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# The CIA Information Release Programs Information Release News for 09 - 15 Sep 97

Office of Information Technology

This report is intended to address developments of general and senior management interest in the information release programs at CIA including the Freedom of Information Act and Privacy Act and resulting civil litigation as well as Executive Order 12958 Mandatory Declassification Review and special search activities pursuant to Congressional, diplomatic, or executive branch taskings.

Publication is weekly via Lotus Notes and copies may be forwarded to other interested officers. Prior editions are available online in a Lotus Notes database which is full-text searchable.

Suggestions, comments, or requests to receive regular copies or to be given access to the database of previous issues should be directed to Lee S. Strickland@DA. Our mailing address is 1H-11 International Point; our telephone is extension 31289 (secure) or 613-1289 (commercial).

## Congressional and/or White House Interest

House Oversight Committee on MLK Records: The records compiled by the House Select Committee on Assassinations (HSCA) regarding the murder of Martin Luther King are maintained at the National Archives (NARA) and the attorney for James Earl Ray has requested access. Officials at NARA, in turn, have requested approval from the House Oversight Committee (HOC) to allow unfettered access without prior review provided that "... the records be used only for Mr. Ray's defense and not made public." Such access under such conditions is <u>not</u> acceptable to the Agency and we are working with OGC and OCA on an appropriate response; it is likely that we will suggest that Ray's attorney make use of the mandatory review provisions of EO 12958 for any withdrawn records he deems necessary. The HOC letter follows:



# Senior Management Interest

• NWW Eddingtons File Motion for Summary Judgment: Counsel for former employees
Patrick and Robin Eddington filed a motion for partial summary judgment on their counts against CIA and
certain CIA employees for violations of the Privacy Act. Previous reports have discussed the meritless
nature of this complaint -- it arises from our defensive filings in their Privacy Act access

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litigation -- and the fact that the Department of Justice is fully defending the Agency and all employees. Indeed their filing might best be characterized as yet another propaganda effort; it begins:

"This case is the story of two courageous young analysts whose promising intelligence careers were destroyed by their desire to expose the truth of a cover-up that has still yet to attain complete disclosure. With nothing to gain for themselves, but everything to lose, the plaintiffs made the difficult choice to challenge the military and intelligence establishment of the most powerful nation on Earth and seek to right a wrong. While this case may be categorized as a simply legal assertion by an aggrieved party that their rights under the Privacy Act of 1974 were violated, it represents much more. It is a David and Goliath story of the utmost importance. It is about accountability: a word that many now sadly believe evokes as much disdain within government officials as that of treason."

(Privileged Attorney-Client Communication)

• (SECRET - CL By: 0618848 C/PECRD - CL REASON: L5(C) - DECL ON: X1 - DRY FROM: Multiple) NARA Exposure Requests Damage

Assessment: The National Archives and Records Administration referred some 83 pages of CIA, NSC, Department of State, and Arms Control and Disarmament Agency documents from the late 1960s which had been inadvertently placed in the open files for more than six months. NARA states that:

"We cannot determine who had access to them or who may have made copies, but we know that some of them have been discussed in Japanese newspapers and that the National Security Archive has copies of others."

To elaborate on how this occurred, NARA further notes:

"These records were reviewed by the Department of State and the still-sensitive items withdrawn from the files. Prior to shipment to NARA, the folders of still-classified items were placed in the boxes of declassified documents. We failed to detect this error during archival processing and released the documents."

Among the compromised CIA documents are SNIE 11-12-68 regarding the "Emplacement of Weapons of Mass Destruction on the Seabed" and another document entitled "Assessment of the Internal Security Threat in Latin America." Since both of these documents had been previously reviewed for classification and largely withheld, we will ask the concerned directorates for a new review and, if continued classification is warranted, we will request that NARA release only the redacted versions in the future. We will also work with State and NARA to ensure that reasonable quality control checks are accomplished before material is placed on the public shelf.

