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FAS Intro: The following report of the CIA Historical Review Panel was presented to DCI John Deutch in September 1996.

Report from DCI Historical Review Panel to Director of Central Intelligence

Members of the DCI Historical Review Panel have met at CIA headquarters on August 5, 1996, with staff members involved with the declassification and release of historical documents and records. They acknowledge with gratitude the cooperation of the Center for the Study of Intelligence as well as that of all other relevant offices and individuals.

To date, the process of declassification has been defined largely by: (1) the CIA Information Act of 1984, which exempted Agency operational files from the Freedom of Information Act but mandated a decennial review of such exemptions; (2) the Agency's own program of "targeted" declassification of selected materials on the basis of their relevance to specific themes; (3) the President's April, 1995, executive order on "Classified National Security Information" (E.O. 12958); as well as the Foreign Relations Authorization Act of 1992 and the President John F. Kennedy Assassination Records Collection Act of 1992. We would like to comment on the first three of these areas:

1. **The CIA Information Act.** Although the Agency did, as mandated by law, conduct a decennial review of its operational file exemptions and report to the Senate Select Committee on Intelligence on May 11, 1995, it neglected to provide this panel with a copy of its report, or to brief the panel on this important matter, at its February, 1996 meeting. We regard this as a serious omission, because the decennial review in fact removed certain files of considerable historical interest from the exempted lists administrative files of the Office of Policy Coordination, National Committee for a Free Europe, and Asia Foundation- making them subject to FOIA requests.

2. **"Targeted" Declassification.** Prior to the end of the Cold War, a plausible case could be made for the declassification and publication of selected documents from the 1940s, 1950s, and 1960s, even though the files from which they were drawn remained classified. It is much more difficult now to make that case.

In our March 6, 1996, report to you we noted that such publications "do not substitute for the opening of archives that would allow historians not affiliated with the Agency to work directly with its records." Meanwhile the Department of State's Advisory Committee on Historical Diplomatic Documentation passed a resolution on June 7, 1996, criticizing this CIA policy.

Not a single whole collection from CIA files- as opposed to selected documents- is as yet available for research at the National Archives. Until such files do become available, CIA will continue to have problems of credibility with the public and with the academic community.

3. **Compliance with the President's Executive Order.** The Panel is concerned to learn that the CIA has requested the exemption of 64% of its records from the 25 year "automatic" declassification provisions of E.O. 12958. We acknowledge that 25 years may well be too soon to declassify some

Agency materials, particularly those relating to sources and methods. But we question whether two-thirds of the Agency's records legitimately fall into this category.

We also note the absence of any clear Agency guidelines on just when materials too sensitive for 25-year release might in fact be made available: 35 years? 50? 75? Even "exempted" material under E.O. 12958 is subject to mandatory review: it is unrealistic, therefore, to assume that the Agency can permanently keep its records secret. As CIA approaches its 50th anniversary, we urge that consideration be given to this matter.

We are also concerned that, within the 36% of its records for which the Agency has requested no exemption under E.O. 12958, substantial amounts of time and money have been spent reviewing materials of the Foreign Broadcast Information Service, the great bulk of which were publicly available from the moment, however long ago, they were originally broadcast. The Agency is interested in saving money on declassification; here, we think, would have been a good place to start.

Another way to save money would be to ensure that the annuitants who are reviewing material for automatic declassification are fully briefed on what information is already in the public domain, whether as a result of investigative reporting, or CIA's long-time policy of allowing its former officials to write with some candor about their activities, or information released by foreign governments.

In this connection, it is our impression that foreign governments are, at times, less sensitive about CIA "equities" in the materials they release than CIA is of theirs. We also have evidence that where such governments have sought CIA's cooperation in the release of historical materials the Agency has not always been forthcoming. As more and more foreign governments initiate their own programs of historical declassification, we urge more careful monitoring of what they are releasing and a willingness to cooperate with such efforts when cooperation is possible.

Conclusions and Recommendations

The fact that historians expect greater access to CIA documentation is due in large measure to actions taken by the Agency itself. At the same time, historians are being inundated with documents of great significance from Russia, Eastern Europe, and the Peoples' Republic of China, all of which focus attention on related materials from the United States, nearly all of which remain inaccessible. The danger we see arises from the clash of expectations and practice to date. To continue on the present course will not provide the sort of results the public and the academic community have been led to expect and that we think accord with your own intentions. Some new directives and initiatives appear to be needed if there is to be significant progress.

Here are some specific recommendations we think could meet reasonable expectations and head off problems in this area:

1. The Agency should develop a master plan for the declassification of its historical materials, including its analytic products, which pose few problems of sensitivity, and those relating to sources and methods. Such a plan should be informed by concerted thought on the general problem of how sources and methods can be best protected while still declassifying large quantities of documents. Above all, it should include a "date certain" interval, after which only a minimal body of exempted documents would be opened. Whatever the timetable of declassification and whatever the exemptions, such a plan must be well understood and carefully followed throughout the Agency. The

Agency should appoint a single well-informed and articulate spokesperson to communicate that policy to the public and to the scholarly community.

2. The Agency should take a careful and critical look at its policy of "targeted" declassification. We acknowledge that there may be plausible reasons for continuing this policy, but we remain unconvinced. The time has come, we believe, to devote the energies of Agency historians and other staff to the comprehensive review of early CIA files for transfer to the National Archives in a manner comparable to that followed by other government agencies. We note in particular the Agency's failure, several years after it committed itself to this goal, to make available archival records relating to covert operations whose existence has long since been publicly acknowledged.

3. The Historical Review Panel needs a chair, and the chair should be a historian well experienced in both the writing of recent intelligence history and the use of archival materials. Otherwise, as in the matter of clearances, the committee will carry no credibility among those very historians who are the primary consumers of the historical material CIA is seeking to declassify.

4. We urge close cooperation between the CIA Historical Review Panel and the comparable committees of historians that function within the Department of State, Defense, and Energy to help solve problems of interdepartmental "equity." In this connection, we welcome the formation, within CIA and other intelligence agencies, of a Community Historical Review Advisory Committee. This should be adequately staffed, and should find ways to work the "outside" advisory committees like our own in order to overcome barriers to declassification.

5. The Agency should use its Historical Review Panel as an ally in this process. That means providing it with full, accurate, and timely information regarding its declassification policies; it also means providing members of the panel with sufficient security clearances to allow them to be briefed in detail on why some materials cannot be released, and we are pleased that CSI has suggested this. Comparable historical review panels in the State, Defense, and Energy Departments operate in this manner. CIA's panel cannot really be helpful to you, or carry credibility within the academic community, until this is done.

We appreciate your taking the time to meet with us, something no other DCI has regularly done, and hope that the above suggestions are received in the positive spirit they are offered.

Respectfully submitted

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