they hold. Such costs are part of the cost of doing business and are charged to overhead, general and administrative or other indirect expense pools. It would be extremely difficult to estimate contractor's cost for classification management or its percentage of total contract costs. The costs of classification management vary greatly. For a small R&D contract, Agency security would probably be a minor ancillary task for a corporate employee who has security, personnel, or some other function as his/her primary assignment. The total effort might involve simply making occasional entries on a log and mailing and receiving classified material. On larger projects, involvement could include special closed areas for performing work, special alarm systems and even the assignment of employees on a full-time basis to classification management.

20.) What steps have been taken to reduce the costs of maintaining and managing classified materials?

The Agency has long attempted to reduce the cost of managing classified material. The principal avenues pursued have included: automated indexes to replace manual card indexes; storing inactive materials in open-shelf arrangement at CIA's Records Center, instead of in safes at Headquarters; and substituting microfilm for bulky paper records.

21.) Can you provide a rough estimate of the costs incurred by your agency (added staff, data indexing, etc.) in performing its obligations under E.O. 11652? How do these costs compare with the costs incurred in providing adequate protection in the storage of all classified materials held by your agency?

Costs relating to fulfilling Agency declassification responsibilities under E.O. 11652 are chiefly expenditures on salaries. We estimate these exceed \$35,000 per year. In mid-1974 these responsibilities required a full-time staff of five employees, with total salaries of approximately \$127,000. An additional eight employees devoted at least half-time to declassification requests, at an estimated cost of \$85,000 annually. Other personnel (clerks, indexers, analysts, legal advisers, etc.) intermittently performed duties related to the Executive Order. The full-time staff has expanded considerably in 1975, but the additional manpower commitment was for processing FOIA requests. Manpower currently expended in the Agency to process FOIA requests equals the equivalent of approximately 100 full-time employees.

The cost of modifying an existing automated document index to meet the Data Index requirement of E.O. 11652 was minimal. Approximately 3.2 man-years are required annually to maintain and update the Index, at a cost of approximately \$50,000 in salaries.

Nine contract employees work part-time to declassify the 30-year-old documents of CIA's predecessor organizations, pursuant to section 5(E) of E.O. 11652. The combined salaries of these employees is approximately \$90,000 per year. However, further expansion of this staff to 15 part-time employees, with salaries totaling \$170,000, is anticipated by the end of Fiscal Year 1976.

The various costs of storing the Agency's large volume of classified material are enormous, and are much larger than the total of those mentioned above.

22.) Are notations other than Top Secret, Secret, and Confidential used on documents within your agency? (e.g., comint, nofor, etc.) Are these designations, if in use, solely for the purpose of determining access or do they also determine the length and level of classification itself? What standards are applied in assigning such additional notations?

Notations other than Top Secret, Secret, and Confidential are used by CIA to determine access to and protection for classified documents. As a general rule, the use of caveats is determined by the sensitivity of the source of the information therein, and the need to limit access to it.

23.) Upon obtaining classification authority within your agency, is the classifier furnished with a copy of E.O. 11652? What other guidance is provided to the new classifier?

Each operating component has the responsibility of ensuring that its authorized classifiers are thoroughly acquainted with E.O. 11652. Copies of the Order are available to newly authorized classifiers, and key passages of the Order are circulated periodically among all employees. In addition, the ICRC pamphlet "Know Your Responsibilities as an Authorized Classifier" is provided to all authorized classifiers.

24.) Were those persons possessing classification authority prior to promulgation of E.O. 11652 provided a copy of E.O. 11652 when it was issued in 1972? What specific guidance was offered regarding changes in previous classification practices resulting from the new order?

The Executive Order and accompanying National Security Council Directive were circulated among Agency employees when the Order was promulgated in 1972. Many components held staff meetings to discuss the new criteria for classification and exemption from automatic declassification, as well as the other features of the new system. On an Agency-wide level, a new unit was formed to oversee implementation of the Order.



CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

OLC 75-2481/a

7 OCT 1975

Honorable Bella S. Abzug, Chairwoman  
Subcommittee on Government Information and  
Individual Rights  
House Government Operations Committee  
Washington, D. C. 20515

Dear Madam Chairwoman:

STAT

In response to a telephone request to this office from Ruth Matthews on the staff of your Subcommittee on Government Information and Individual Rights, enclosed herewith is a copy of CIA Regulation [redacted] currently in effect which implements the provisions of Executive Order 11652. This document is unclassified.

