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Description of document:	Central Intelligence Agency (CIA) <u>Report of The Director of Central Intelligence (DCI) Task Force On Historical Review Program Declassification Guidelines</u> , 27 March 1992
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18 June 2020

Reference: F-2015-01343

This is a final response to your 28 March 2015 Freedom of Information Act (FOIA) request for a copy of the document titled, **Guidelines for Historical Review**. We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 3141, as amended.

We completed a thorough search for records responsive to your request and located the enclosed document, which we can release in segregable form with deletions made on the basis of FOIA exemptions (b)(3) and (b)(6). Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are Section 6 of the Central Intelligence Agency Act of 1949, as amended, and Section 102A(i)(1) of the National Security Act of 1947, as amended.

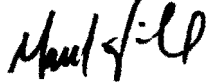
As the CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 90 days from the date of this letter. Please include the basis of your appeal

Please be advised that you may seek dispute resolution services from the CIA's FOIA Public Liaison or from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. Please note, contacting CIA's FOIA Public Liaison or OGIS does not affect your right to pursue an administrative appeal.

To contact <b>CIA</b> directly or to appeal the CIA's response to the Agency Release Panel:	To contact the Office of <b>Government Information Services (OGIS)</b> for mediation or with questions:
Central Intelligence Agency Washington, DC 20505 Information and Privacy Coordinator (703) 613-3007 (Fax) (703) 613-1287 (CIA FOIA Public Liaison / FOIA Hotline)	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road – OGIS College Park, MD 20740-6001 (202) 741-5770 (877) 864-6448 (202) 741-5769 (Fax) <a href="mailto:ogis@nara.gov">ogis@nara.gov</a>

If you have any questions regarding our response, you may contact the CIA's FOIA Hotline at (703) 613-1287.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Lilly' with a stylized flourish at the end.

Mark Lilly  
Information and Privacy Coordinator

Enclosure

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27 March 1992

MEMORANDUM FOR: Director of Central Intelligence

FROM: Historical Review Task Force

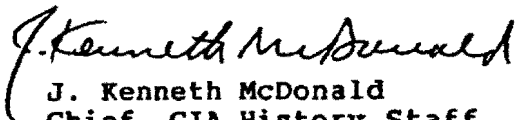
SUBJECT: Task Force Report on Historical Review Program  
Declassification Guidelines


1. The accompanying report responds to your 13 February 1992 request that we form a Task Force to prepare declassification guidelines for the Historical Review Program.

2. Attached to the report is a revised Headquarters Regulation (HR 70-14), which establishes general policies and guidelines to ensure that the Historical Review Program has an impetus toward declassification. The guidance in this Regulation will enable the Program both to fulfill the expectations of the Congress when Mr. Casey established the Program in 1985, and to give the American people the expanded access to CIA's historical records that you announced in your 21 February speech in Tulsa.

3. We asked the deputy directors and independent office heads to select Task Force members who could address both general policy and declassification issues, and we asked members to express their components' views as well as their own. We have attached a list of Task Force members and of other Agency officers who took part in our work. The Task Force met eight times as a group, and we met separately with many of its members and consulted with other federal agencies, including the National Archives and Records Administration, the Departments of State and Defense, the National Security Agency, and the Information Security Oversight Office.

4. Our report reflects a consensus of the Task Force members, and we are grateful for the knowledge, judgment, and good will that all members brought to our efforts. We are prepared to discuss the Task Force's work and report at your convenience.

  
J. Kenneth McDonald  
Chief, CIA History Staff  
Co-chairman

  
W. George Jameson  
Chief, Litigation Division  
Co-chairman

Attachment

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**MEMBERSHIP****Task Force  
on  
Historical Review Guidelines****Cochairmen:**

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**Chief, Litigation Division (OGC)**    **Chief, CIA History Staff**

**Members:**

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**Chief, DO Component**

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**Information Review Officer (DS&T)**

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**Director, Center for the Study of Intelligence**

**Information Review Officer (DA)**

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**Chief, Information Management Staff  
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**Susan Kessler**  
**Office of Inspector General**

**Frederick F. Manget**  
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**Mary S. McAuliffe**  
**Deputy Chief, CIA History Staff**

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27 March 1992

**REPORT OF THE DCI TASK FORCE ON  
HISTORICAL REVIEW PROGRAM  
DECLASSIFICATION GUIDELINES**

1. On 13 February 1992, the Director of Central Intelligence asked W. George Jameson, Chief of the Litigation Division, OGC, and J. Kenneth McDonald, Chief of the CIA History Staff, to co-chair a Task Force to prepare declassification guidelines for a reorganized and expanded Historical Review Program. This report is the result of the work of that Task Force.

