

File

This is the model letter that we use for any agencies interested in becoming signatories to the Agreement & Addendum.

(As I mentioned to you on the phone, clause (d) — requested by DOE — has proved to be a problem, & some ~~agencies~~ of the original signatory agencies have not yet signed the revised Agreement that contains the clause (d). Nevertheless, all agencies listed in #1 of the model letter have adhered to clauses (a), (b), & (c).)

Interagency
Agreement on
Access to Historical
Material

Esp. interesting to you should be the CIA letter of 30 Jan 1978, a copy of which is attached to the model letter.

Regards,

Judy Kenney
Office of Presidential Libs. (NL)
Nat'l. Archives & Rec. Serv.
Wash DC 20408

523-3073

Dear _____:

The Interagency Agreement on Access for Official Agency Historians has been signed by authorized representatives of the following agencies:

Dept. of Defense: Office of the Secretary of Defense
Dept. of Defense: National Defense University
Dept. of Defense: Defense Intelligence Agency
Dept. of Defense: National Security Agency
Dept. of Defense: Dept. of the Army
Dept. of Defense: Dept. of the Navy (for both the U.S. Navy and the
U.S. Marine Corps)
Dept. of Defense: Dept. of the Air Force
Dept. of State
Dept. of Energy
Nuclear Regulatory Commission
National Aeronautics and Space Administration
General Services Administration: National Archives and Records Service.

The Addendum to the Agreement has been signed by authorized representatives of all of the above agencies except the Defense Intelligence Agency. A copy of that agency's letter of explanation is enclosed.

Two agencies have declined to sign the Agreement and Addendum. The Joint Chiefs of Staff states that JCS policy "precludes carte blanche access to JCS records by outside agencies until the records have been reviewed and declassified," but assures the agencies that "requests for access to JCS classified records, whether held by the Archives or not, will receive immediate and expeditious processing." A copy of the letter from the Central Intelligence Agency declining to sign and outlining alternative access conditions to materials in the archival custody of the National Archives is enclosed.

The National Security Council has been asked to adhere to the Agreement and Addendum, but it has so far not responded.

When a historian from a signatory agency seeks to use classified materials originated by other signatory agencies and now in the custody of the National Archives and Records Service, the agency should furnish the National Archives with a letter stating the name and security clearances of the historian, certifying

that the historian is an official agency historian engaged in an official agency project, and identifying the archival unit in which the research will be conducted (e.g., the Lyndon B. Johnson Library; the Modern Military Branch of the Office of the National Archives). Such a letter will be sufficient to obtain access. If the classified material sought is held in a Federal Records Center and has not been accessioned into the Archives of the United States, the National Archives will inform the records officer of the agency of origin that access is being provided under the terms of the Interagency Agreement's Addendum.

Sincerely,

Deputy Archivist
of the United States

Enclosures

[Agreement and Addendum
DIA letter
CIA letter *vs letter*]



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

Leg

Received NA-N

APR 17 1978

12 APR 1978

U-140/GC

Mr. James B. Rhoads
Archivist of the United States
General Services Administration
National Archives and Records Service
Washington, D.C. 20408

Dear Mr. Rhoads:

This acknowledges receipt of your letter of March 1, 1978 and the enclosed copy of the proposed Interagency Agreement on Access for Official Agency Historians. The basic agreement has been executed, and the Defense Intelligence Agency hereby becomes a party to this Interagency Agreement.

The addendum, which would permit access to classified material that remains in the legal custody of this Agency, has not been executed, and DIA will not become a signatory to the addendum at this time for the following reasons:

a. Much of the information maintained by DIA was not originated by this Agency. It is considered inappropriate for DIA to enter into an agreement which would obligate this Agency to disseminate information beyond the confines and agreements under which it was originally furnished to us. In this regard, we have been advised that the Central Intelligence Agency is not and does not intend to become a party to the agreement or addendum.

b. DIA currently has a system allowing historical researchers access to DIA information on a controlled, case-by-case basis. Under this present system, DIA is in a position to govern access after consideration of the scope and validity of the researcher's need to know, the sensitivity of the information involved, and the position of other agencies or governments with interest in the material. The addendum would replace this with a system considered dangerously open ended.

