

# The National Security Archive

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## Via Facsimile (703) 613-3020

Edmund Cohen  
Director of Information Management Services  
Central Intelligence Agency  
Washington, DC 20505

RE: Request for Public Comment on CIA Decennial Review of Operational  
File Designations, 69 Fed. Reg. 244, 76449-76450 (December 21, 2004)

Dear Mr. Cohen:

Thank you for the opportunity to comment on the Central Intelligence Agency's ("CIA") decennial review of the record categories in the Directorates of Operations and of Science and Technology and the Office of Security that are currently designated under the CIA Information Act of 1984, 50 U.S.C. Secs. 431-432, as exempt from the search and review requirements of the Freedom of Information Act ("FOIA"), 5 U.S.C. Sec. 552.

These comments are submitted on behalf of the National Security Archive ("the Archive"), a not-for-profit foreign policy research institute and library that uses FOIA to assemble collections of declassified government agency records documenting key U.S. foreign policy issues. The Archive's publications are widely distributed through both print and electronic means. In its work, the Archive regularly submits FOIA requests to the CIA and frequently receives denials of FOIA requests on the basis of the operational files exception. These denials are received even in cases involving records that are several decades old, that concern publicly acknowledged programs and activities about which there already is substantial declassified information in the public record, and that do not appear from their title or description to meet the statutory definition of an operational file.

## Introduction

As Congress recognized when it enacted the CIA Information Act,

The [FOIA] has played a vital part in maintaining the American people's faith in their government, and particularly in agencies like the CIA that must necessarily operate in secrecy. In a free society, a national security agency's ability to serve the national interest depends as much on public confidence that its powers will not be misused as it does on the confidence of intelligence sources that their relationships with the CIA will be protected. Central Intelligence Agency Information Act, H. Rep. No. 98-726, Part I, at 9 (1984)

[The CIA Information Act] confirms that the CIA maintains information about which the public may legitimately inquire. It recognizes that the FOIA plays a vital part in maintaining the public's

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faith in government agencies, including agencies like the CIA which must necessarily operate substantially in secret. The continued availability of information under the FOIA helps to foster public confidence that the powers of the CIA are not being misused and that the CIA is serving the national interest. Central Intelligence Agency Information Act, H. Rep. No. 98-726, Part II, at 6 (1984).

It is for these reasons that the Archive urges the CIA to rigorously examine its prior designation of records as operational and to narrow the categories of materials that are exempt from the FOIA. The significant barrier posed by the broad designation of records as operational and exempt from FOIA interferes with the ability of scholars, researchers, and the public to understand the history of U.S. intelligence and to learn from past experiences. Moreover, the CIA's practice with respect to its designation of records as exempt from the search and review requirements of FOIA will serve as a model for other intelligence agencies that have more recently been granted operational files exceptions and have been using them improperly.<sup>1</sup>

These comments address the following issues:

- (1) The Characteristics of Protected Operational Files;
- (2) The Public Interest in and Historical Value of CIA Operational Files;
- (3) Denied Records That Should be Removed from the Operational Files Designation; and
- (4) Removal of Records Older than 40 Years from the Operational Files Designation.

### **The Characteristics of Protected Operational Files**

The CIA's request to Congress that the Agency be provided protection from FOIA for operational files was premised explicitly on the representation that the types of files sought to be protected are so sensitive that there are virtually no circumstances under which a FOIA review would result in the release of material to the public. The statutory definition provides:

(b) "Operational files" defined

For the purposes of this title the term "operational files" means -

- (1) files of the Directorate of Operations which document *the conduct of* foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services;
- (2) files of the Directorate for Science and Technology which document *the means by*

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<sup>1</sup> See Spy Agencies Abuse Freedom of Information Exemptions (June 11, 2003) (available at <http://www2.gwu.edu/~nsarchiv/news/20030611/>). For example the National Reconnaissance Office ("NRO") has invoked its own operational file exception – which applies only to records that describe scientific and technical means of surveillance – to refuse to search for records that were released with only partial redaction in response to a 1992 FOIA request and that discuss a wide range of historical and organizational matters. These include "Report to the President's Foreign Intelligence Advisory Board on the National Reconnaissance Program, January 1 to June 30, 1967" and "Report to the 40 Committee on the National Reconnaissance Program, July 1, 1970 to June 30, 1971." It also has refused to search for the Final Report of former Director of the NRO Hans Mark – a document that is currently publicly available on the CIA CREST system at the National Archives and Records Administration and that discusses a wide range of matters beyond scientific and technical means of surveillance. Similar abuses of the operational files exception have occurred with the National Geospatial-Intelligence Agency.