• (AND) State Historical Advisory Committee to Review Files: Later this month, the Agency will host three members from the Department of State's Advisory Committee on Historical Diplomatic Documentation whose responsibilities include advice on planning and selection of records for the Foreign Relations of the United States series. This has become a rather contentious issue as the Advisory Committee has embarked on a rather public attack based on their perception that the series is failing to adequately reflect important covert actions and other intelligence activity. To facilitate this visit, but

ensure the protection of classified CIA information that they will have access to, we prepared a special secrecy agreement at the request of CSI.



## Litigation, Litigation Avoidance & Legislation

- an eagerly awaited opinion in the case of Andrade v. CIA where the plaintiff, a former Security Protective Officer had sought disclosure of documents containing assessments of his psychological and medical suitability for employment and fitness for duty. We argued that disclosure was prohibited by our statute since such assessment data constitutes intelligence methods. The court correctly noted that it "... must accord great deference to the judgment of the Agency and preserve the broad authority given to the CIA by Congress to protect all intelligence methods from disclosure" and accordingly held assessment processes and data are protectable as intelligence methods. This decision is the first to so hold on this point; however, we have elected NOT to seek publication because the opinion goes into some depth on the procedural history which was marred by horrendous neglect on the part of the Justice Department; readers will recall that this case resulted in contempt citations and even a default judgment (later reversed) because DoJ counsel repeatedly missed court filing dates even though the necessary information had been submitted in a timely fashion by CIA. Although we have elected not to publish, the Agency can continue to rely on this notable opinion for authority in other cases. Privileged Attorney Client Communication)
- Litigation: The Agency today filed its declaration in the hotly contested case of Judicial Watch v. US

  Trade Representative, et al., which seeks information relating to the Commission on US-Pacific Trade and Investment Policy, a Federal Advisory Commission of the USTR. At issue were a number of DI documents disseminated as unclassified to the USTR including econometric data compiled from a variety of public or private sources as well as our own econometric models. Subjects included GDP and similar data projections for various Pacific rim countries and groupings. Our defense was complicated by the fact that some of the data related to countries with current intelligence sensitivities (e.g., Japan) and the fact that we would lose access to certain sources (e.g., United Nations)— even though they are unclassified and public if CIA utilization of such data was made known. Fortunately, the Supreme Court's decision in Sims makes clear that the CIA may protect even unclassified, public data pursuant to our statute if revelation would imperil the overall protection of sources and methods. This case presents a classic use of that holding. Privileged Attorney-Client Communication1

## Significant Policy Issues

(Why Things Are the Way They Are)

Federal Privacy Law Developments: Early in 1993 VP Gore's National Performance Review proposed establishing a privacy protection board and, at approximately the same time, the Administration established a privacy working group which, inter alia, was to identify alternatives for creating a federal privacy office. The objective, of course, was to promote privacy on the National Information Infrastructure. While the working group disbanded before producing a paper, the task evolved to OMB and the results are now out. While somewhat lengthy at 72 pages, it offers an excellent overview of the Privacy Act of 1974 as well as telecommunications privacy laws, medical privacy, and privacy in the

market place. It also offers three options for a federal privacy office: a federal privacy agency with regulatory authority (most unlikely), a nongovernmental or advisory entity (certain to be ineffectual), and a federal office without regulatory authority (perhaps with a coordination, representation, advocacy, ombudsman, advice, and education role). The next step is uncertain but the possibilities range from nothing, to a request for comments, to the formation of an advisory committee. A copy of the paper which is useful alone for its legal overview is available below or at the following Internet address:



#### www.iitf.nist.gov/ipc/ipc-pub.html

## Freedom of Information Act (FOIA)

A number of requests of general and senior Agency management interest were received this week; they include:

#### • FOIA Requests from the Media:

- CANDI Obscure Request from Newsweek: From Gregory L. Vistica, a national security correspondent at Newsweek magazine, a request for information concerning CIA investigations of Steve Weber and Mary Ficher. Mr. Vistica provides no further background on the two named persons, but writes that the request is related to a report he is preparing for the magazine.
- More Nazi Hunting: From Walter Robinson, an Assistant Managing Editor at the Boston Globe, and via a referral from the Department of the Army, a request for information on General Heinrich Muller (many previous requests for information on this individual) and General Odilo Globocnik (but no known previous requests on this individual) described only as a Nazi SS Officer born 1904 in Trieste."
- Czech Defector: From an *Inside Edition* researcher, a request for *all records* related to the late Jan Sejina, a former major general in the Czechoslovak Army who defected to the United States in 1968. If we determine that the general became a U.S. citizen, we will accept this request.
- MIND Spanish Spy Ring: From Rafael Moreno, working for the EFE News Service, via a referral from the National Archive and Records Administration, a request for specific OSS and Chief of Naval Operations files which he believes are related to "... a spy ring that Spain had set up in the USA during World War II." Referred here are over 350 pages of material mostly concerned with the tracking of Nazis fleeing Germany after the War.
- (SECRET > CL By: 0618848 C/PECRD > CL REASON: LSG2 > DECL ON: X1 > DRV FROM: Multiple3 Technical Surveillance: And from Daniel Verton, a writer for Federal Computer Week, via a referral from the Department of the Army, a request for documents on technical surveillance devices. Specifically, Army has referred a 1980 Office of Technical Services report entitled "Analysis of Resonant Cavity Device," describing "... cavity resonator G-20, a passive microwave transponder which provides an effective method of monitoring remote audio signals, when illuminated by radiated energy at a nominal frequency of 1.5 GHz....(Said device) had been found on the window sill of the Special Security Office, 66th MI Group, Munich Germany."

### • FOIA Requests from Academics and Writers:

- Program: David Garrow, Presidential Distinguished Professor at the Emory University School of Law since 1985, has been a frequent requester for *information on the BNIP which the Federal Bureau of Investigation files identify as "Black Nationalist Groups TOPLEV Informant Program."* Referred here is a 1967 Bureau document identifying a former CIA employee who had "... handled CIA operational duties in Africa" as such an informant. It appears that this person's new job as a social worker allowed her to meet FBI sources who reported on radical groups, particularly the Revolutionary Action Movement which had been connected to the "... purchase of explosives as well as an alleged plot to poison members of the Philadelphia Police Department with potassium cyanide." Other documents reflect that the Movement was a Marxist-Leninist revolutionary organization of about fifty dedicated individuals which intended to wage an urban guerrilla war against the US establishment but collapsed in 1968 under police pressure.
- (NWO) Malcolm X Files: A student at San Francisco State University requests information related to Malcolm Little, better known as Malcolm X. Specifically, the requester is interested in documents gathered or created concerning Malcolm X's relationship with African nations, leaders, or individuals.

#### • FOIA Requests from Individuals and Organizations:

- Murray Kahl of West Palm Beach, FL, wrote the Department of the Army requesting documents on Egypt's intelligence service. Referred was an extract from a 1972 National Intelligence Survey and a 1973 DO field cable from Beirut identifying 14 Palestinian fedayeen of which nine were associated with the Syrian intelligence service and five with the Egyptian intelligence service. Similarly, Oliver Wilcox of Washington, DC, wrote for information on the Algerian security service and the Department of the Army referred a 1973 CIA report describing its chief, Lt. Col. Mohamed Khalef. We are receiving numerous referrals from Army and other agencies on the subject of foreign intelligence services which is troubling and somewhat inconsistent with our position on direct requests which is either "glomar" or "no list denial."
- Personality Assessment System: A Cincinnati requester named John Meadows wants material related to the CIA-developed Personality Assessment System (PAS), a test that most readers will recall. Mr. Meadows appears to be well-acquainted with the PAS and its documentation in that he lists a thorough bibliography of publications concerning the development and interpretation of the personality test. Readers with many years of experience in the Agency will recall that this system evolved from the so-called Gittinger Personality Theory in the early 1950s which figured prominently in the MKULTRA research.
- CANDI Gates Finished Intelligence: Megan Gragert of Wichita, Kansas, asks for a copy of what she describes as a series of papers written by former CIA Director Robert Gates in the early 1970s regarding the Sino-Soviet border conflict in which the Soviet source Ogorondnik, or "Trigon," was used. The requester politely thanks us for our consideration because she realizes that we get "several letters of this type every day." The DI will be tasked with this request.
- MIND Scrupulous Care Taken by Former Employee: No secrets were compromised when a former DI analyst, now living in Hickory, North Carolina, faxed her carefully worded request for a copy of a classified report she wrote in 1987. She explains that the article appeared in an in-house economics publication and one concerning Latin American issues. She says she will communicate the subject of the article and the office for which she worked if requested.
- (SECRET > CL By: 0618848 C/PECRD > CL REASON: 1.5(c) > DECL ON: X1 > DRY FROM: Multiple) National Security Archive

