

***Information Review & Release (IRR) News for 11-22 July 2005  
Executive Summary***

***Future Planning Calendar***

~~(U//ATUO)~~ **26 July 2005: Interagency Security Classification Appeals Panel (ISCAP):** Next Principals' meeting at EEOB in Washington, DC.

~~(U//ATUO)~~ **TBD: Interagency Security Classification Appeals Panel (ISCAP):** Next Liaisons' meeting at NARA in Washington, DC.

~~(U//ATUO)~~ **31 December 2006:** The Automatic Declassification Date per Executive Order 12958, as amended.

***Overview of IRR Activities--Last Two Weeks***

~~(U//ATUO)~~ **President's Daily Brief: "Privileged"**

~~(U//ATUO)~~ On 12 July 2005, the United States District Court for the Eastern District of California granted CIA's motion for summary judgment in *Berman v. Central Intelligence Agency*. Berman is a political science professor at the University of California, Davis, and submitted a FOIA request for two PDBs from 1965 and 1968. CIA denied the documents in their entirety on the basis of exemptions (b)(1), (b)(3), and (b)(5). Berman sued.

With respect to the application of exemption (b)(3), CIA argued three points in its motion for summary judgment:

- Exposing the PDB could reveal sensitive sources and methods information.
- The PDB itself is an intelligence method.
- Disclosing the PDB would have a detrimental mosaic effect.

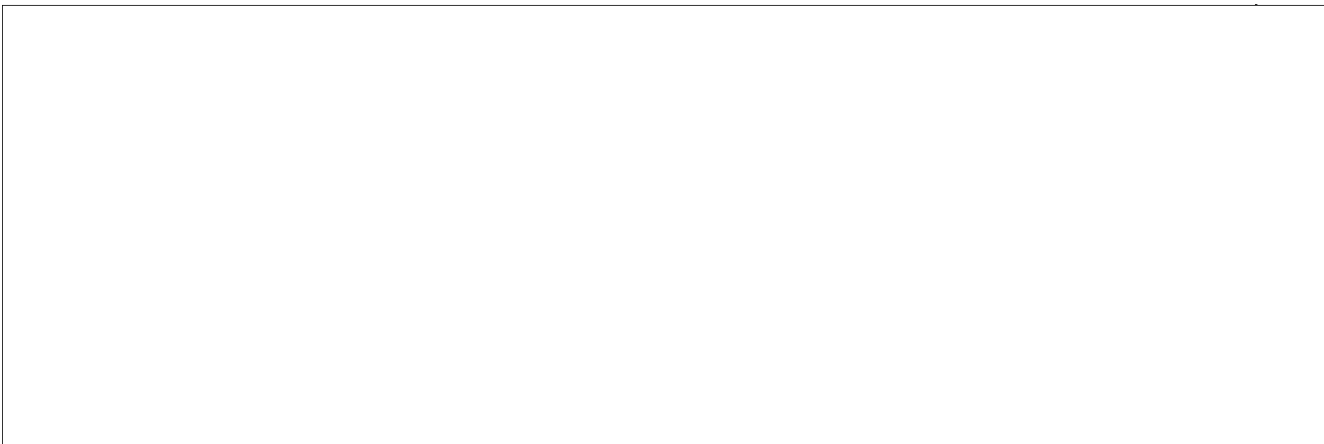
Judge David F. Levi accepted each of these arguments.

The Agency also argued that exemption (b)(5), based on the Presidential Communications privilege and the deliberative process privilege, protected the information from release. The court held that exemption (b)(5), based on the Presidential Communications privilege, protected the information from release.

The court did not address the application of exemption (b)(1) or the application of exemption (b)(5), based on the deliberative process privilege. The court found that, as a matter of law, CIA was entitled to judgment, thus protecting the PDBs from disclosure under FOIA.  [Note: FOIA request for PDBs cited below.]

(b)(3)

(b)(3)  
(b)(5)



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(b)(3)  
(b)(5)



**(U//~~ATUO~~) FOIA Requests**

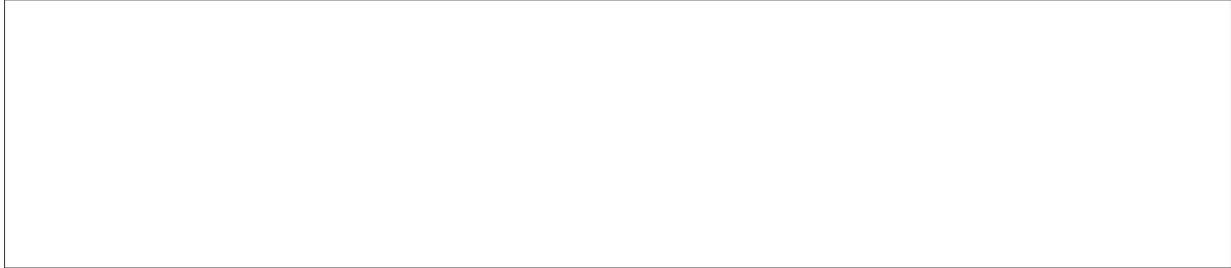
**(U//~~ATUO~~) Researching the Iranian Hostage Crisis**

(U//~~ATUO~~) A requester from New York City wishes to receive "the CIA Presidential Daily Briefings of former President Jimmy Carter from the dates August 1, 1978 to January 20, 1981. This is for the purpose of educational research on the Iranian Hostage Crisis for a documentary . . . . If there is much work (searching, reviewing or duplication) to be done to approve this request, we are able to provide sufficient funds to facilitate the process."

