

OGC 73-0287

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

21 February 1973

The Honorable John S. D. Eisenhower  
Chairman, Interagency Classification  
Review Committee  
The White House  
Washington, D. C.

Dear John:

By letter of 23 January, Dave Young has distributed your Letter of Instructions on the data index system for classified documents. Unfortunately, the Instructions pose very serious problems for this Agency, and probably for others, which I believe need further consideration and some action, discussed in the following paragraphs. We comment on several other features also. To some degree we repeat here some of our earlier comments to Mr. Tufaro concerning an earlier draft.

The major problem to CIA is that the Instructions (paragraph 6) would require us to include in our data index system documents in far greater number (several millions annually) than we are equipped to do, namely, all exempt Confidential and Secret documents and all Top Secret documents. It is virtually certain that we cannot comply with the requirement in the time now available and it is certain that we cannot do so at all without substantial expenditures for new equipment and hardware and corresponding substantial increases in personnel and in salary costs. We do not now have funds or personnel available for this purpose.

Moreover, we cannot realistically argue in support of an appropriation request, or otherwise, that there would be a benefit to the government in any way commensurate with the increase in costs. The CIA documents which have substantive or historical value, by and large, are finished intelligence documents, which we do index. Thus, for the purpose of preserving documents of value, which is an objective of the NSC Directive, and based on cost factors, finished intelligence documents are the ones which should go into the data index system.

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The broadly stated requirement is particularly troublesome because it comes as a surprise and at a late date. During the various meetings and discussions of the data index working group, ever since the Directive was issued, the CIA representative consistently has indicated that we do index finished intelligence documents and are prepared to continue to do so under the NSC Directive. At the December meeting [redacted] reported to the full ICRC the CIA practice in this regard and in December we so informed Mr. Tufaro when we commented on an earlier draft of the proposed Instructions. I understand the proposed Instructions in December were our first indication that we should include any documents additional to finished intelligence documents.

You will recall also that although the Directive provides that departments are to index selected categories of documents "approved by the Interagency Classification Review Committee as having sufficient historical or other value appropriate for preservation" the Committee has not addressed itself to this issue.

There are several somewhat less fundamental difficulties with that portion of the Instructions which specifies the documents to be included (paragraph 6). For example, the Letter was distributed in late January 1973, but it requires the departments to submit to the ICRC prior to 31 December 1972 selected categories of documents for approval by the Committee. Further, although paragraph 6 acknowledges that under the Directive categories of documents to be indexed are to be approved by the Committee, this acknowledgment contradicts the earlier provisions in the same paragraph which in themselves specify the documents which must be indexed.

The foregoing is directed specifically to the problems faced by this Agency, but it seems likely the various departments may have similar or other difficulties which the Committee should consider. It is my suggestion that paragraph 6 be rescinded promptly pending consideration by the Committee itself.

As to one of the data elements called for (by the Directive and paragraph 7D of your Letter) — the addressees of documents — we have in being address lists, which include numbers of documents per addressee for the indexed documents. Thus, we are able to trace the movement of all copies of all indexed documents, although in realistic terms the tracing would not be instantaneous and if it were directed

to all indexed documents of a given year or any other large quantity of documents, would not be inexpensive. This facility appears to fit the requirements of the Directive and the Instructions. If on the other hand we were to be required to revise our system so that a print-out would show the number of copies or if each retrieved copy had to show the actual distribution list, we would have serious problems. The index record of our system was expanded to its full capacity late last year by the addition of several characters to identify the exemption categories of the Executive Order. To add even the few characters required to include the number of copies would force us to choose among abandoning or shortening other data elements which we have incorporated for other purposes (or shortening the field length of a data element), expanding our data index record at considerable cost or establishing what would amount to a parallel system -- the existing one would continue to be used for the purposes of document retrieval, the new one would be designed specifically as a mechanism to trace the movement and location of each copy of each classified document. The latter choice would be exceedingly expensive and in this day of the Xerox, would seem to be of little real value in tracing unauthorized disclosures. We could study the implications of these various choices and of course we will have to do so if it develops that our index as presently established cannot perform functions which the Directive requires of it. In that event it would be appropriate to consider requesting relief from that feature of the Directive.

A similar situation exists with respect to another specified data element -- the identity of the classifier. Under our procedures, the identity of the classifier may be easily determined from the output of our document index system used in conjunction with the output of other computer and record systems in the Agency. This also is consistent with the Directive and its objectives and I would hope the Instructions do not intend a different arrangement.

The specifics and the features of the data index system and how it is to work (primarily paragraph 7 of the Letter) may pose some additional problems, but I assume these can be resolved upon consideration by ICRC and on the basis of experience. Additionally, one or two items are called for by the Instructions which the Directive does not require -- the Originating Office, the Title or Description of the document and automatic declassification on the basis of an event or specified date. You may want to delete these as requirements.

The reports required or contemplated in paragraphs 11 and 12 are some time away and we defer comment on them.

The CIA data index system has been in being for some time and is a highly sophisticated and effective mechanism. Some changes have been made, consistent with our comments above, which have brought it into line with the requirements of the Directive. I am advised that other departments are nowhere near as advanced as is this one, so it may be that others will have even more difficulty in meeting the specifics of your Letter. For these reasons I would hope that all concerned, including departments not represented on ICRC, could regard the Letter of Instructions, modified as suggested above, as tentative guidelines only. It might be well to advise all departments to that effect. All this suggests that the matter of the data index requirements is so complicated and far-reaching that it would be useful to schedule the subject for thorough consideration by an ICRC meeting.

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Sincerely,



Lawrence R. Houston  
General Counsel

cc: Members of ICRC  
Mr. Richard C. Tufaro

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1 - SA/Information Control  
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