

DRAFT - 25 February 1972

*Concurred in
by all members*

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Overclassification and Declassification
of Information

1. This memorandum is for your information only.
2. Pursuant to your request for a review of our current posture on the problems of overclassification and declassification, the Intra-Agency Security Committee has held several meetings and has addressed itself to these two problems. They were reviewed against a backdrop of growing Congressional interest in this area.
3. On the problem of overclassification, the Committee has developed a draft of a proposed Notice which includes definitions of the Defense classification categories and suggested guidelines on the classification of information. The thought is that such an unclassified Notice would serve as a ready reference for the Classification Officers of the Agency.
4. On 15 January 1971, Dr. Henry A. Kissinger issued National Security Study Memorandum 113. In it he advised that the President has directed a review of the current security classification procedures set forth in Executive Order 10501, as amended. NSSM 113 directed

that a committee be established and that it be chaired by a representative of the Attorney General. The resulting committee was chaired by Mr. William H. Rehnquist, Assistant Attorney General, Office of the Legal Counsel. Membership consisted of representatives of the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, the Chairman of the Atomic Energy Commission, and the National Security Council's Staff.

5. A series of drafts of a proposed revision of the Executive Order has evolved, the latest having been developed by the National Security Council. It is a follow on of a National Security Council draft on which you submitted comments on 20 January 1972. The most recent revision was reviewed by the General Counsel on 16 February 1972. His summary comments were, "I think we can live with this draft, although we will not be completely happy with certain portions."

6. On the subject of declassification and downgrading, the current draft provides for the following features:

- a. Sets forth automatic downgrading and declassification procedures.

- b. Provides for Special Categories, i. e., material exempted from automatic downgrading and declassification (Information or material disclosing intelligence sources and methods).
- c. Upon request from any agency or any member of the public, all Special Categories material which is 10 years old, must be reviewed for declassification provided the requester can describe the information sought with sufficient particularity to enable the agency responsible for the review to identify it without an unreasonable expenditure of time.
- d. Special Categories material will be automatically declassified after 30 years unless the head of the originating agency determines that such material is currently useful or disclosure would jeopardize a diplomatic or intelligence source.
- e. Its retroactive provisions provide for automatic declassification after 30 years, unless the Agency head determines otherwise.

7. E. O. 10501, as amended, upon which our regulations are based, prescribes the following policies and procedures for the declassification of classified material:

Section 4. "When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to protect the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. Heads of departments or agencies originating classified material or information shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit and for receiving requests for such review from all sources."

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Our Agency Regulation [REDACTED] provides that "Classified information or material shall be reviewed on a continuing basis for the purpose of determining the current appropriateness of the classification assigned with a view to declassification or reclassification where appropriate."

§. In the years immediately following the promulgation of Executive Order 10501 (1953) there was a formal program of classification review. It resulted from the necessity to upgrade or declassify all RESTRICTED material. It also caused a review resulting in the downgrading of a substantial body of documents. The program functioned within the classification control network, established by the Agency as the result of E. O. 10501. Reclassification bulletins were issued regularly by the CIA Classification Control Officer in the Office of Central Reference (OCR). There was little interest in the reclassification bulletins or in the master reclassification files maintained in OCR. By the early 1960s, the reclassification process, costly in terms of manpower, was constrained to the point of virtual disappearance. The Central Reference Service (formerly OCR) continues to disseminate and file the few reclassification notices received from other agencies. The Central Top Secret Control

activity continues to issue semiannual notices of TOP SECRET documents which have been downgraded. About 100 CIA TS documents were downgraded in 1971. The Classification Control Network remains active, functioning largely for the handling of internal classification questions or problems and responding to ad hoc requests both internal and external for the downgrading of specific CIA documents.

8. In effect CIA has not had a program of "continuing review for downgrading purposes" for many years probably because of the Director's statutory responsibility for the protection of intelligence sources and methods, and the continuing use by the Agency of productive sources for extended periods of time. [REDACTED] states "All classified information or material originated by CIA is considered of an intelligence nature within the definition of Group 1 above and is excluded from automatic downgrading or declassification."

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107. The Agency thus generally limits its downgrading and declassification to a program of responding to specific requests. However, the Agency has declassified all of its [REDACTED] publications analyzing Communist propaganda for the years 1947 to 1966. In

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addition, Agency offices have frequently expended many manhours in sanitizing classified documents in order to permit their contents to be disseminated in an unclassified form.

18. The Intra-Agency Security Committee has reviewed our current regulations on declassification and downgrading of information. It has concluded that these regulations are adequate in light of the provisions of the existing Executive Order 10501. As noted above, however, a minimum of assets have been expended on this effort in the past years. In view of the apparent imminence of the issuance of a revision of Executive Order 10501, it is the opinion of the Committee that no new directives on declassification and downgrading need be issued at this time. The Committee has agreed that priority attention should be given to the formulation of directives on declassification and downgrading as soon as we have adequate assurance as to what the provisions of the new Executive Order will be on that subject.

19. Possible questions and suggested answers for use in the event we become involved in hearings in the classification and declassification of information are currently being developed.

John W. Coffey
Deputy Director
for Support