2. Premises: The DCI's speech on "CIA and Openness" to the Oklahoma Press Association of 21 February 1992 expressed the intent to make CIA and the intelligence process more visible and understandable in light of changing world circumstances, and from this the Task Force operated on the following premises:

A. The Historical Review Program (Program) established in 1985 will become the responsibility of the Center for the Study of Intelligence (CSI).

B. Custody, control, and declassification authority for records reviewed under the Program will be transferred from the originating offices to the Director, CSI, in order to accelerate declassification review.

C. The Program will fully conform to EO 12356, "National Security Information," and maintain the DCI's broad statutory authority to protect intelligence sources and methods.

D. As part of CIA's movement toward greater openness, the DCI has directed that the Program have "a bias toward declassification of historical documents."

E. The Program will review for declassification three principal categories of CIA records:

- All documents 30 years old or older (except for certain operational files exempted from FOIA search and review by the CIA Information Act of 1984).

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- All National Intelligence Estimates on the former Soviet Union 10 years old or older.
  - Records (including operational files) on selected topics and events of particular historical value or public interest.

F. On an annual basis, CIA will publish an index of all documents the Agency has declassified and approved for release.

3. **Objective and Products:** The Task Force's primary goal was to prepare guidelines to help this voluntary Program make sound and consistent declassification decisions and to ensure that the Program has an impetus toward declassification. Recognizing the futility of any attempt to formulate rigid instructions that dictate decisions for all possible cases, or exhaustive lists of categories of information that reviewers automatically must declassify or protect, the Task Force prepared for DCI approval a proposed revision of Headquarters Regulation 70-14 (attached), which establishes general policies and guidelines for the Program.

The Task Force expects that the guidelines in this document will advance the Program's objective to declassify and release the maximum volume of information to the public consistent with national security by emphasizing clearly and specifically that:

- The Program is guided by a presumption for disclosure.
- The CSI rather than the components will exercise declassification authority for historical records.
- Reviewers may not automatically protect or release documents.
- Reviewers may not withhold information without articulating with reasonable specificity the possible damage to national security expected from disclosure of the information.
- The guidelines, firm in principle yet flexible in application, identify certain factors that reviewers must consider in determining whether damage could result.
- The Program will continue to protect information, including intelligence sources and methods, that could damage the national security.



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**4. Organization:** The History Staff in CSI, after consulting with a wide range of historians, will select groups of permanent records (excepting certain operational files) 30 years old or older for systematic declassification review, and locate and collect for review records on specific events or topics of historical interest selected with the DCI's approval. A new Historical Review Group in CSI will carry out declassification review in accordance with the Program's guidance. (The Program will ordinarily focus on inactive records, although on occasion it may be necessary to review active files.) At the beginning of each calendar year, the Director of CSI will submit a report to the DCI on the Program's work during the preceding year, and on its plans for the coming year.

**5. Guidelines for Declassification:** In preparing the guidelines in the Regulation to give new impetus to declassification, the Task Force focused on the following issues:

**A. Presumption for Disclosure:** To carry out the DCI's commitment to the Program, the Task Force emphasized the presumption for disclosure. Since EO 12356 provides that information may be classified only if its disclosure reasonably could be expected to cause damage to the national security, an essential Task Force objective was to prepare useful guidance for reviewers to determine damage. Unless reviewers can articulate how disclosure could damage the national security, they must declassify information even if it concerns matters the Agency has routinely withheld from public release, such as CIA presence in a specific country, the fact of certain covert action operations, Agency organization and personnel, and information withheld solely on grounds of the "mosaic" effect. Since most records will be at least 30 years old, and most operational records will be exempt from systematic review, the Task Force expects that the Program can declassify substantial amounts of information without damage to national security.

**B. Sources and Methods:** The Task Force was careful to ensure that the Program's guidelines do not undermine the DCI's broad authority to protect intelligence sources and methods. The guidelines reiterate EO 12356's presumption that the unauthorized disclosure of intelligence sources, methods, or foreign government information will damage the national security. Such information, however, will not be automatically withheld under this Program. Although members were concerned about cover disclosure issues, the Task Force agreed that as an intelligence method, cover will be governed by these guidelines.

