SUPPLEMENTARY INFORMATION:

Background

In 1984 the CIA Information Act (Act) became law. This Act authorized certain CIA operational files from the Directorates of Operations and Science and Technology and the Office of Security to be designated by the Director of Central Intelligence (DCI) as exempt from the search requirements of the Freedom of Information Act (FOIA). The Act also required that not less than once every ten years the DCI review the exemptions then in force to determine whether any of the exemptions could be removed from any category of exempted files or any portion thereof. The first such review must be completed by 15 October 1994.

Increased Responsiveness to FOIA

Privacy Act, and Mandatory

Declassification Requests

A major purpose of the Act is to expedite the Agency's review of information qualifying for release pursuant to FOIA, Privacy Act, and Mandatory Declassification standards. The Act also removed the requirement of having to search files and records contained therein, that would likely result in little, if any, released information under FOIA.

Consequently, the Agency can devote its resources to those files more likely to result in released materials and, thus, FOIA requesters experience much faster processing of those Agency records with a higher likelihood of being released. Since the passage of the Act in 1984, there has been a considerable reduction in the amount of time FOIA requesters must wait for their responses from the Agency. In 1984, when the CIA Information Act was passed, CIA completed action on 2,891 FOIA, Privacy Act, and Mandatory Declassification requests and the median response time for FOIA requests was approximately 15 months. In 1993, CIA completed action on 5,700 requests and reduced the median response time for these requests to 2.4 months. Thus, a primary goal of the Act has been and continues to be met.

Declassification and Release of CIA Information of Historical Value

The Act also sought to encourage CIA to undertake a program for the systematic review for declassification and release of selected information of historical value. The Act required the DCI, in consultation with the Archivist of the United States, the Librarian of Congress, and appropriate representatives of the historical discipline selected by the Archivist, to prepare and submit to Congress a report on the feasibility of conducting a systematic review for declassification and release of CIA information of historical value. In his report, submitted on 29 May 1985, the DCI stated that this kind of review was feasible and he described the new Historical Review Program that the Agency had established to carry it out.

Before making his report to Congress, the DCI consulted a panel, made up of the Archivist of the United States, an Assistant Librarian of Congress, and three distinguished historians. This panel recommended that the aim of the new Historical Review Program:

must be release of inactive records, appraised as permanently valuable, to the public via the National Archives and Records Administration (NARA), as the most effective means of serving the public interest and especially that of historical research.

As part of the DCI's Openness Policy, CIA's Historical Review Program has expanded substantially since 1992. Under the Program, the Center for the Study of Intelligence has undertaken to declassify and release CIA records of significant historical value. Records declassified and transferred to the NARA include:

- Over 140,000 pages from the JFK sequestered collection of documents.
- Over 350 political and economic National Intelligence Estimates primarily on the Soviet Union produced prior to 1964.
- Over 1,000 previously classified articles and book reviews from the CIA's professional journal of intelligence.

Studies in Intelligence

- Over 1,500 pages of records on Raoul Wallenberg.
- Since 1992, the CIA History Staff has also published three volumes of documents in Its Cold War Records:
  - CIA Documents on the Cuban Missile Crisis. This publication is made up of 112 of the most important documents (some of which are excerpts of documents) from that period.
  - Selected Estimates on the Soviet Union. This volume includes 27 National Intelligence Estimates on International Politics, Foreign Affairs, Defense Issues and Nuclear Arms Control and Disarmament.
  - The CIA Under Harry Truman. This publication includes 314 documents, including important policy level documents, most of which have never been made public before.

The Program has also declassified, released, and transferred to the NARA...
the following three formerly classified internal CIA histories:
- The Central Intelligence agency, An
- General Walter Bedell Smith as
  Director of Central Intelligence, October
  1950–February 1953.
- Allen Welsh Dulles as Director of
  Central Intelligence, 26 February 1953–
  29 November 1963.