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As you will note in Part I.a. of [redacted] the provisions of Executive Order 11652 concerning storage, transmission and destruction of material are covered under regulations [redacted]. These latter regulations are classified confidential and can be provided to members of the Subcommittee in classified form upon request. However, before Subcommittee staff members are given access to these latter regulations, we would like to be assured that they have the necessary security clearances.

STAT

Sincerely,

George L. Cary  
Legislative Counsel

Enclosure

Distribution:

STAT

Original - Addressee

✓ - [redacted]

- 1 - O/S
- 1 - OLC Subject
- 1 - OLC Chrono

STAT

OLC:THW:cmw (typed 7 October 1975) [redacted]



*Classified*

**Page Denied**

**CONFIDENTIAL**

*3 October 75*

MEMORANDUM FOR: Assistant for Information, DDA

SUBJECT : Request from Congresswoman Bella Abzug -  
Agency Implementation of  
Executive Order 11652

1. Reference is made to the oral request received through the Office of Legislative Counsel from Congresswoman Bella Abzug for Agency policy issuances implementing Executive Order 11652.

2. Although immediately following the promulgation of EO 11652 a number of Headquarters Regulations and other temporary issuances were disseminated in the Agency on this subject, today the pertinent policy issuances relating to Agency implementation of the Executive Order consist basically of [redacted]

25X1

[redacted] The Office of Security believes that copies of these three regulations should satisfy Congresswoman Abzug's request as we understand it.

25X1

3. Attached are copies of these three Headquarters Regulations. We have not tried to include the Field Regulations associated therewith, since generally Field Regulations are mere translations of the Headquarters issuance in appropriate field terms. Also, it must be noted that amendments to Headquarters Regulations are made on a page by page basis, thus the revision dates on the attachments will vary on each page. For clarification of pen and ink changes in [redacted] we have included a copy of Headquarters Instruction Sheet 848 which details a recent series of such changes.

25X1

4. [redacted] is unclassified and we see no problem in releasing a copy to the Congresswoman. We had hoped to respond completely to the request with unclassified documents only. However, [redacted] are classified Confidential and in our view must remain classified. We have no objections, however, to copies of these documents being provided the Congresswoman on a classified basis.

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OS 5 8694

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[redacted]

[redacted]

25X1

**CONFIDENTIAL**

5. In furnishing copies of [redacted] to Congresswoman Abzug, we believe it important to call to her attention our recognition that some of their provisions need modification in order to simplify the storage and handling of classified material in the Agency. In fact, as you are aware, such revisions are in progress. This is especially true with [redacted] and we have already drafted a revision to streamline Agency procedures referent to the security of classified documents.

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25X1

[redacted]

25X1

Chief, Policy and Plans Group  
Office of Security

Attachments

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BELCA S. ABZUG, N.Y.,  
LEO J. HYAN, CALIF.  
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JOHN E. MOSS, CALIF.  
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225-3741

NINETY-FOURTH CONGRESS

Congress of the United States  
House of Representatives

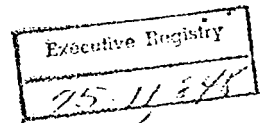
GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS  
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C

WASHINGTON, D.C. 20515



September 26, 1975

Mr. W. E. Colby,  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Colby:

In planning for hearings on proposed legislation to establish a statutory basis in the Freedom of Information Act for the protection of certain information in the interest of national defense, this Subcommittee necessarily must review the practical application of security classification policy currently promulgated in Executive Order 11652.

ILLEGIB

Accordingly, would you please furnish us information on the matters referred to below. In addition to all other agency information, the questions apply to information revealing intelligence sources and methods since section 9 of Executive Order 11652 requires that any special requirements which are imposed on such information be in conformity with that order.

- 1) Implementation of Policy. Please identify each office in your agency that is functionally responsible for developing and publishing regulations in implementation of policy in Executive Order 11652 for classifying and declassifying official information.
- 2) Criteria for Official Information. What is the criteria established by your agency for its use in determining whether an item of information is "official information" and subject to possible classification under Executive Order 11652? Please include comment especially applicable to intelligence sources and methods.