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**C. CIA Presence Abroad:** The Regulation does not automatically protect the fact of the presence of CIA representatives in a specific country or relationships with foreign governments. Such information may be protected upon a reasonable showing of possible damage. The Task Force concluded that in many cases such presence or relationship might be disclosed by substituting for deleted particulars such terms as "CIA representatives" and "government officials" or "authorities."

**D. Publicly Available Information:** Under this Program, the extent to which information is already available to the public, especially information that the Publications Review Board has approved for publication, will be a significant consideration in declassification review. There is a presumption that information that has appeared publicly will not damage national security, unless a reviewer can articulate how official confirmation could cause additional damage.

**E. Protection of Unclassified Material:** Reviewers may withhold some information even if it is unclassified. (Examples are information protected by discretionary privileges such as deliberative process--especially involving the Director and President--attorney work product, attorney-client, and witness statements.) This material also will not automatically be protected, and reviewers must articulate expected harm to US interests in order to protect it. Much of the information in this category will probably be disclosed. Information prohibited by law from disclosure (e.g., privacy data) will continue to be protected.

**6. Procedures:** To be effective in accelerating the declassification review, the Program will ensure that components are consulted. The Regulation addresses this and certain procedural matters as follows:

**A. Consultation:** The CSI will advise the responsible components of its selection of records and consult with them as necessary in conducting its review.

**B. Appeal Process:** Records approved by the Director of CSI for declassification will be made available to the appropriate deputy directors or heads of independent offices, who will have 30 working days to appeal any decision to the Director, CSI. If the appeal is denied, they will have 10 working days to appeal that decision to the DCI.

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**C. Re-review:** In its review, the CSI will identify records that cannot be released, and will review them again not more than 10 years later.

**D. Index:** CIA will publish an annual index of all Agency documents approved for release (e.g., under the FOIA, but not the Privacy Act). This will serve both the public and the Program's research needs. It has been suggested that CSI publish this index, but the Task Force is convinced that such an index will require ADP expertise, personnel, and equipment far beyond anything available in the Center. Although the Historical Review Group will record its final review determinations, the Task Force recommends that the Office of Information Technology (OIT) be asked to develop and maintain this index.

**7. Application to Other Review Programs:** The guidelines will inevitably have an impact on the release of Agency information under other review programs, such as the FOIA. While standards need to be consistent, many different factors will determine whether CIA will release information in any given situation. The Task Force therefore agreed that the Program's guidelines for historical records should be taken into account Agency-wide, but that their specific application to other review programs should be the subject of future study.

**8. Resources:** The Agency's current means of recording declassification and other disclosure decisions are rudimentary, fragmented, and entirely inadequate. The Task Force believes OIT should develop and maintain a data base both to track all Agency disclosures and to facilitate the publication of the annual index. Additional resources for OIT may be required. Directorates and independent offices also will require additional resources both to conduct appeals of the Program's decisions, and to cope with the impact of the new declassification guidelines on their review of Agency information under the FOIA and other programs.

**9. Conclusion:** The Task Force recognizes that applying the proposed guidelines will raise some complex issues that CSI can only resolve by consulting the rest of the Agency as the Program actually gets underway. While making the Program succeed will demand extraordinary energy, commitment, and sound judgment, we believe that our guidelines give the Program the foundation it needs to begin its pioneering work.

Attachment

**INFORMATION AND RECORDS MANAGEMENT****HR 70-14****14. CIA HISTORICAL REVIEW PROGRAM**

**SYNOPSIS.** This regulation prescribes the responsibilities, guidelines, and procedures for the declassification review and release of permanent Agency records under the CIA Historical Review Program.

**a. GENERAL**

- (1) The Agency's Historical Review Program (hereafter, the Program) is established to make significant historical information available to the public without damage to the national security interests of the United States. This includes systematic review for declassification and release of: all permanent records 30 years old or older (with the exception of certain operational files); other records on selected topics or events; and certain National Intelligence Estimates.
- (2) Reaffirming the principle that the US Government's records should be available to the public, this Program will declassify and release to the public the maximum volume of historical records consistent with:
  - (a) The responsibilities of the Director of Central Intelligence (DCI) under the National Security Act of 1947 and the CIA Act of 1949, as amended, to protect intelligence sources and methods and organizational and personnel information.
  - (b) The requirements of Executive Order 12356 and successor orders to protect national security information.
  - (c) Provisions of law that govern the public disclosure of information.
- (3) The Agency will transfer records declassified and approved for release under this Program to the National Archives and Records Administration (hereafter, National Archives) for public use.
- (4) The Agency will also make information available to the public in other ways, including the release of declassified records to the Department of State for

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publication in its documentary history series, The Foreign Relations of the United States. Such Agency material released to the Department of State will also be transferred to the National Archives through the Program.

