

DRAFT MEMORANDUM

July 24, 2017

TO: CIA team

FROM: Manuel E. Legaspi

SUBJECT: Review Policy re: CIA crypts (AM- and LI- digraph)

The following is a report of the informal meeting between ARRB staffers and CIA representatives from the Directorate of Operations and the Historical Review Group on 05 Sept 1997 at CIA/IP. The primary topic of discussion was the handling of crypts, especially crypts with the AM- and LI-digraphs (related to Cuban and Mexican operations, respectively) which appear frequently in documents currently scheduled for review.

ARRB perspectives

In the early stages of review, when there was little appreciation of the variety of information redacted throughout the collection, the Board approved a vague set of guidelines. These guidelines were never formalized in any way, however, the and policies followed by the staff were based on along these lines:

I. All crypts would be released in part, with the digraph protected, and the substitute language "crypt" would be used.

The following exceptions apply:

- Crypts "directly related" to the JFK story were to be released in full.
- Crypts of a particularly sensitive nature were to be protected in full. ARRB would usually receive "justification sheets" which would outline CIA's reasons for protecting these crypts in full.
- In certain cases, the digraph was released while the rest of the crypt was protected. In these cases, redacting the crypt protected sensitive operations or identities, but it was usually obvious that the crypt was linked to Cuban or Mexican operations.
- Crypts for well-known operations were to be released in full. This was to include all AM- and most LI- crypts.

As we have progressed through the collection, however, we have encountered a wider range of crypts in the latter part of the JFK collection. As a result, some of the unwritten policies set early in the process did not seem to fit the needs of the current review. Since our operating policies were never set in writing, CIA reviewers would often be much more conservative in their review of items which had not been previously addressed by the Board, thus bogging down the process. Staffers then felt that

there was a strong need for the ARRB to formally outline its policies towards crypts, basing its new policies on previous Board actions and the nature of documents likely to be encountered through the rest of the JFK collection.

CIA Views

The CIA apparently felt that the crypts which began appearing in the latter parts of the JFK collection were sufficiently “new” that they were not bound by earlier Board decisions regarding the protection of crypts. This was especially true in the following cases:

True names: (This issue appears more often as we move through the collection of HSCA “Staffer Notes,” although there are many “regular” CIA documents where the true name/iden is paired with a crypt.)

The CIA is willing to release true names of sources and agents in many cases, however, they are reluctant to release both names and crypts together. While the release of the true name in the document attributes virtually all of the information in the document to said person, the CIA has argued that releasing the crypt could possibly link that person to additional operations, as detailed in other documents. In other words, the CIA feels very strongly that releasing the crypt and name together has implications outside of the document in question, and as a result, is requesting that the ARRB protect the crypt, in full.

Operations “Outside” of the JFK Story: The CIA has maintained that crypts which appear in JFK documents but which do not deal with the JFK story should be protected. This has a special impact on AM- crypts, as many documents cover Cuban operations into the 1970's. The primary issue is that the CIA is asking that crypts which may have been released in a JFK context may have to be protected in other contexts. This may happen even within a single document.

Both of these cases are especially problematic in regards to the old policy of releasing all AM and most LI crypts. In addition, the lack of a coherent policy has led to an inconsistent application of highlighting standards by CIA reviewers.

Proposal/Action Items

Therefore, the following policy is proposed:

I. The Review Board will vote to release the digraph, but protect the remainder of AM and LI crypts:

- a. When the crypt appears next to a true name that has been released
- b. When the crypt appears next to specific identifying information that is not an agent or source's true name
- c. In other cases, when the CIA has demonstrated a need to protect.

This is based on the following concepts:

1. There is a reduced sensitivity in regards to “AM” and LI” digraphs;

2. It is fairly easy to deduce that a person that is identified in the document is involved with either Cuban or Mexican operations.

II. The Review Board will vote to release the entire crypt:

- a. When the linkage of the crypt to an operation, individual or otherwise is already widely known (and/or has already been released in earlier documents)
- b. When there is a demonstrated link to the JFK assassination story (ARRB staff will determine linkage)
- c. The crypt appears in a document that contains no specific identifying information.

III. The Review Board will protect the entire crypt:

- a. In special cases, and where the CIA has provided a justification sheet which describes the need for continued protection, in full.
 1. This justification sheet should indicate when the CIA requests that special substitute language be used, (e.g. "Identifying information" when the continued protection of an encrypted asset is desired.)

Sensitive Crypts

The ARRB has upheld a few of the CIA's requests that certain highly sensitive crypts be withheld in full. From the beginning, the ARRB has requested that CIA provide justification for every crypt that they wish to withhold in full, i.e. a full description of the crypt and why it needs to continue to be withheld. However, a streamlined process for providing justification has never really been established. Our recommendation is that a formal list of "withhold in full" crypts be created and that a CIA request for a crypt to be withheld in full be accompanied by a formal memorandum with supporting evidence.

Analysis Issues for ARRB Staff

The ARRB staff should be given latitude to determine appropriate substitute language for issues outlined above and to establish when a previously released crypt can be protected without bringing these issues to the Board for a specific vote.