*which* foreign intelligence or counterintelligence is collected through scientific and technical systems; and  
(3) files of the Office of Personnel Security which document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources; except that files which are the sole repository of disseminated intelligence are not operational files.

50 U.S.C. Sec. 431(b) (emphasis added).

As Congress explained when it passed the CIA Information Act, this language describes:

Only those files concerning intelligence sources and methods. These files concern the intelligence process as distinguished from the intelligence product. They include information on the identities of and contact with human intelligence sources, the various methods used to collect intelligence from human and technical sources, and day-to-day administration and management of sensitive human and technical intelligence activities. These files are distinguished from what may be called intelligence product files the function of which is to store the intelligence gathered from human and technical sources.

Central Intelligence Agency Information Act, H. Rep. No. 98-726, Part I, at 520-21(1984) (section by section analysis).<sup>2</sup>

With respect to the Directorate of Science and Technology, Congress explained that it was seeking to protect only documentation of the “scientific and technical systems which collect foreign intelligence and counterintelligence.” Id. at 21.

It was Congress’s understanding that it would be possible for the CIA to easily distinguish between sensitive operational files and other files that should not be exempt from FOIA because of the “characteristics of CIA file systems.” Central Intelligence Agency Information Act, H. Rep. No. 98-726, Part I, at 17 (1984). According to CIA testimony to Congress, the CIA maintained operational files in the Directorate of Operations for documents generated in the course of the conduct and management of intelligence gathering activities, but maintained raw and finished intelligence in separate files maintained by the Directorate of Intelligence. Id. at 17-18. The CIA also told Congress that policy matters, including operational policy matters, would be considered by CIA officials outside the Directorate of Operations and, even if eventually returned to operational files, they would be logged in the CIA’s Executive Registry and remain subject to search and review. Id. at 19.

Based on this understanding of the special characteristics of the CIA filing system and numerous CIA assurances<sup>3</sup>, Congress considered *“it to be of primary importance in providing CIA relief from undue*

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<sup>2</sup> See also Central Intelligence Agency Information Act, H. Rep. No. 98-726, Part I, at 5 (1984) (operational files describes “certain specifically identifiable CIA operational records systems, containing the most sensitive information directly concerning intelligence sources and methods.”); see id. at 9 (same).

<sup>3</sup> Legislation to Modify the Application of the Freedom of Information Act to the Central Intelligence Agency, Hearings before the Subcommittee on Legislation of the Permanent Select Committee on Intelligence, House of Representatives, 98<sup>th</sup> Cong., 2d Sess., at 5, 12 (1984) (statements of John N. McMahon, Deputy Director of the Central Intelligence Agency that “by removing these sensitive operational files from the FOIA process, the public is deprived of no meaningful information whatsoever.”).

*FOIA processing burdens to preserve undiminished the amount of meaningful information releasable to the public under the FOIA." Central Intelligence Agency Information Act, H. Rep. No. 98-726, Part I, at 17 (1984) (emphasis added).*

### **The Public Interest in and Historical Significance of CIA Operational Files**

Despite the controls on operational files, thousands of pages of CIA records have been declassified to reveal important information about past CIA actions and policymaking in which there is a strong public interest in disclosure but that appear to come from record groups that fall under the operational files designation. These include numerous records that were released as part of the Kennedy assassination declassification project which was conducted pursuant to separate statutory mandate. Thus, in the case of the Kennedy assassination release, there were hundreds of cables from the CIA stations in Miami and Mexico City that would have been wholly unreachable through FOIA due to the operational files exception. Yet the release was justified by the strong public interest in access to the information – including the need to satisfy public questions and concerns about the assassination of a sitting president – and the passage of time.