**b. AUTHORITY.** The Historical Review Program is established in accordance with:

- (1) Executive Order 12356, which prescribes a uniform system for classifying, declassifying, and safeguarding national security information, and provides in § 3.3(c) that the DCI may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods.
- (2) The responsibility of the DCI under § 102(d)(3) of the National Security Act, as amended, 50 U.S.C. § 403(d)(3), to protect intelligence sources and methods from unauthorized disclosure.
- (3) Section 6 of the CIA Act of 1949, as amended, 50 U.S.C. § 403g, which exempts the Agency from the provisions of any law requiring the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.
- (4) The CIA Information Act of 1984, 50 U.S.C. § 431, which exempts certain operational files from the search and review provisions of the Freedom of Information Act.

**c. RESPONSIBILITIES**

- (1) THE DIRECTOR, CENTER FOR THE STUDY OF INTELLIGENCE, has principal responsibility for the Historical Review Program. Custody, control, and declassification authority for all purposes of records selected and received for review under the Program will be transferred from the components to D/CSI. At the beginning of each calendar year the Director, Center for the Study of Intelligence will submit a report to the DCI on the Program's work in the past year, and on its plans for the year ahead.
- (2) In the Center for the Study of Intelligence the History Staff and the Historical Review Group (HRG) are responsible for carrying out the Program.

- (a) The History Staff will both select groups of records for systematic declassification review, and locate and collect for review records on events or topics of historical interest selected with the approval of the DCI.
  - (b) The Historical Review Group will be responsible for declassification review of records under the Program in accordance with this Regulation and additional guidance promulgated by the Director, Center for the Study of Intelligence, with the DCI's approval.
  - (c) In conducting this Program, the History Staff and Historical Review Group will advise the responsible components concerning the selection of records to be reviewed under the Program and will consult as necessary with the Agency Archivist and responsible directorate and DCI area Information Review Officers.
  - (d) To advise the Program on its policies and procedures the Director, Center for the Study of Intelligence, may from time to time convene the Historical Review Panel, which will include the Archivist of the United States, the Librarian of Congress, and representatives of the historical profession.
- (3) The Agency Archivist will assist the Historical Review Group in maintaining the integrity of all permanent records (as determined by the Archivist of the United States) received or created by the Agency, and in preparing appropriate documentation to provide data for an annual index of all Agency documents approved for release under this Program or through other means. The Agency Archivist will transfer records declassified and released under the Program to the National Archives.
- (4) The History Advisory Board will advise the History Staff in its responsibilities for the Historical Review Program.

**d. CRITERIA FOR REVIEW PRIORITY**

- (1) The History Staff, with the assistance of the Agency Archivist and the relevant Information Management Officers, will use archival data and listings that describe the Agency's permanent records as well as

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on-site research at the Agency Archives and Records Center to identify and locate specific groups of records for review under the Program.

- (2) The History Staff will determine the order in which records are reviewed, using as primary criteria their historical value, public interest in the subject matter, and their potential yield of documents that can be released. The Program will give special attention to records originated by the DCI or his principal subordinates and other senior Agency officials, finished intelligence, and disseminated intelligence reports. Priority for review will also be given to file series requiring prompt reproduction or other conservation action to ensure preservation of the information contained in the records.
- (3) The History Staff will evaluate records in light of the contribution their declassification and release can make to understanding the history of CIA and its role in US intelligence, foreign policy, and international developments.
- (4) To determine historical value, the Chief, History Staff, will consider the recommendations of the Historical Review Panel, and of a wide range of government, academic, and private historians.
- (5) The following records will be subject to systematic declassification review:
  - (a) All permanent records held by the Agency that are 30 years old or older when reviewed, with the exception of certain operational files designated by the DCI under the provisions of the CIA Information Act of 1984. Included in this review will be files inherited from predecessor organizations and formerly designated files that have been removed from exempt status as a result of the periodic review required by the CIA Information Act of 1984.
  - (b) All issues of Studies in Intelligence.
- (6) In addition to selecting records for systematic declassification review, the History Staff will locate and collect for HRG declassification review National Intelligence Estimates on the former Soviet Union that are ten years old or older when reviewed, and with the

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DCI's approval, records (including operational files excluded from systematic review) on selected events or topics of historical interest.

