

18 December 1972

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT: Guidelines Evolved in Classification/
Declassification Process.

1. As of this date we have processed, totally or in part, some thirty requests for declassification of documents originated by this Agency or its predecessors. By and large, our responses to such requests have been negative. A pattern of rationale in response to these requests has developed empirically. Generally, we have treated the requests within the exemption categories defined in Executive Order 11652.

2. Taking those exemptions in the order in which they are presented, we have dealt with them as follows:

a. Material derived from foreign liaison.

We have refused declassification on material derived from foreign liaison unless the government concerned has acquiesced in the release. We have viewed this concept as including materials exchanged between allies in time of war, covering even tactical intelligence. Perhaps we have been a little too broad in this last interpretation.

b. Sources and methods.

We have been quite consistent in insisting upon protection of human sources of intelligence, living and dead, past and present. We have not objected to the release of names of OSS personnel if they were not under cover and if they were no longer with this Agency in an intelligence collection capacity. We have further protected the names of intelligence officers from other

MORI/CDF Pages 1-3

services, including foreign. When it appears that the individual has been an unwitting source, we have continued to protect. On methods, we have religiously protected methods involving intelligence collection and techniques and cover where such cover was part of the intelligence process and not merely an administrative convenience. That is, we have made no effort to protect the identity of OSS Army units functioning as part of the Army. We have concurred in the identification of certain OSS units in the Far East as intelligence units where such units were identified as part of the military services.

c. Special Foreign Relations.

To date, we have not released OSS or CIA documents which could have a deleterious impact upon the conduct of our foreign relations with a second or third party. We have not had many of those but will have an increasing number of requests for such documents as the historians try to untangle the root of such things as United States relations with Chetniks, the United States posture relative to the reestablishment of colonialism and the like.

d. Personal jeopardy.

We have had no requests involving this category but quite obviously our stance here is apparent and consistent with the position we have taken to exemption 2.

3. The one area where we have developed a position declassification which doesn't directly derive from the Executive Order is with regard to finished strategic intelligence of the nature of intelligence estimates. We have refused declassification of such items consistently. Our reasoning, as I view it, is based upon two factors: (a) the mosaic or matrix theory which holds that finished intelligence is the product of all the preceding steps in the intelligence process and that such steps reaching back even to sources and methods can be identified from the study of the final estimate; and (b) the privilege of executive branch policy-makers to obtain free and frank advice from the intelligence community and the right of such advisors to be protected from the consequence of their frankness.

4. It is apparent that tedious, word-by-word review of documents is an expensive and time-consuming process. Where we have identified document sets which we intend to proscribe from declassification, we can use an initial determination of continued classification as the basis for eliminating the word-by-word review. That is, having determined that we do not propose to declassify National Intelligence Estimates, based upon executive privilege, there is no need to review each individual NIE. Further, we can eliminate from review documents which are currently working papers, drafts, or which are not intended to remain in existence beyond ten years. Since the Executive Order requires a mandatory review only of documents after they are ten years old, we are not required to answer requests for declassification on documents not meeting that age criterion.

5. Certainly at this early stage in the implementation of the Executive Order we have not encouraged all of the problems that we will eventually confront. As new ones arise, and we establish an Agency precedence for handling them, such actions should be committed to the files so that we build up a body of precedence and continuity which will enable the Director to meet his statutory responsibilities. STAT

[Redacted]

Special Assistant for Information Control

STAT

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3 copies to Mr. Adolph Rosner, ISD/SSU, for Messrs. Mitchell, Eckel, and Beyer.

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