  Continues: Requests never slacken from our friends at the National Security Archive. This past week,

interesting requests and referrals included:

- -- Iraqi Computer Purchases: From the Department of State, a selection of CIA documents regarding Iraq's 1984 request to purchase three types of US computers, the most advanced appearing to be a Sperry 1100/72. The documents reflect that the request had been shelved by the DoD's Richard Perle who was concerned with the technology transfer issue. They also include an April 1985 letter to Defense Secretary Weinberger from Secretary of State George Schultz who urged that the export license be approved because of the perceived greater need to prevent the Iraqis from going to the Soviets to get its computers; Schultz therein referenced a CIA study: "... the CIA concluded that there is no evidence that Iraq represents a significant risk of diversion. Nonetheless, we will continue to assess this risk carefully for each proposed export ... we will continue to scrutinize advanced technology exports to assure that they do not provide Iraq the ability to develop nuclear weapons."
- -- Iraqi Dissident Murder in Khartoum: From the Department of State, a January 1988 DO field cable, whose source was the Sudanese Security Service, describing events before, during, and after the assassination of Iraqi Shiite dissident Mahdi al-Hakim at the Khartoum Hilton. Despite an earlier Iraqi Ambassador's warning to the Minister of the Interior of Sudan, local immigration officials had no information that Hakim had recently entered the country;
- -- Indian Missile Program: From the Defense Intelligence Agency, extracted portions of the Office of Scientific and Weapons Research' "Ballistic Missile Systems in Countries of Proliferation: A Handbook (U)," produced in May 1995.
- ISECRET > CL By: 0618849 C/PECRD > CL REASON: LS(C) > DECL ON: XI > DRY FROM: Multiple) US-French Tensions: Robert Orr of the Brookings Institution, Washington, DC, wrote the Ronald Reagan Library requesting documents pertaining to the National Endowment for Democracy. The Library referred here a short article from the 29 November 1985 issue of the "National Intelligence Daily" entitled France-US: Tainted Money which concerned French leftist legislators attempting to discredit the Right through circulation of charges that certain French trade unions had received \$500,000 "funneled through the AFL-CIO from the National Endowment for Democracy, which is funded by the US Government."

#### FOIA Requests from Law Firms:

● ISECRET > CL By: 0618949 C/IPCCRD > CL REASON: 15(Cd) → DECL ON: X1 > DRY FROM: Multiple) Unscheduled Visitor: From the DC firm of Kohn, Kohn, & Colapinto on behalf of Mark Libertelli of Woodbridge, VA., and via a referral from the Secret Service, a request to review a SS document containing the following information which we anticipate will be declassified and approved for release:

"On 4-16-96, the subject threw rolled up newspapers from his vehicle at CIA Headquarters. He was interviewed by CIA Security and [he] explained it was his obligation to let the Agency know that the 1996 Presidential election would prove that Senator Dole would be the next POTUS. He added POTUS Clinton would then be sent back to Arkansas 'where he felt he belonged.' He said he chose the CIA to deliver his message because he viewed the Agency as a world leader. Newspapers were discovered in his vehicle with handwritten statements, to include 'Pres Dole Nov 1996."

• (Aud) Persecuted Scientologists: Senior attorney William Walsh of the DC law firm of Bisceglie & Walsh, representing the Church of Scientology International, wrote the National Security Agency requesting all information from 1985 through early 1996 on the Church, Scientology, Dianetics, or

other similar manifestations. NSA referred here many articles culled from the Foreign Broadcast Information Service reporting on incidents in which the Scientologists had run afoul of officials in Germany, South Africa, Finland, Belgium, and Russia. An FBIS article on Cuba was apparently referred in error as a local Spanish idiom defines 'scientology' as 'scientific trends.'

