

87-1069

18 NOV 1981

MEMORANDUM FOR: Deputy Director for Administration

FROM: [Redacted] Director of Information Services

SUBJECT: An Alternative Procedure for Reviewing Manuscripts
Written by Present and Former Agency Employees

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OGC Has
Denied Release

W. H. ...

1. Attached is a paper that proposes an alternative procedure for reviewing manuscripts written by present and former Agency employees. It was prompted by the Director's concern for the number of people involved in this type of review, and responds to that concern by proposing the designation of a centralized reviewing unit that would process the manuscripts. The unit would conduct its own review for clearance and coordinate, as appropriate, supplementary reviews with specific components. In some cases, such as with novels, poems, and TV scripts that do not reveal actual sensitive intelligence matters, review by the centralized unit may be all that is necessary. Where further review is indicated, the manuscript would be reviewed only by those Agency components directly involved with the substantive matter. Considerable savings in the manpower directed to this effort could thus be realized.

2. A major objection to this proposal may be concern by a directorate that its equities may not be identified or properly assessed by the centralized unit. One means to alleviate this concern would be to ask the four directorates to assign personnel to the central reviewing unit on a rotational basis.

[Redacted]

STAT

Attachment:
Paper entitled "An Alternative Procedure for Reviewing Manuscripts Written by Present and Former Agency Employees"

Distribution:
Orig - Addressee w/att
1 - OIS Subject w/att
1 - OIS Chrono w/o att
1 - CRD Publication Review & Procedures w/att
1 - CRD (I-4) w/att
1 - CRD Chrono w/o att

AN ALTERNATIVE PROCEDURE FOR REVIEWING MANUSCRIPTS

WRITTEN BY PRESENT AND FORMER AGENCY EMPLOYEES

1. This paper examines one method of increasing efficiency in reviewing manuscripts written by present and former Agency employees. It is a procedure designed to provide reviews equally reliable to those accomplished under the current procedures but using less manpower by: (1) focusing the review effort proportionately to the seriousness and sensitivity of the material; and (2) involving only those Agency components that have equities to protect. This would be accomplished by creating a centralized review unit consisting of officers experienced in all four directorates. This group would complete review of the less sensitive manuscripts and coordinate, when necessary, with the appropriate directorates or independent offices on the more sensitive and complicated ones. The following paragraphs look at this proposition in terms of the way in which it might work, the advantages and disadvantages, and who might undertake it.

2. Briefly, the procedure might work as follows. Manuscripts from former Agency employees would be received in the Office of General Counsel (OGC) which would acknowledge receipt to the author. The manuscript then would go directly to the central reviewing unit. That unit would establish administrative controls and assign the manuscript to one or more reviewers within the unit. A full Agency review would be conducted by the unit, researching any points that were questionable. If no questions arose or if the questions that did arise could be resolved satisfactorily within the unit, the results of the review would be forwarded to OGC. The latter would conduct their review and would notify the author of the results. If questions arose that could not be resolved within the central review unit based either on the cumulative expertise or research material available, the central review unit would effect coordination with other Agency components that had equities involved. When this coordination was completed and all questions were resolved to the satisfaction or consensus of everyone involved, the central review unit would notify OGC of the results. OGC would review the final results and notify the author. The procedure currently in force that permits manuscripts written by current employees to be reviewed and passed upon by the directorate concerned would be continued.

3. In brief, centralized review of manuscripts would have the following advantages:

- a. Greater consistency in reviewing actions resulting from:
 - (1) involvement of fewer people;
 - (2) materials being available to the reviewers to research questions; and
 - (3) review experience developing at a faster rate because of the concentrated experience.

- b. Greater efficiency resulting from: (1) involvement of fewer persons and the directorates' having to review only those materials which involve their equities; (2) less coordination required; (3) the reviewers, as specialists, wasting less time; and (4) the availability of research materials and access to the DECAL data base, providing ready answers and saving time.
 - c. Better supported review decisions resulting from: (1) fuller knowledge and understanding of the review requirements and procedures; (2) greater expertise and professionalism developing from concentrated experience; and (3) researched decisions being more typical.
 - d. Improved capability to develop a data base of released information through: (1) concentration of expertise and experience; and (2) narrow responsibility allowing a focus of effort on the problems faced.
 - e. Improved recording of review actions, particularly if the record of these actions is to be computerized.
 - f. Continual improvement and enhancement of review procedures and techniques based on the concentrated and focused experience.
 - g. Provision of greater expertise to help the Agency find an answer to the problem of the constant flow of inside information to the public domain.
 - h. Elimination of confusion caused by the multiple reviews and sometimes overlapping equities of the four directorates.
4. Centralized review would have the following disadvantages:
- a. Breadth of expertise within the central unit would be limited to the experience and background of its staff.
 - b. The possibility of error could potentially be greater because fewer people would review each manuscript, and the background that would be brought directly to bear on substantive matters could be limited.
 - c. The interests of the directorates could be overlooked if coordination is not properly effected and certain areas of knowledge are limited or lacking in the central unit.