A similar large scale release took place under the Nazi War Crimes Disclosure Act and resulted in 800 CIA name and subject files. See [www.archives.gov/media\\_desk/press\\_releases/nr04-55.html](http://www.archives.gov/media_desk/press_releases/nr04-55.html). As the Interagency Working Group overseeing the matter recognized, these documents “alter[ed] our understanding” of certain aspects of the Holocaust, including “the failure of U.S. and Allied intelligence to understand how closely tied the ‘Jewish question’ was to the central goals of the Nazi regime; the ways in which U.S. financial institutions helped the German government between 1936 and 1941, and the extent to which U.S. and Allied government aided and protected war criminals after the war.” *Id.* In particular these records:

Show that at least five of Eichmann’s associates, each a significant participant in Hitler’s war upon the Jews, had worked for the CIA. Additionally, the records reveal that at least 23 war criminals or Nazis were approached by the CIA for recruitment. The documents help answer the question of how and why these war criminals were given employment, assistance, and, in two cases, U.S. citizenship by a nation that had lost more than 300,000 lives in World War II.

*Id.* All these records – which could have been held back as “operational files” – were released without any resulting harm. There is no question that these records are historically valuable and that there is a strong public interest in their release despite the fact that they are operational files.

Indeed, the Archive’s own research projects on U.S. relations with geographic areas including Guatemala, Cuba, and Chile have all relied on records released under special declassification projects that – due to the CIA Information Act – would not have been accessible to the Archive through FOIA. The information in these records has significantly affected public understanding about the history of CIA policies and

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(note 3, cont.) See also Central Intelligence Agency Information Act, H. Rep. No. 98-726, Part II, at 6 (1984) (“CIA Executive Director Charles A. Briggs [] testified that the bill will not result in the withholding of any information that is now made public.”); Notice of Operational File Exemptions, 59 Fed. Reg. 40,339, 40,340 (Aug. 8, 1994) (acknowledging legislative history stating that the CIA Information Act of 1984 “will improve the ability of the CIA to respond to FOIA requests from the public in a timely and efficient manner, while preserving undiminished the amount of information releasable to the public under the FOIA.”).

operations in Latin America, U.S. intelligence relations with security services, and key human rights cases. In the case of Chile, operational records were released with no discernible damage to national security. These records are today being used as educational tools throughout the United States, and have contributed to advancing U.S. efforts at strengthening democracy and justice in Chile. Operational documents also have contributed to fostering international understanding of the history of terrorism in the Caribbean and the Southern Cone, which are relevant to U.S. efforts in the current war on terror.

Finally, the Archive has requested a number of records that were summarized and quoted in the Final Report of the 9/11 Commission, but were denied as operational records. In some cases the Archive is appealing these denials.<sup>4</sup> Notably, however, there can be no doubt that the best selling 9/11 Commission Report documents matters of great public interest and historical value. Accordingly, the CIA should consider removing these items from the operational files designation so that records can be released as their sensitivity diminishes.

These examples demonstrate that the passage of time and changing circumstances in the world can affect the sensitivity of operational records even though the public interest in the records remains strong. These examples also show the viability of systematic declassification efforts for such files. By removing older records and records that the Archive and other commenters identify as historically valuable or of great public interest from the operational file designation, the CIA will facilitate a historical declassification effort that results in the release of comprehensive groups of records and that has a positive impact on the nation.

### **Denied Records That Should Be Removed From the Operational File Designation**

The Archive's experience suggests that there are materials being blocked from search and review that do not qualify under the statutory definition of operational files. For example, histories of the Directorate of Science and Technology, its components, or its activities have been designated part of the Directorate's operational files and thus exempt from search and review—even when those histories cover activities that have been the subject of substantial declassification.<sup>5</sup> Two of the requested histories had been specifically cited and referenced in other CIA documents that have been declassified. These include, for example, a history of the Office of ELINT (electronic intelligence) from 1962-1966, and any histories of the Office of Research and Development. Much about these offices (which no longer exist) has already been declassified and the National Archives & Records Administration has a number of articles from the CIA's

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<sup>4</sup> For example, many of the documents were not created by the Directorate of Operations, Directorate for Science and Technology, or the Office of Personnel Security, and thus should reside in non-operational files. Many also appear to be intelligence records that are not considered operational files. See Freedom of Information Appeal Lodged With Agency Release Panel (January 13, 2005) (Archive No. 20041375CIA174/ CIA No. F-2005-00359).

<sup>5</sup> The requests were for: "History of Office of Special Activities from Inception to 1969," DS&T Historical Series, OSA-1, (April 1, 1969) (Request No. F-1994-01452 (appeal denied July 16, 2002)); Elizabeth Fisher, "History of the Office of ELINT to December 1966" (1968) (Request No. F-1994-01561 (appeal denied July 16, 2002)); histories of the Directorate of Science and Technology (Request No. F-1996-01465 (appeal denied July 16, 2002)); and histories of the Office of Research and Development (Request No. F-1998-02484 (appeal denied July 16, 2002)).