Files related to these
declassification and release programs
and in conjunction with the Agency's,
Openness Policy, the Center for the
Study of Intelligence:
- Conducted a symposium on
  Teaching Intelligence which also
  resulted in an unclassified published report.
- Conducted a symposium on the
  Cuban missile crisis.
- Conducted a conference entitled
  "The Origins and Development of the
  CIA in the Administration of Harry
  Truman."
- Produced two video tapes in
  conjunction with its symposium on the
  Cuban missile crisis and on its
  conference on the CIA and the Truman
  Administration.

Basis for the 1984 Designation of CIA Files as Operational:

The 1984 Act specified the following three categories for designating CIA files as operational and thus exempted from
FOIA search requirements:
1. Files of the Directorate of
   Operations which document the
   conduct of foreign intelligence or
   counterintelligence operations with
   intelligence or security liaison
   arrangements or information exchanges
   with foreign governments or their
   intelligence or security services;
2. Files of the Directorate of Science
   and Technology which document the
   means by which foreign intelligence or
   counterintelligence is collected through
   scientific and technical systems; and
3. Files of the Office of Security
   which document investigations
   conducted to determine the suitability
   of potential foreign intelligence or
   counterintelligence sources.

Throughout the legislative history there is a clear recognition that there is
little benefit from the requirement to
search and review certain operational
files that almost invariably prove to be
exempt from release under the FOIA. By
excluding only operational files, which
document the methods by which
intelligence is collected or which
describe and identify sources that
furnish the intelligence, FOIA
requesters are assured of more
responsive access to foreign intelligence
information provided to U.S. policy-
active and perspective agents, contacts,
sources, and targets.

b. Policy and Management files.
These files contain information
concerning the management of
individual projects and decisions made
for the conduct of operational activities.

c. Obsolete Category files that remain
open, but were created before the
establishment of the Directorate of
Operations' file system and contain the types of information in the
four categories of files listed above.

d. Operational files that are
maintained and used within the
Directorate of Operations, but that
remain outside of and peripheral to the
central file system. These files contain
operational information of the type listed in the first four categories,
but is so sensitive that it is
considered outside of the Directorate of Operations division or staff directly
responsible for the operation. Also
included in this category are
background and working files derived from materials from the other
designated file categories.

2. Files of the Directorate of Science and Technology:

a. Imagery Analysis and Exploitation
   files. These files are those that document the
   scientific and technical methods used in
   the collection, analysis, and exploitation of
   photographic intelligence and other
   imagery for foreign intelligence and
   counterintelligence.

b. Signal Intelligence files. These are
   files which document scientific and
   technical methods used in the
   collection, analysis, and exploitation of
   electromagnetic signals for foreign
   intelligence and counterintelligence.

c. Operations and Technical Support
   files. These files which document scientific and technical methods used in
   support of human intelligence source
   operations in the collection of foreign
   intelligence and counterintelligence.

3. Files of the Office of Security:

a. Covert Security Approval and
   Provisional Covert Security Approval
   files. These files document
   investigations to determine the
   suitability of potential foreign
   intelligence or counterintelligence
   sources proposed for use in operation
   support activities.

b. Operational Approval and
   Provisional Operational Approval
   files. These files document
   investigations to determine the
   suitability of potential foreign
   intelligence or counterintelligence
   sources proposed for use in operation
   support activities.
counterintelligence sources proposed for use in operational activities.

b. Security Access Approval files.
These files document investigations to determine the suitability of potential foreign intelligence or counterintelligence sources proposed for use in collection activities involving scientific and technical systems.

Solicitation of Comments Regarding Historical Value or Other Public Interest of the Previously Designated Operational Files

In undertaking a decennial review of whether the DCI should remove any of the files designated under the 1984 Act, or portions thereof, from any of the specified categories of exempted files, the DCI hereby solicits comments for his consideration regarding the historical value of, or other public interest in, the subject matter of these particular categories of files or portions thereof, and the relationship of that historical value or other public interest to the removal of previously designated files or any portions thereof from such a classification.


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