5. The Office of Information Services, DDA, already has such a unit: its Classification Review Division (CRD). CRD consists of officers from all four directorates who review documents under the Agency's systematic review program. In addition, they review documents selected for the Department of State's

Foreign Relations of the United States series, support the systematic review programs at other agencies that surface materials affecting Agency equities, and review manuscripts for DDA equities. CRD already is established and has the expertise in reviewing and coordinating procedures and techniques that are required by the centralized unit in our proposal. The channels and lines of communication with other directorates and components of the Agency are already well established. It would be an easy matter for CRD to assume the additional responsibility of reviewing from the Agency's standpoint the manuscripts of current and former Agency employees.

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MEMORANDUM FOR: Chairman, Publications Review Board

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FROM:

[Redacted]

Director of Information Services

SUBJECT:

A Proposal That Could Help
CIA Protect Information (U)

REFERENCE:

Publications Review Board Minutes,
for Tuesday, 15 June 1982

1. In reference, Mr. Charles E. Wilson asked PRB members *to suggest solutions that might be adopted* who ~~felt strongly~~ about the frustrations encountered in trying *contained in manuscripts written by former employees* to protect classified information ~~and sources~~ under present reviewing guidelines. ~~to suggest solutions.~~ The following are in response to Mr. Wilson's suggestion:

a. One way to improve our ability to protect information would be by developing a system to record information that has been released, ~~or not released,~~ by CIA. To the extent that such a system can be successfully developed to record such information and make it recallable in response to specific classification questions, it would help us to become: (1) more consistent in our review actions; (2) better able to support our classification decisions with a "track record"; (3) less vulnerable to "surprises" from authors sourcing information that we did not know had been released with CIA approval;

*They are trying
to do this
BSC*

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(4) more aware of how CIA may be adversely impacted by the cumulative or "mosaic" effect; and (5) able to index material of all types that has been released by CIA. A system to do this has been proposed by CRD.

b. Consider publishing a more comprehensive and detailed classification guide for Agency-wide use in reviewing non-official publications. One such proposed guideline is attached. (C)



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ADMINISTRATIVE - INTERNAL USE ONLY

GUIDELINES FOR THE REVIEW OF NON-OFFICIAL PUBLICATIONS
AND ORAL PRESENTATIONS BY EMPLOYEES AND FORMER EMPLOYEES

General Guidelines:

These guidelines are for use in the review of material related to intelligence matters, produced for communication to the public in a written or oral presentation, by persons who are, or have been employed or associated with the Agency. () Primarily, these persons will be current and former employees, but will include persons on contract to CIA, or persons who now have or previously have had official access to CIA material by reason of association through employment with private firms or with other government agencies. These may include, for example, employees of companies doing consulting work for CIA, employees of the Department of Justice, members of a congressional staff, etc. All such persons have held a position of trust with the U.S. Government, and, as determined by the U.S. Supreme Court, they must fulfill that trust and fiduciary responsibility to protect sensitive information learned as a result of their association with the Agency.

The only information to be judged is that which was learned as a result of employment or association with the CIA, the point being that these persons, through this association, are seen by the public to be authoritative spokesmen regarding the Agency's activities, to one degree or another. When a person has spent a significant period employed at CIA, it is presumed that all information relating to intelligence matters was learned as a result of that employment unless it is sourced by the author otherwise. For those associated with CIA in other capacities or for relatively short periods of time, a similar presumption must be made commensurate with the intimacy and length of their CIA association. Where such information can be sourced outside CIA, the author is responsible for supplying source identifications and for the clarity and completeness of that sourcing.