Studies in Intelligence that recount ELINT operations<sup>6</sup> and concern the Office of Research and Development.<sup>7</sup>

The same is true of the history of the Office of Special Activities from its inception to 1969. Between 1962 and 1969 the Office of Special Activities was responsible for the CORONA satellite reconnaissance program, the U-2 program, and the OXCART (A-12) program. Substantial aspects of these programs have been released, including all 800,000 CORONA images, a history of the U-2 program written by CIA's history staff<sup>8</sup>, and *Studies in Intelligence* articles on the histories of CORONA and OXCART.<sup>9</sup> Similarly, a significant amount of information already has been released about the Directorate of Science and Technology.<sup>10</sup>

These histories are highly likely to contain extensive information beyond documentation of "the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems." Moreover, the Directorate of Science and Technology informed the public in 1994 that it "does not maintain its records in distinct files," that "documents of all types are interspersed throughout the DS&T's components," and that "DS&T searches all of its records in response to a FOIA request."<sup>11</sup> If this is true, then the search is being conducted whenever these records are requested and the real issue is review. As described above, it is extremely likely that the majority of these histories are not so sensitive that they should be protected from search and review under FOIA. Just as the CIA removed from the operational files designation the files of the defunct Office of Policy Coordination and the inactive National Committee for a Free Europe and Asia Foundation projects in 1994, it should now remove from the designation the files of the Office of ELINT, the Office of Research and Development and the Office of Special Activities. The Directorate of Science and Technology played a key role in the collection and analysis of intelligence during the 1960s and beyond. Thus the files of the Directorate and its components are of significant value to historical treatments of intelligence during the Cold War. The CIA has recognized the value of making such information available to the public and historians in its releases of document collections and its sponsorship of conferences.

Notably, historical material was a matter of particular concern to Congress, which specifically raised questions about the disclosure of historical operations with the CIA during hearings on the CIA

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<sup>6</sup>E.g., William H. Nance, "Quality ELINT," *Studies in Intelligence* (Spring 1968); Gene Poteat, "Stealth, Countermeasures, and ELINT, 1960-1975," *Studies in Intelligence* (1998); Henry G. Plaster, "Snooping on Space Pictures," *Studies in Intelligence* (Fall 1964); Frank Elliot, "Moon Bounce ELINT," *Studies in Intelligence* (Spring 1967).

<sup>7</sup>E.g., "ORD Milestones," (Sept. 1966) (NARA 1998 CIA Release); Inspector General, CIA, "Inspector General's Survey of the Office of Research and Development (Oct. 1972.) (NARA 1998 CIA Release).

<sup>8</sup>E.g., Pedlow and Welsenbach, "The CIA and the U-2 Program, 1954-1974"; see also "Directorate of Science and Technology Decennial Review of Designated Files" (1995) (noting "DS&T now conducts FOIA searches and releases material on the research, development, and operations of U-2 and SR-71 reconnaissance aircraft, both of which were formerly in exempted files").

<sup>9</sup>E.g., Thomas P. McIninch, "The OXCART Story," *Studies in Intelligence* (Winter 1971).

<sup>10</sup>E.g., Donald E. Welzenbach, "Science & Technology: Origins of a Directorate," *Studies in Intelligence* (Summer 1986).

<sup>11</sup> See Archive Calls on CIA and Congress to Address Loophole Shielding CIA Records From Freedom of Information Act (October 15, 2004) (available at <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB138/index.htm>) (reproducing statements provided at CIA meeting with members of the public on the occasion of the 1994 decennial review).

Information Act of 1984. For example, when asked whether a special study on the Berlin Tunnel Operation – a historical study – would remain subject to release under the FOIA, the then-Director of the Office of Legislative Liaison of the Agency, Clair George, confirmed that such “special studies will not be in designated [operational] files, this type of material will continue to be accessible.”<sup>12</sup>

In addition, the CIA has declared histories of acknowledged covert activities exempt from search and review even though the CIA Information Act excludes from the definition of an operational file “any special activity the existence of which is not exempt from disclosure under the [FOIA].” 50 U.S.C. Sec. 431(b)(2). Yet the CIA has refused to search or review “Covert Action Operations: Soviet Russia Division, 1950-1968”, which is one of many histories the CIA allowed journalist Evan Thomas to examine while he was writing *The Very Best Men: Four Who Dared*, his 1995 book on Richard Bissell and other key CIA officials. Documents about acknowledged covert activities are not protected by the CIA Information Act and must be reviewed for release. Moreover, the fact that a researcher was provided access to the document is an indicator that the sensitivity of the record has diminished over time. The covert action operations against the Soviet Union between 1950 and 1968 that are discussed in the document are an important part of the historical record of U.S. relations with the Soviet Union. Hence, any account of the U.S.-Soviet conflict is incomplete without a discussion of those operations.