- FOIA Requests from Commercial Entities:
  - (AUG) No items to report.
- FOIA Requests from Foreign Citizens or Governments:
- CANDO British Embassy Requests: Two information release requests were received from the British Embassy this week. One was an appeal of an earlier CIA decision to deny in its entirety a 1956 British Government intelligence analysis on the subject of "Quantity vs Quality" production in the USSR. The British appear to think that the document was denied because former DDI Robert Amory is mentioned and he was a public figure; the total denial was based entirely on the liaison aspect. The second document is an original thermofax copy of an Office of National Estimates memorandum having to do with the United Nations General Assembly opening meeting on 20 September 1960.
- ISECRET > CL By: 0518849 C/PECRID > CL REASON: L5(CE) > DECL ON: X1 > DRIV FROM: Multiple) Plight of the French Worker: CIA covert actions in France in the early 1950s is alluded to in material recently returned to the Truman Library. CIA had no objection to the release of National Security Council documents describing NSC projects codenamed CLOVEN and MIDIRON which had to do with the negation of the influence of the French Communist Party. It appears from the documents that some NSC members had become incensed over media articles printed throughout France that the typical Soviet worker was financially better off then the average French worker. The researcher is Martha Bernstein of Quebec, Canada.

# Privacy Act (PA)

• (ANN) No additional items to report:

## Executive Order Mandatory Declassification Review (EO MDR)

Completed and returned to the Johnson Library a number of personal memoranda written by DCI John McCone in late 1963 and through part of 1964 which involved flying to the LBJ Ranch and meeting with President Johnson. Released were comments by McCone that he was alone with the President and had his undivided attention and that he had received new orders at the meeting of 27 December 1963 meeting: "At breakfast the President immediately brought up his desire to 'change the image of the DCI' from a cloak and dagger role to the role of an adviser to the President on world situations derived from intelligence sources which were of importance to the President in reaching policy decisions." Deleted were comments to an aide about the Chilean covert action which he was not able to discuss since time had run out.

• ISECRET - CL By: 0618848 C/IPCCRD - CL REASON: LSCO) - DECL ON: XI - DRY FROM: Multiple) CIA Poll of Dominican Electorate: As a result of an Executive Order appeal, CIA is allowing the release of information contained in a 1966 Department of State document which discusses US Government sponsored polls taken of the voters in the Dominican Republic concerning preferences for candidates Bosch, Bonnelly, and Balaguer. The fact that CIA sponsored the polls in an attempt to discredit Juan Bosch continues to be denied to requester Eric Chester of Arlington, MA.

In his 1994 appeal letter sent to NARA, Chester claimed that "... even McGeorge Bundy, President Johnson's National Security Advisor during the Dominican Republic crisis, has publicly stated his belief that virtually all of the documents from this period should be open to public scrutiny." Chester goes on to note: "...the review officers have censored the obvious that the CIA was responsible for the series of polls conducted ... in the first half of 1966. The fact that the declassification review process results in a continued effort to hide such an obvious point is indicative of the overly broad sweep of national security classification." Chester is a frequent appellant; one of his appeals last year, concerning CIA documents on the same subject, was considered at the government-wide level by the ISCAP (Interagency Security Classification Appeals Panel) which affirmed CIA's position that the information merited continued classification.

- Norway: Via a referral from the Department of Defense, CIA denied in their entirety several late 1960 CIA and DoD documents detailing Norwegian concerns over the use of airfields in Norway to launch U-2 and RB-47 reconnaissance operations against the Soviet Union. DCI Dulles, in a meeting with Halvard Lange, was able to ameliorate the Norwegian Foreign Minister's concerns over a series of adverse incidents which had occurred including the Russian shootdown of an ELINT collecting RB-47 along the Soviet periphery. Such flights were often designed to elicit a reaction by Soviet air defense forces which, indeed, is what happened. The Norwegians were particularly insistent on the issue of non-attribution to Norwegian cooperation in this program.
- (SECRET > CL By: 0619849 C/PECCID > CL REASON: 15(C) > DECL ON: X1 > DRY FROM: Multiple) Interest in Vietnam Continues: Two documents involving the Vietnam War were recently reviewed and returned to the Johnson Library on behalf of requester George Veith of Drexel Hill, PA. We declassified a January 1966 CIA memorandum of 13 pages detailing discussions with the North Vietnamese for prisoner exchange with the emphasis on proposals made by an East German attorney, Wolfgang Vogel, tying such an exchange with the release of various Soviet bloc agents held in Western countries. We denied, however, a July 1968 six-page CIA report entitled: "CIA Programs to Induce Desertions and Defections in South Vietnam." This interesting document included discussion of the contributions of the PHOENIX program:

"The following order of priority has been established: Defection in place, inducement to rally, capture, destruction of infrastructure elements. In some areas the PHOENIX Program has progressed to the point where the PHOENIX representative (usually a CIA officer) selects a province level VC political or military leader of significant stature for concentrated attention to achieve his neutralization according to the foregoing order of priorities. This is designed to supplement the day-to-day endeavor to capitalize on intelligence to eliminate the infrastructure."

## Technology Interest

• IANO All Mainframe Activities Cease: The primary mainframe programs for FOIA/PA/EO activities -- the IPS case tracking systems and the ORIS officially released document repository -- were completely deactivated on 12 September 1997. While all additional transactions to the former systems

were discontinued in August, the systems remained up in order to address outstanding conversion issues. All division work is now LAN-based utilizing the MORI system, several custom Lotus Notes databases, and extensive Word and Excel macros.

- MORIPET Reviewed by the SRB: A representative of the MORI Technical Team briefed the Security Review Board (SRB) regarding the MORI Public Extraction Tool (MORIPET) this week -- a key element in bringing up our public Internet site as required by Congress in the EFOIA of 1996. A concern of the SRB was the possibility that TIFF images of scanned-in manually redacted documents could be manipulated to display the redacted text. The MORI Technical Team is currently investigating this issue. The SRB also mandated that according to Agency policy, the information being extracted needs to be reviewed completely prior to storing onto the transport media and again after the transport media is created and separated from the ADSN. The Board also requested a meeting with IP&CRD, INFOSEC, and UUNET Technologies (our internet service provider) to discuss the security of the website. This meeting is presently being coordinated with all the key players and should occur shortly.
- (NOW) Security on the WWW: We all appreciate the inability to guarantee security of a WWW site despite good design and access control practices such as eliminating remote logins. The "Breach of the Week" comes from InterNIC which acts as the registry agent for the National Science Foundation which manages the WWW (to the degree anyone manages the Web). One hacker -- more of a hijacker -- was able to reroute Web traffic destined for InterNIC to his own site for a period of time. Another, simply registered "InterNIC.com" as his domain name and relied upon users mistakes when they entered "com" as the suffix rather than the correct "net."
- New WWW Search Tools: Our Internet-development work often leads to information which may be of value to others; this week we report on two new search engines of note.

-- WebFerret is an amalgamation of current search engines -- your search is simultaneously executed on nine of the Internet's top search engines with duplicates discarded. The biggest benefit is that it returns about three sentences of text from each result which enables one to exploit the return much faster than accessing and opening each hit. A copy may be downloaded from:

#### www.webferret.com

-- Alexa is a totally new concept in search engines.
Instead of looking for all websites containing the keyword(s) in your search, Alexa uses several powerful computers containing an archived copy of all WWW sites to crunch through the morass (aka "data mining") and look for both terms and related terms (fuzzy logic) as well as patterns of access. Thus, if one were searching for a particular medical term, a site containing that term would be returned as well as other sites with a record of jumps to them from that original site. The search engine can be accessed at:

www.alexa.com

## Other Items of Interest

● NAME DA IRO Activities: The DA IRO office continues to be exceptionally busy with a number of activities including final touches on the survey of Privacy Act systems of records per ExDir tasking and a compilation of special search activities over the past two years per D/OIM tasking. Other special

activities included, at the request of HRM, a review of the DA portion of the Hiring Call Database (developed by DS&T) which includes descriptions of positions which need to be filled in the DA area; when completed, the database is intended for inclusion on Recruiters' laptops so that they can discuss position requirements with interested applicants.

Cee Wricklow Q

(bcc: Mark A. McDaniel-C-)

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