The decision to delete information is based on a two-part judgment that (1) the information falls within one of the categories for classified information established by the executive order, and (2) that its release reasonably could be expected to cause damage to the national security. The predominate categories of information that apply to intelligence matters are those that relate to intelligence activities, sources, or methods; foreign government information; and U.S. foreign relations which includes Agency liaison relationships. In judging whether release could cause damage, the reviewer must consider the "worst case" possibility; i.e., that the individual or organization that could profit most from the released information will have access to it and be in a position to exploit it fully. It must be kept in mind that unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources and methods is presumed to cause damage to the national security (Section 1.3(c) of E.O. 12356). When decisions are made to withhold, they should be supportable under the "reasonable man" rule. These decisions may be subjected to review from a legal standpoint but unless there is serious potential for establishing a damaging legal precedent, they will not be changed.

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Reviewers must also adhere to the policy, established by Section 1.6(a) of E.O. 12356, that classification may not be used to conceal violations of law, inefficiency, or administrative error; to prevent employment assessment to a person, organization, or agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interest of national security.

Specific Guidelines:

The following specific guidelines are intended to regularize the Agency's approach to manuscript review with the objective of improving our consistency and fairness in making those reviews. In considering each judgment the proper balance must be struck between protecting our national security and the public's right to know; our decisions must be supported by sound reasons; and, although the executive order provides a broad latitude for withholding information relating to intelligence matters, a specific item should be withheld only when it is determined that its release would materially contribute to the identification of a clearly discernible aspect of intelligence matters which is by itself, or in the aggregate, sensitive. The specific guidelines are:

1. These guidelines apply to information concerning the WWII period up to the present day.
2. Manuscripts written by either a current or former employee will be reviewed against identical criteria.
3. The attitude that the author holds towards the CIA is not to be considered during the review process.
4. The views, opinions, or speculations of an author are not normally classified. When an expressed opinion however, coincides with the official CIA position and that fact can be drawn from the context or implied by the acknowledged background of the author, it may be withheld. For example, the discussion of Intelligence Community policy, when it is known that the author had participated in the formulation of that policy, may be withheld.
5. The information contained in factual or non-fictional writing about secret intelligence work, by its very nature, falls squarely within a classification category. Such accounts may be so saturated with classified material that it would be difficult if not impossible to separate the classified material from the unclassified and leave an account which would be coherent and meaningful. In such cases the manuscript should be withheld in toto. Biographical and autobiographical accounts by persons who have been involved in secret intelligence work normally will fall within this category. When factual accounts of secret intelligence work appear in fictional writing, they may be withheld even if the names of persons and places have been changed. Organizational titles, generic terms, and tradecraft common to intelligence activity found in extant literature in the public domain may not be withheld. The question is whether there is sufficient detail to identify actual events, persons, organizations, or methods unique to this Agency, the Intelligence Community, and their activities.

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reviewed separately because the limited context may create the potential for damaging release stemming from the "mosaic principle." An exception may be the submission of an outline or first chapter to "test the waters," but in such cases it must be made clear to the author that the completed manuscript must be cleared before it can be released. Reviews of outlines of intended publications and speeches should include a response to the author that the clearance applies to the outline only.

7. General statements on intelligence matters may be unclassified when more specific statements may not be. A statement, for example, that CIA operates abroad is not classified; however, a statement that CIA has a station in a specific foreign city is classified. As a rule, when the information materially contributes to the identification of a clearly discernible aspect of the U.S. Intelligence Community's activities, that is, it provides a material piece of the puzzle, that information should be withheld.

8. As noted above, the executive order prescribes the classification of several categories of information concerning national security, some of which are automatically presumed to cause damage. When information falls within a category where damage is not automatically presumed, say in the area of U.S. foreign relations, the reviewer must determine whether release reasonably could be expected to cause damage to the national security. In making that determination the reviewer must assess the credibility of the author in the intelligence field. That credibility will be derived from the author's Agency position(s), stature, experience, expertise, and notoriety. The reviewer must judge what weight an informed person would place on the author's words. A statement by a former director concerning a foreign policy matter, for example, may have considerable potential for damage to foreign relations, whereas the same statement by a former low-level employee may not.

9. When a sensitive item is identified for withholding from a manuscript, care must be exercised to withhold all identifiable references to it regardless of the phraseology used or the context. The point is to be as consistent as possible.

10. When information is being deleted, we are not obligated to suggest alternative language. Similarly, as a matter of discretion, we will not identify known errors or inaccuracies to the author. An exception can be made if the author requests our suggestions or is amenable to our noting inaccuracies.

