

ADMINISTRATIVE - INTERNAL USE ONLY

TO: Lee S. Strickland @ DA
FROM: Edmund Cohen
OFFICE: OIM
DATE: 02/12/98 07:45:43 PM
SUBJECT: Re: URGENT: Supp. Filing for JFK Board

Lee: Good paper, here are my suggestions.

1. The damage discussion drawing upon field input is the stronger part of the paper and perhaps should come at the beginning of the paper (just reorder the questions they asked us).
2. In footnote 15 I'd drop the Virginia Law Review. Doesn't add much and confusing since next sentence talks about DOD OGC views which are relevant to Naval Proceedings not the Law Review.
3. Can we press the DO for the missing station response. It raises an unnecessary issue as to why there was too little time to get a response from that station when we were able to get three other responses from equally important or more important stations.
4. paragraph 17 line six - after word "deepest" think you should add the word "official."
5. para 18 (first para of quote line 10) "Addees" add a [bracket] indicating what this means - we know, the Board is likely to be mystified

Finally, in the affidavit, do we need to add some qualifiers about the classification review process. The affidavit states:

If an article has been deemed to contain classified information by its author, and it is subsequently requested to be released, it will be reviewed by either the History Staff, the Historical Review Program, or more recently by the Publications Review Board -- pursuant to the personal manuscript standards -- to allow declassification or the creation of an unclassified version. By deeming or marking a given article as classified, we represent only that this personal writing contains some information of a proprietary (hence classified) nature to the US Government; that fact does not alter the nature of this private work or convert it into an official federal record containing official government information.

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It is true that articles written by former employees would go to the Publications Review Board, but this is not the case with respect to current employees. In the latter case, prepublication review falls within the purview of Directorate management, and probably should be reviewed by the Agency Release Panel. Moreover, it may be confusing to equate classified information which may appear in a classified Studies edition with "proprietary" information which would not.

I also am concerned about the following statement:

I, as well as several of my predecessors, can recall no cases of interference by Agency management with the publication decisions of the Board, no matter how sensitive the subject matter or critical of the Agency. Indeed, it is the antithesis of official information and the embodiment of personal, academic scholarship and work. The very intent is academic in the context of educational mentoring from one individual to those in succeeding generations.

It is clearly true that the editorial board should decide if the article is of the quality to be in Studies and to decide if the topic is appropriate to that journal. It also is clear that Studies can and does contain information critical of the Agency. But there is a "need to know" principle that must be enforced that would not tolerate a subject "no matter how sensitive" to be published. What if there is a highly compartmented program that should not be shared more broadly. We should not suggest that CSI would have the right to open that compartment or suggest that management could not determine that such a topic could not be given broader dissemination, even in a classified edition of Studies.

CC: R. Bruce Burke @ DCI, Martin J. Boland @ DA, Victoria L. Pepper @ DA
Sent on 12 February 1998 at 07:45:43 PM