In fact, from 1991-1998, the CIA actually committed to declassification of 11 CIA covert operations, including the 1948 Italian and French elections, the 1953 Iranian coup, the 1954 Guatemalan coup, the 1958 Indonesian coup, the 1962 Cuban missile crisis, support to Tibetan guerrillas in the 1950s-60s, operations against North Korea during the Korean War and operations in Laos in the 1960s, and operations in the Dominican Republic and the Congo. These publicly acknowledged special activities are not protected by the operational file exemption and are of tremendous interest to the public, both for the myth and reality of CIA involvement. The CIA has an opportunity as it reviews its FOIA and declassification policies during this decennial review to live up to the commitment made by three successive Directors of Central Intelligence<sup>13</sup>, and then broken.<sup>14</sup> Systematic declassification projects

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<sup>12</sup> Legislation to Modify the Application of the Freedom of Information Act to the Central Intelligence Agency, Hearings before the Subcommittee on Legislation of the Permanent Select Committee on Intelligence, House of Representatives, 98<sup>th</sup> Cong., 2d Sess., at 121 (1984).

<sup>13</sup> See Recommendation of the CIA's Task Force on Openness, 1991 (DCI Gates accepted this recommendation in January 1992, promising "a bias toward declassification" of these documents) ("Initiate in the near-term the declassification of specific events, particularly those which are repeatedly the subject of false allegations, such as the 1948 Italian Elections, the 1953 Iranian Coup, 1954 Guatemalan Coup, 1958 Indonesian Coup and the Cuban Missile Crises in 1962 [and n]otify the public of the availability of the resulting materials."); Testimony of DCI R. James Woolsey to Congress (Sept. 28, 1993) ("I have also directed review for declassification of significant Cold War covert actions more than 30 years old. These include the following: activities in support of democracy in France and Italy in the 1940s and 1950s; support to anti-Sukarno rebels in Indonesia in 1958; support to Tibetan guerrillas in the 1950s and early 1960s; operations against North Korea during the Korean War; and, operations in Laos in the 1960s. In reviewing these actions for declassification, we are building on the steps my predecessors took in announcing plans to declassify records on the Bay of Pigs operation, the coups against President Arbenz of Guatemala and against Prime Minister Mossadeqh in Iran, and operations in the Dominican Republic and the Congo."); Letter to the Editor from DCI John Deutch, New York Times, Page A30, May 3, 1996 ("We have doubled the resources devoted to the agency's declassification of historically valuable records [W]e have also promised to review records of 11 covert actions of the cold war era.").

<sup>14</sup> See July 15, 1998 Statement of DCI George Tenet ("[W]e continue to face the dilemma of where to apply our available resources. [In addition to the Bay of Pigs and Guatemala, w]e also will initiate declassification reviews, as soon as resources are available, of the materials involved in the covert actions undertaken during the Korean War, and in the Congo, Laos, and

related to these actions would provide historians with a treasure trove of information that is historically valuable and would serve the public interest.<sup>15</sup>

As you know, the CIA Information Act provides the CIA Director with the option of excluding categories of information from the operational files exception. These materials merit the exercise of the Director's authority to permit release because Congress intended the public to continue to have access to historical records of CIA activities and operations.<sup>16</sup>

### **Removal of Records Older Than 40 Years from "Operational Files" Designation**

Information that can harm the national security must certainly be protected. Indeed, we have an extensive system designed to protect such information, including a classification system, security clearance procedures, and careful FOIA officers who guard against disclosure of sensitive information. The CIA Information Act also is one of the components of this elaborate protective framework.

Experience shows that information requiring absolute secrecy at the time of its origin can be opened to the public after the passage of time without any harm to national security. This was recognized by Congress when it specifically required the decennial review to "include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein." 50 U.S.C. Sec. 432. The two most recent U.S. presidents enshrined this concept in the automatic declassification provisions of Executive Order 12958 (President Clinton) and Executive Order 13292 (President Bush), which require declassification when a document reaches the age of 25 years.