11. Although damaging information may have been released previously by oversight or for other reason, each case must be considered within its own context. For example, we must consider the credibility of the author or source, the nature and timeliness of the material, and the possible effects, ^{FROM} confirming or highlighting the information as judged at the time of the review. The courses of action open to the reviewer are: (1) to withhold; (2) to request specific and clear attribution to the information previously released; and (3) to suggest that the author be asked to delete the information voluntarily. It must be kept in mind that the repeated release of information creates an additional impact by confirming and broadening the extent of the exposure which conceivably could outweigh the use of attribution.

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PUBLICATIONS REVIEW BOARD MINUTES
Tuesday, 15 June 1982, 1030 Hours

Charles E. Wilson, Chairman

[Redacted] Executive Secretary
Assistant Executive Secretary
DA
(C), CCS Representative
DDO Representative

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[Redacted], DDO.
DDI

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[Redacted] S&T
, DDS&T

STAT

[Redacted], Legal Advisor
PRB Reference Center
PRB Reference Center

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1. The Publications Review Board convened on Tuesday, 15 June 1982, in 7B03, Headquarters. (U)

25X1 2. [Redacted] (Revised) - Final Review. The manuscript as submitted to the Board on 8 June was approved with one classification change on page 331 which was an oversight in the original review. [Redacted] should have been changed to [Redacted] (S)

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The Board discussed at length the frustrations of reviewing this and other autobiographical manuscripts which recount operational activities and locations. Several members commented on the difficulty of protecting classified information and sources under present reviewing guidelines. Some members believed that the Agency should test in the courts a more strict interpretation of the Executive Order or the legality of the Summary of Agency Employment, or explore other legal means of protecting information. It was noted that the Board might approve information on the basis of previous disclosures only if the language were precisely the same as that previously disclosed. Approving information that is merely generally the same opens wider doors that lead to a persistent increase in the amount of information disclosed. (U)

25X1 [Redacted] said that the new Executive Order on Classification, effective in August, will present an opportunity to enforce security objections on a broader scale. [Redacted] said he would schedule an Executive Order briefing for the Board by [Redacted] in the near future. (U)

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Mr. Wilson asked those members who felt strongly about these issues to express their feeling in a short paragraph and to suggest solutions. He offered to summarize them for forwarding to the Executive Committee in a consolidated PRB position paper. (U)

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2. David Atlee Phillips, Material to be Utilized in Litigation David Atlee Phillips v. Donald Freed (644-82); deny letter of 1 December 1975 to Mr. Phillips from the Director of Security because it identifies an in-place asset. (See 8 June Minutes for the PRB decisions on the remainder of the submission.) (S)

3. The meeting adjourned at 1125 hours. (U)

[Redacted Signature Box] 25X1

Assistant Executive Secretary, PRB

APPROVED:

[Redacted Signature Box]

Charles E. Wilson, Chairman

6/17/82
Date

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...the attached has long since
gone forward and there appears

purpose in adding a comment. In the event however that it has been sent back again and, since you have requested a comment, I duly submit the following for what its worth:

a) its a good, ~~xxxx~~ solid ~~xxxx~~ paper with several ~~xxxx~~ trenchant points. Its a bit long perhaps and covers a good deal of territory which may not be palatable for ~~EX~~ DCI or DD/CI swift perusal;

b) Your most salient point, and the item, that could stand a bit more elaboration, is that ~~xxx~~ the CRD contingent has been in the review business for 4 years now and, during that time has been exposed to the widest variety of review experience; far more than any of the other reviewing elements in ~~xxxx~~ all the other Directorates. We have reviewed ops ~~xxxx~~ ^{files} from Stations all over the world; we have plumbed the ancient depths and mysteries of Archives, WDC, private papers gathered by leading figures within and outside the Agency; sensitive ops cases have also be under our care; our people have also dealt with ~~xxxx~~ Presidential Libraries possessions etc. It struck me Stan that although CRD appears to be ideally suited and complemented to represent the single review contingent that you argue for, the

concept does not come through with sufficient force to strike the reader with the hoped for response from people on the upper levels; a response that would ~~xxxx~~ prompt the reaction from ~~Casey~~ Casey or Stein " If this unit has that much experience and agency ~~kn~~ awareness why can't we leave the job to them in place of the plethora of petit juries that are now involved in the task".

(Comment: The above is of little use and I am quite sure your product will go forward as written, But just in case you did want a comment, ~~xxxx~~ her is a brief and somewhat lame reaction which your labors deserve)

C.F.M.