Mr. W. E. Colby  
September 26, 1975

Page 2

- 3) Criteria for Classifying. Please state the criteria established by your agency for its use in determining:
- a) whether an item of official information other than intelligence sources and methods, requires protection under Executive Order 11652 against unauthorized disclosure in the interest of the national defense of the United States?
  - b) whether an item of official information revealing an intelligence source requires protection under 50 U.S.C. 403(d)(3) and Executive Order 11652 against unauthorized disclosure in the interest of the national defense of the United States.
  - c) whether an item of official information revealing an intelligence method requires protection under 50 U.S.C. 403(d)(3) and Executive Order 11652 against unauthorized disclosure in the interest of the national defense of the United States.
- 4) National Defense and Foreign Relations. Section 1 of Executive Order 11652 requires that official information be classified for protection against unauthorized disclosure in the interest of (i) the national defense or (ii) foreign relations of the United States. This Presidential directive shows that "national defense" and "foreign relations" are mutually exclusive alternatives for deciding whether to classify information.
- a) Are there circumstances in which the unauthorized disclosure of information regarding foreign relations of the United States, such as the disruption of foreign relations, could reasonably be expected to cause damage to the national defense?
  - b) Could the Central Intelligence Agency perform its functions effectively if your authority to classify information for secrecy should be limited to information requiring protection in the interest of national defense, as was the case under Executive Order 10501?

Mr. W. E. Colby  
September 26, 1975

Page 3

- 5) Authority to Classify. Please state:
- a) The number of senior principal deputies and assistants to the Director who currently exercise authority under section 2(A)(2) of Executive Order 11652 to classify information originally as Top Secret.
  - b) The number of individuals, other than those in major elements of the agency as referred to in c) below, who exercise authority under section 2(B)(2) and (C) of Executive Order 11652 to classify information originally as:
    - (1) Secret
    - (2) Confidential
  - c) The identity of each major element of the agency, as that term is used in section 2(A)(3) of Executive Order 11652, and the number of individuals, if any, in each such major element who currently exercise authority under the Executive Order to classify information originally as:
    - (1) Top Secret
    - (2) Secret
    - (3) Confidential
- 6) Effect of Limitation on Authority to Classify. According to section 2 of Executive Order 11652, and section I.A. of the National Security Council Directive of May 17, 1972, no person may exercise classification authority except those officials who are designated in the order or are specified in writing pursuant to the order. Section I.B. of the N.S.C. Directive makes clear the fact that whenever a person incorporates into a document an item of information that is already classified, the previously assigned classification shall be reflected on the newly created document together with the identity of the classifier. Please advise whether the agency:
- a) Permits any person to exercise classification authority other than the Director and those officials who are specifically designated in writing pursuant to section 2, Executive Order 11652.



Mr. W. E. Colby  
September 26, 1975

Page 4

b) Considers this restriction on authority to assign security classifications as being satisfactory for performance of agency functions and responsibility.

7) Classification of Projects.

a) Does the agency permit officials with classifying authority to assign a classification to projects and programs in their entirety, with no distinction between classified and non-classified items, and, if so:

1) How many officials exercise such authority?

2) What are the instructions that apply to proposals for (a) assigning such classifications, and (b) downgrading and declassifying information regarding such projects and programs?

3) How is the assigned classification communicated to individuals whose duties require that they have knowledge of it and who are expected to safeguard the items of information involved?

8) Compilations of Non-Classified Information. Does the agency permit the placement of a security classification marking on compilations of items of non-classified information, such as a list of non-classified documents or a reproduction of non-classified documents on microfilm, and, if so, what are the instructions for:

a) Assigning such classifications?

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b) Cancelling an assigned classification?

Special Handling Procedures. Please furnish us:

a) A list of every marking and designator other than Top Secret, Secret and Confidential that the agency uses under section 9, Executive Order 11652, to indicate special access limitations and special handling requirements for classified information, and a statement of the meaning and use of each such marking and indicator.

