

DRAFT

Dear John:

Attached are a series of ARRB Request for Evidence forms, one for each document that the staff plans to present to the Board for its consideration at the upcoming November 13 Board meeting. Since there are many, we are dividing the group in half, with the first batch due by October 30 and second by November 6. This does not give our staff much time to prepare for the Board meeting, but we wanted to give CIA as much time as possible in which to respond.

Over the past few months, the ARRB has been able, with CIA's assistance, to narrow the number of still-sensitive crypts, methods, and other issues in the so-called Mexico City documents to a relative handful. As the review process here picks up speed, it is becoming essential that we do the same for other parts of the collection. To do so, we believe that CIA will need to focus its efforts even more sharply on providing evidence in support of those redactions it believes truly warrant continued postponement. With this in mind you may want to consider, as in the case of Mexico City documents, the release of large blocks of inactive crypts or other forms of currently less-sensitive information that appear repeatedly throughout the collection. This would allow you to focus your efforts on providing ARRB with the clearest and most convincing evidence possible on behalf of protecting that information in the collection which you have determined still requires protection.

To meet the requirements of "clear and convincing evidence" under the Act, CIA will need to demonstrate that release of a particular postponement will now or in the future expose a particular individual or individuals to specific kinds of harm, or that release will provide current specified dangers to a specific method. CIA will also need to be able to show what kinds of repercussions will result from the acknowledgment of a particular overseas station during the early 1960s or the recognition of a relationship that took place more than thirty years ago. This evidence, to be persuasive, cannot be generic. Furthermore, a suspicion on CIA's part that release may endanger a source or method will not be sufficient to meet the standard of "clear and convincing evidence."

As you know, we are all trying to perform our statutory functions with as much care and consideration possible for the nation's security and welfare. In this regard, we have vastly appreciated CIA's responsiveness to our requests for information and willingness to provide open channels for communications, all of which makes it possible for us to do our jobs better. Please know that we look forward to continuing this constructive relationship and welcome any questions you may have concerning our request for evidence.