The diminished sensitivity of historical information also was recognized by the CIA's own history staff, which is comprised of individuals who have security clearances, who have had access to operational files

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Dominican Republic during the 1960s. ... We will address the remaining five covert actions identified by my predecessors as soon as the others have been completed. The fact is, we do not have sufficient resources at the current time to review the documentation involved in these five remaining covert actions.... I have opted, therefore, to hold the reviews of these covert actions in abeyance for the time being.").

<sup>15</sup> In opening up older files, the CIA should always ensure that chronological groupings of records are treated the same. As the National Archives and Records Administration ("NARA") recognized when NARA conducted its evaluation of records management in the CIA, researchers need "access to coherent blocks of organized records, not artificially-created collections." To learn from our past we need information that is both accurate and as comprehensive as possible. The selective release of individual records from a variety of different files, or releases that do not provide sufficient context, interferes with the development of historically important information.

<sup>16</sup> Legislation to modify the Application of the Freedom of Information Act to the Central Intelligence Agency: Hearing before the Subcommittee on Legislation of the Permanent Select Committee on Intelligence, House of Representatives, 98<sup>th</sup> Cong., 2d Sess., 19 (1984) (statement of then-Deputy Director of CIA Office of Legislative Liaison Ernest Mayerfield in response to a question about CIA plans to review files of interest to historians: "[The DCI] can, if a case is made, ... or if he determines that a certain file ... is of such interest to historians or to other groups, ... redesignate a category of files or a portion of a category of files to permit access under the FOIA"); Intelligence Information Act of 1983, S. Rep. No. 305, 98<sup>th</sup> Cong. 1<sup>st</sup> Sess., at 18 (1983) ("The CIA assured the committee that 'the designation process will be a dynamic one, in which recommendations for the removal of files from designated status will be made to the DCI whenever such a lifting of the designation is appropriate either because of the passage of time or for some other reason.'").

and who have the Agency's best interest at heart. During the 1994 decennial review, CIA history staff recommended that the CIA remove operational files designations from all records older than 40 years. The CIA rejected this in light of the advent of automatic declassification for records older than 25 years, explaining that the CIA history staff's recommendation was "unnecessary and impractical." Yet, there is no real logic to this determination, as the CIA has the ability to obtain an exception from automatic declassification for its operational files. So, a decision by the Agency to make all records older than 40 years (i.e. records from 1947-1965) subject to search and review under FOIA would be a significant advance in the CIA's accessibility.

Thus, the Archive urges the CIA to open up for FOIA requests operational files that contain documentation from a period 40 or more years ago. While there may still be materials in these files that are sensitive, it is likely that the vast majority of the materials will no longer be sensitive and that search and review of the files will be productive. In addition, by opening up these files for review, the CIA may find that it encounters non-operational documents included in operational files under now-obsolete filing systems, thereby restoring to FOIA access documents that never should have been protected.

### **Conclusion**

An informed citizenry is one of our nation's highest ideals. Thus, much of our public policy is predicated on the idea that competition in the marketplace for ideas should be fair and unfettered. To this end, we support a free press, a diverse scholarly community, and an inquiring citizenry – all dedicated to ferreting out and publishing facts. The Freedom of Information Act is a critical component in this effort to permit public access to facts – facts about government. In a world in which war and terrorism are commonplace, an essential component of national security is an informed citizenry that, as a result of its education about issues, believes in and strongly supports its government. This is glaringly apparent at a time when American soldiers are being called on to risk their lives to protect national security and democratic ideals, when the public is held in a balance of terror, and when our resources are committed to establishing and maintaining our defense.

We are hopeful that this decennial review will result in the removal of a substantial body of records currently categorized as "operational files" exempt from search and review under FOIA. We urge the Agency to consider current realities, including the substantial changes in the world since the last decennial review, as it makes decisions about the public's interest in understanding the activities of the CIA and how those activities relate to U.S. foreign policy. Responding to requests under the Freedom of Information Act is the one direct obligation that the CIA has to the American public. The Agency will gain and retain the support of the American public by being as open as security will permit.

Thank you for considering our comments on the decennial review of the operational file designations. If you have any questions or we can provide any additional information, please do not hesitate to contact Meredith Fuchs or Thomas Blanton (202-994-7000).

Sincerely,

Thomas Blanton  
Director

Meredith Fuchs  
General Counsel