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- b) The number of (1) Members of Congress and (2) the number of Congressional staff employees who are designated to have access to agency information bearing special access restrictions.
- 10) Accountability Records. Section 6(E) of Executive Order 11652 requires that appropriate accountability records for classified information shall be established and maintained.
- a) Please describe the system or systems operated by the agency to account for documents and other items classified
- (1) Top Secret
  - (2) Secret
  - (3) Confidential
- b) Does the agency require that each completed Top Secret, Secret and Confidential document be recorded on the designated accountability record, including documents held by agency contractors, and, if so, is action taken on a continuing basis to assure adherence to the requirement?
- c) Does the requirement that accountability records be maintained for classified documents serve to make them quickly available for review when access to them is requested under the Freedom of Information Act?
- 11) Systematic Review for Declassification. Section 6(G) of Executive Order 11652 requires that classified information be reviewed on a systematic basis for declassification at the earliest practicable date.
- a) Please describe the system or systems operated by the agency for reviewing classified documents and other classified items to determine whether the classification may be cancelled. (This request applies to review of individual items, not to review of regulations or guides for assigning classifications.)
- b) In practice, is each classified document held by the agency reviewed specifically for declassification on any established schedule, such as each six months, and, if not, would a requirement for such a review be practicable?

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- c) Is each classified document held by agency contractors reviewed specifically for declassification (1) on any established schedule, and (2) at completion of the contract which required use of the document?
- d) Is each document with a classification notation reviewed specifically for declassification at the time it is processed out of an office for retirement, and if not, why cannot such a review be made?
- e) Please advise us of any special instructions on reviewing intelligence sources and intelligence methods for declassification, including the authorization for declassification.
- 12) Exemption of Classified Information from General Declassification Schedule. Please state, to the extent practicable, the percentage of agency documents in each classification category that are designated as being exempt from the general declassification schedule in section 5(A), Executive Order 11652.
- 13) Classified Contracts. Would you please state:
- a) Approximately how many of the agency's prime contracts currently in force involve disclosure to the contractor of information classified -
- (1) Top Secret
  - (2) Secret
  - (3) Confidential
- b) Approximately how many agency projects that are currently under contract awarded by some other agency involve disclosure to the contractor of information classified -
- (1) Top Secret
  - (2) Secret
  - (3) Confidential
- c) How many different commercial firms and other non-Federal entities are involved in performance of the agency's classified contracts.
- 14) Non-Classified Intelligence Sources and Methods. If an item of information revealing an intelligence source or an intelligence method does not qualify for a classification of Confidential or higher under Executive Order

*Percentages*

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11652, do you consider that you have responsibility under 50 U.S.C. 403(d)(3) for protecting such information from unauthorized disclosure, and, if so:

- a) What is the basis for that belief?
  - b) What criteria apply in determining the need for protection?
  - c) What protection system is used?
  - d) What would constitute an unauthorized disclosure?
- 15) Referral of Violations to Department of Justice. Please state the number of cases arising in the agency during the preceding two-year period under section 13, Executive Order 11652, involving:
- a) An officer or employee being disciplined for the unauthorized disclosure of classified information.
  - b) The referral to the Department of Justice of a possible violation of criminal statutes regarding unauthorized disclosure of information.

With best regards, I am

Sincerely,

  
BELLA S. ABZUG  
Chairwoman

**Page Denied**

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Classification Review

*IB*

1. As you are aware the Freedom of Information Act requires that federal agencies furnish any document or record to any person who requests it unless the document involves a matter falling within any of nine specific categories of exempted information. As you also are aware, Executive Order 11652 and Agency regulations relating thereto require systematic review of classified documents and materials and their downgrading or declassification as warranted. Classified documents and materials may be downgraded or declassified by the original classifying official, by his or her successor in capacity, or by a supervisor of either. In addition, any of the foregoing officials may authorize subordinates to downgrade and declassify.

2. The Commission on CIA Activities Within the United States has recommended that "CIA... conduct periodic reviews of all classified material... declassifying as much of that material as possible. The purpose of such review would be to assure the public that it has access to all information that should properly be disclosed." The President on 16 August 1975 directed the implementation of this recommendation.

3. The CIA history program under your jurisdiction, which is compiling histories on major CIA activities, would appear to be one suitable vehicle for accomplishing the objective of this recommendation. Would you please ensure that Agency officers working on this program declassify as much material as is prudent within our responsibility to protect intelligence sources and methods. In addition, your actions in response to Freedom of Information requests should be directed to the declassification of as many documents as possible, again within the stricture of our statutory responsibility to protect intelligence sources and methods. Diligent attention to these guidelines in addition to the responsibilities for declassification assigned to Records Management Officers will constitute a reasonable response to carry out the spirit of this recommendation.

W. E. Colby  
Director