Sincerely,



STAT

Access by official historians to classified records
of the Joint Chiefs of Staff

In a letter dated December 14, 1977, Arion N. Pattakos, Secretary of the Joint Chiefs of Staff, states that "the policy of the Joint Chiefs of Staff precludes carte blanche access to JCS records by outside agencies until the records have been reviewed and declassified." If an agency historian seeks access to classified JCS documents, NARS must forward copies to the JCS for declassification review. The address is:

William Barbee
Declassification Branch
Office of the Joint Chiefs of Staff
Room 2B941
The Pentagon
Washington, DC 20301

If you need further instructions, Mr. Barbee's telephone number is 202-695-5361.

30 January 1978

Dr. James E. O'Neill
Deputy Archivist
of the United States
National Archives and
Records Service
Eighth Street & Pennsylvania Ave., N.W.
Washington, D. C. 20408

Dear Jim:

In response to your letter of 29 November 1977 requesting the Central Intelligence Agency's concurrence to the Inter-agency Agreement on Access for Official Agency Historians and also to the Addendum to that Agreement, I must inform you that following discussions among the Agency's representative on the ICRC, the Assistant for Information to the Deputy Director for Administration, and myself, the Agency must decline to sign either the Agreement on Access or the Addendum to the Agreement. As I noted to you in my letter of 25 April 1977 on a somewhat related matter:

By law, the Director of Central Intelligence is responsible for the protection of sources and methods of intelligence. In addition, due to the generally sensitive nature of Agency originated material, access is governed by the strictest "need to know," whatever the clearance of the requester. Total access is not given even to Agency employees.

These caveats continue to apply.

The agency, however, does recommend and support the extension of its "Revised (12 July 1977) Access Policy Concerning Presidential Libraries" (copy attached) to all CIA originated materials in the custody of National Archives and Records Service. As I am sure you are aware, these procedures have been working well with respect to the Presidential Libraries; and while relieving your Staff of the prior review burden, they do afford the protection believed necessary for Agency originated documents.

UNCLASSIFIED

At this time and for the foreseeable future, it is inconceivable -- despite CIA's continuing interest in cooperating with official historians of other agencies -- that carte blanche access to our internal holdings (regardless of date) will be acceptable to this Agency. Consequently, we can offer no compromise to the Addendum being proposed to the Agreement on Access.

Sincerely,

[Redacted Signature Box]

Dr. Jack B. Pfeiffer
CIA Historian
203 Key Building
Washington, D. C. 20505

Attachment:
As Stated

Distribution:

0 + 1 - Addressee
1 - [Redacted Box]
1 - [Redacted Box]
2 - JBP
1 - HSChrono

.CIA ACCESS POLICY CONCERNING PRESIDENTIAL LIBRARIES
(revised 12 July 1977)

1. Incoming requests from other agencies will be directed to the CIA Historian for initial review. The requesting agency will identify its responsible historian by full name and rank (if military) and by type of employment (staff, contract, or other), and will certify the researcher's level of security clearance.
2. A brief statement of the proposed research requiring access to CIA documents will accompany the initial request and establish the "need to know." The CIA Historian will approve or deny the research request -- consulting, if individual cases so demand, with the CIA components most directly concerned.
3. Once a project is approved, the CIA Historian will so notify the requesting agency, NARS, and the specified Presidential Library. An official historian using a Presidential Library will be free to take such notes as desired and to have the Library make copies of the documents he wishes to retain for research purposes.
4. All such notes and copies of CIA documents desired by requesters will be collected at the Presidential Library and forwarded through NARS to the CIA Historian for review prior to release. The CIA historian will ask the originating components to review requested documents and/or notes desired by other agency historians, and will then transmit the items (or note their denial) to the requester.
5. As in the past, should a requesting agency contemplate overt publication of a given history, formal security review and clearance procedures will require CIA concurrence on the inclusion of information based on Agency originated documents.

