

- Options available: substitute language e.g., "Northern European station"

- Also, summary of a record

- Board has access to every document in full

#### 6. Issues raised by Board's decisions:

- Problem: Board has difficulty in linking disclosure of information that is 30 years old with damage to current intelligence operations

- Identification of stations e.g., (Helsinki <sup>window</sup> Jan 1961 - Sept 1964 <sup>exceptions</sup>)
- Names of former Agency employees who retired under cover

- Board guidelines: Protect person if retired under cover and now residing overseas, but not if in US \*

\* (1 year to provide additional evidence)

- Liaison, joint operations in Mexico

- Briefing of the Board by Dave Edger, Jeff Smith, Central Cover, DO desk officers, others

- Problem of accumulative effect of releases--eroding cover, ability to conduct operations

#### 7. Provision for appeal to the White House if we disagree with Board's determination

- President has sole authority to require postponement of a record or information

--President required to advise the Board within 30 days of the Board's determination

-- This is published in the Federal Register

#### 8. Current appeal (now resolved)

- Issues: identification of Agency asset  
liaison relationship  
identification of station

> document examples

- Potential appeal: Tokyo station

#### 9. Additional requests of Board to review other records e.g., history of Mexico City station, Intelligence Community Staff records

Notes: • Board does not accept "principle" as justification for postponement -- requires evidence  
• Even if agreement to protect (Ironia Mex) disagreements over specific / sub language at times  
• precedent set by JFK → re FOIA etc.

## WTC/Memorandum for the Record

KEY: C/96-05677

Pereira said that the 1992 Act specifies that the Board must have "clear and convincing evidence" if we want to postpone release, and said that the Board requires "current justification" if we want to protect agent identities, sources and methods, or liaison identities. Under the law, the Board has the authority to release all information, and must justify in the Federal Register within 14 days any redactions. The Board sees the full text of all documents. Pereira said that we negotiate with the Board the use of summaries or generic descriptions (such as substituting "a northern European station" for Helsinki) and that the Board is making an "honest effort" to see the connection between 30 year old information and current damage to Agency equities. Dupart asked rhetorically whether the Board understood the concept of ongoing liaison, with Wickham saying that the Board clearly had a different perspective from the DO, and that the ADDO, General Counsel, Cover Staff and others have briefed the Board in detail to address this "problem." Harrelson pointed out that our joint teltaps had recorded Oswald himself, although we assured the clearly unhappy Dupart that we are trying to protect the fact that liaison cooperated in the teltaps. We also noted our effort to protect the identities of covert Agency employees, although we are working particularly hard in cases where the Agency employees now reside overseas. Pereira said we are concerned about the cumulative erosive effect on our cover and our ability to conduct operations. He noted that the Board tends to focus on individual specific cases without always focusing on the broader cumulative impact of their discrete decisions. (S)

2. Cipriani described the appeals process specified in the 1992 JFK Act. She also lent Sheehy a copy of the act, which he studied carefully during the briefing. Under the 1992 act, documents related to JFK carry the "presumption of release," with the Board defining which records fall under the act. We have to justify any redactions or postponements, and Board decisions can only be appealed to the President himself (which, as Cipriani dryly noted, tends to inhibit appeals.) The act also specifies very short deadlines, with only 30 days for the President to make his decision. (This means we have only about seven days to get our appeals out of Hqs and to the White House--a practical impossibility.) Our only appeal to date involved three issues: (i) a cable implicating senior Mexican officials in our joint teltaps, (ii) the identification of the very sensitive Helsinki Station, and (iii) the identity of a Nicaraguan source. In fact our appeal took several months, with the Board being very accommodating about the delay, and we finally were able to give the Board enough justification and explanation that they changed their position and spared the White House the decision. Healey noted that the Agency declassification team includes a DO team (as noted above,) and asked why we hadn't been able to head off the problem. Cipriani responded that new information arises for the Board to consider in making its determination, and Wickham elaborated by noting that the DO is reluctant to reveal sensitive current information to protect old material. He characterized this as a problem of "DO culture." At the same time, he cited the specific example of the Mexicans declining to meet the DCI on his recent Latin American trip as illustrative of Mexican sensitivity to the liaison issue. We later noted that the only other appeal thus far involves the FBI, and the White House has told the Bureau to resolve the matter with the Board. (S)

3. Pereira noted to the staffers that we're dealing with very short deadlines involving enormous volumes of material, and illustrated by showing the staff a bulky recent Board declassification notification which we must review to confirm we have no problem with the material involved. In response to a Sheehy question, Harrelson reminded staff that the original redaction and submission to the Board took place in 1992-3, and as noted above, our redaction standards and judgements have evolved since then. Further, we have to double-check each release to confirm we concur, and in some cases compare substitute language. Sheehy asked why we would object to such a thing as the acknowledgment of Tokyo Station, and seemed impressed and persuaded when Wickham patiently explained that both the Japanese and Ambassador Mondale have strongly recommended against confirming the existence of the Station. The Japanese are very sensitive to any public acknowledgment of our liaison relationship. Wickham noted that the Board is trying to document Oswald's travels, and wants to identify stations reporting such travel. Pereira said that we recognize the need to report the facts, but want to protect details



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