(b)(3)  
(b)(5)





(b)(5)



**(U//~~ATUO~~) Discerning the Requester's True Motivation**

(U//~~ATUO~~) A requester who recently asked for "Anything regarding Northwest Airlines Flight 4422 or payroll, persons or cargo lost or recovered from/in the crash" [on Mt. Sanford, Alaska] recently modified his original request after being referred to the FBI. His new request reads: "The information for which I am searching has to do with any CIA operations in or near Edmonton, Canada in March 1948. The airplane that crashed (NWA 4422) was on its way from Anchorage to Edmonton, Canada and had some kind of gold or cash on board. I believe it is very possible that the gold or cash was enroute [sic] to support our CIA operations during the cold war era in Canada. Please let me know what you may have on file for CIA operations in or near Edmonton, Canada in March 1948 *and/or if there is any reference to a lost cargo of gold, lost payroll, or any other missing/lost cash of any type [emphasis added]* . . . . I am one of the two pilots who recently found the plane."

(b)(5)

- The FOIA case manager  inform the requester that any responsive information, if it exists, would be located in operational files, which are exempt from the search, review, publication, and disclosure requirements of the FOIA. 

(b)(3)

*Editor: The requester identifies himself as a Delta Air Lines pilot. He states: "This research is necessary to complete our investigation and provide complete closure for relatives of those who died. By the way, we recently found the wreckage after it was locked in the ice of the glacier for 50 years!"*

**(U//~~ATUO~~) Seeking the PRISP Member List**

(U//~~ATUO~~) A doctoral student at New School University, in New York City, seeks information on the Pat Roberts Intelligence Scholars Program. He laments: "Since there has been virtually no mention of PRISP in the media or in the academic world, I am inclined to believe that the program is entirely covert." Hence, he is submitting a FOIA request to obtain: 1) the name of the scholarship recipient, 2) the university he or she currently attends, or previously attended, 3) the area of study, and 4) his or her duties and responsibilities to the CIA.

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(b)(5)

- The FOIA case manager [redacted] response-DIF (b)(1) & (b)(3)- citing the CIA Act of 1949 which exempts from disclosure "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency." The FOIA response offered that the requester might seek general information on this 'Intelligence Community' program from the Director of National Intelligence's (DNI) public affairs office. [redacted]

(b)(3)

(b)(3)

[redacted]

~~(U//AFO)~~ CIA Declassification Center

~~(U//AFO)~~ From the Archives:

~~(U//AFO)~~ Role of Paper

~~(U//AFO)~~ The following is an excerpt from a 1966 presentation given to career trainees on "CIA Records Management Policies." The speaker cited a short quotation from the *Book of Management* written by Lyndall Urwick: "The paper work [sic], the records, are essential. Some men lie and all men die. The record becomes critical where these accidents occur. It is also essential in all large-scale organizations because men change posts and forget. But it is only a record, an *aide memoire* . The big decisions get taken not on paper, but by individuals meeting face to face who trust each other." [redacted]

(b)(3)

~~(U//AFO)~~ DCI Colby on 'Secrets'

~~(U//AFO)~~ On 12 March 1974, DCI William E. Colby responded to DDO William E. Nelson's memo on "our relations with the press." The DCI basically outlined his views on balancing secrecy with openness, and concluded . . . "there are some 'bad secrets' which are properly revealed by an aggressive press in our Constitutional system, there are some older 'non-secrets' which no longer need to be kept secret and which we should generally surface, but there are some 'good secrets' which deserve better protection than we have been able to give them, in part by reason of their association with 'secrets' of lesser importance. There have been stumbles (some by me) in the process of delineating these categories and their precise content . . . ."

- The impetus for this exchange between the DCI and DDO is not clear, but it took place when the Agency was under pressure by Congress to be more forthcoming. [redacted]

(b)(3)

~~(U//AFO)~~ Living Conditions in Latvia— circa 1953

~~(U//AFO)~~ From the DO files: "Medical Facilities—If a person is ill, he may call the hospital or polyclinic in his area and request that a doctor be sent. Because of the shortage, the doctor may not arrive for several days. The doctor is usually paid by the patient in order to insure better treatment. If the person is critically ill, the doctor orders him admitted to a hospital; if the doctor is unable to help the patient, he asks the polyclinic to send a specialist to the patient. In the event of an accident, the hospital sends an ambulance for the injured person, but the ambulance may arrive up to three hours later, because there are very few ambulances in Lepaya [Ger. Libau - W. Latvian port city]." [redacted]

(b)(3)

This is a record.

[redacted]

(b)(3)

CC:

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