**e. GUIDELINES FOR DECLASSIFICATION**

- (1) Executive Order 12356 requires that information be classified only if its disclosure reasonably could be expected to cause damage to the national security, and that it shall be declassified or downgraded as soon as national security considerations permit. The Order further states that information that no longer requires protection in the interest of national security shall be declassified and released unless withholding is otherwise authorized by applicable law.
- (2) There shall be a presumption in favor of disclosure except as provided in subparagraph (e)(4). Reviewers conducting declassification review of information under this Program who advocate the continued classification of information will bear the burden of identifying any damage its disclosure reasonably could be expected to cause to the national security. Information may remain classified only if the reviewer can identify such damage and a clear connection between disclosure and the projected damage. To show such damage with respect to information 30 years old or older, a reviewer must articulate how disclosure of the information is likely to affect, in a significant and adverse way, the US Government's current or future ability to carry out its authorized activities. Unless a showing of possible damage is made with reasonable specificity, the information will be declassified, even if the information concerns Agency matters normally withheld from public release, such as:
  - (a) The fact of CIA presence in a specific country abroad.
  - (b) The fact that certain covert action operations were conducted.
  - (c) The existence of foreign government relationships.
  - (d) Agency organization, functions, names, official titles, and salaries, and numbers of personnel employed by the Agency.
  - (e) Information withheld solely on grounds of the "mosaic" effect.
- (3) Factors to be considered in determining whether damage to the national security reasonably could be expected to be caused by disclosure include the effect of the



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passage of time on the sensitivity of the information, any prior disclosures of the information, the link between disclosure and possible harm, and past experience with respect to disclosures of similar information.

- (4) Under EO 12356 the unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security. Such information, however, shall not be automatically withheld under this Program.
- (5) In accordance with the third agency rule, the Historical Review Group will coordinate its review decisions as necessary with other US Government agencies before taking final declassification action and arranging to transfer records to the National Archives.
- (6) A significant consideration in reviewing information for declassification under this Program will be the extent to which the information is already available to the public. Information that CIA has officially acknowledged (including inadvertent disclosures) will not be eligible for continued classification. There is a presumption that information that has appeared publicly, including information that the CIA Publications Review Board has approved for publication even if not confirmed officially, will not damage the national security unless the reviewer can show how official confirmation could reasonably be expected to cause additional damage to the national security.
- (7) The Historical Review Group will determine whether the information under review warrants continued protection, even if declassified, pursuant to statutory or other requirements. Such information (e.g. privacy data and information protected by executive privilege) will be released, except when prohibited by law, unless there is a showing that US interests will be adversely affected by the disclosure.
- (8) In no case will information be kept classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; or to prevent or delay the release of information that does not require protection in the interest of national security.

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**f. PROCEDURES**

- (1) Individual documents will be released in full, withheld in full, or released in part. When a document cannot be released in full, an effort to sanitize the document by deleting those portions that may not be declassified, or that may not be made public for other lawful reasons, will be undertaken. This procedure will be followed only when it will not slow the pace of the review unduly, will not obscure the record's essential significance, and will not distort the document's bibliographical identity, even if details of internal dissemination are excised. Documents that cannot be sanitized according to these criteria will be withheld in full.
- (2) The Director, Center for the Study of Intelligence, will review the determinations proposed by the Historical Review Group, and if approved, make them available to the deputy directors, heads of independent offices, or their designees, whose components originated or have a substantial interest in the records. The responsible official will have 30 working days from the date of receipt of such records in which to appeal in writing to the Director, Center for the Study of Intelligence, any decision to declassify and release information.
- (3) If the appeal is denied, the responsible deputy director or head of independent office will have 10 working days from the receipt of the decision of the Director, Center for the Study of Intelligence, to appeal that decision in writing to the Director of Central Intelligence, whose decision will be final.
- (4) The Historical Review Group will maintain a record of all final determinations.

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- (5) At the time of review, HRG will identify Agency records that cannot be declassified. The HRG will again review such records for declassification at a date not more than 10 years later specified by the Director, Center for the Study of Intelligence. That date will be marked on the document.
- (6) This Regulation is intended to provide direction and guidance for those engaged in declassification review of records under the CIA Historical Review Program. Nothing contained in this Regulation or in any procedures promulgated to implement this Regulation is intended to confer, and does not confer, any substantive or procedural right or privilege on any person or organization.