INTERAGENCY AGREEMENT ON ACCESS FOR OFFICIAL AGENCY HISTORIANS

To facilitate official governmental historical research projects, and in accordance with the provisions of Executive Order 12065 and its implementing directive, the undersigned agencies agree to reciprocal rights of access, including the acquisition of copies, to classified materials now a part of accessioned Federal records or donated historical materials in the custody of the National Archives and Records Service, provided that:

- (a) access is limited to historians and historical researchers who are regular employees of signatory agencies and are engaged in official research projects;
- (b) access is limited to materials relevant to the researcher's official project and classified at or below the level of the researcher's clearances (access to Restricted Data limited to those with appropriate clearances);
- (c) materials and information derived from such access will not be declassified or published except by or with the consent of the agency of origin and will not otherwise be compromised;
- (d) access to Naval Nuclear Propulsion Information is subject to the approval of the Division of Naval Reactors of the Department of Energy.

NAME

AGENCY

DATE

Addendum

In addition, and in accordance with the conditions stated in (a) through (d) above, the undersigned agencies agree to reciprocal rights of access, including the acquisition of copies, to classified materials more than ten years old now in the custody of the agency.

NAME

AGENCY

DATE

CIA ACCESS POLICY CONCERNING PRESIDENTIAL LIBRARIES
(revised 12 July 1977)

1. Incoming requests from other agencies will be directed to the CIA Historian for initial review. The requesting agency will identify its responsible historian by full name and rank (if military) and by type of employment (staff, contract, or other), and will certify the researcher's level of security clearance.
2. A brief statement of the proposed research requiring access to CIA documents will accompany the initial request and establish the "need to know." The CIA Historian will approve or deny the research request -- consulting, if individual cases so demand, with the CIA components most directly concerned.
3. Once a project is approved, the CIA Historian will so notify the requesting agency, NARS, and the specified Presidential Library. An official historian using a Presidential Library will be free to take such notes as desired and to have the Library make copies of the documents he wishes to retain for research purposes.
4. All such notes and copies of CIA documents desired by requesters will be collected at the Presidential Library and forwarded through NARS to the CIA Historian for review prior to release. The CIA historian will ask the originating components to review requested documents and/or notes desired by other agency historians, and will then transmit the items (or note their denial) to the requester.
5. As in the past, should a requesting agency contemplate overt publication of a given history, formal security review and clearance procedures will require CIA concurrence on the inclusion of information based on Agency originated documents.

Interagency Agreement on Access for Official Agency Historians

To facilitate official governmental historical research projects, and in accordance with the provisions of Executive Order 11652 and its implementing National Security Council directive, the undersigned agencies agree to reciprocal rights of access, including the acquisition of copies, to classified materials now a part of accessioned Federal records or donated historical materials in the custody of the National Archives and Records Service, provided that:

- (a) access is limited to historians and historical researchers who are regular employees of signatory agencies and are engaged in official research projects;
- (b) access is limited to materials relevant to the researcher's official project and classified at or below the level of the researcher's clearances (access to Restricted Data limited to those with appropriate clearances);
- (c) materials and information derived from such access, will not be declassified or published without the consent of the agency of origin and will not otherwise be compromised.

NAMEAGENCYDATE

Addendum

In addition, and in accordance with the conditions stated in (a) through (c) above, the undersigned agencies agree to reciprocal rights of access, including the acquisition of copies, to classified materials more than ten years old now in the custody of the agency.

NAME

AGENCY

DATE

INTERAGENCY AGREEMENT ON ACCESS FOR OFFICIAL AGENCY HISTORIANS

Signatory Agencies

<u>Agency.</u>	<u>Signatory to Agreement</u>	<u>Signatory to Addendum</u>
Air Force	yes	yes
Army	yes	yes
Defense Intelligence Agency	yes	no
Department of Energy (with reservation on naval nuclear propulsion)	yes	yes
Marine Corps	yes	yes
National Aeronautics and Space Administration	yes	yes
National Archives and Records Service	yes	yes
National Defense University	yes	yes
National Security Agency	yes	yes
Navy	yes	yes
Office of the Secretary of Defense	yes	yes
State Department	yes	yes
Nuclear Regulatory Commission	yes	yes

February 20, 1980
Office of Presidential Libraries