

DRAFT
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August 16, 1995

To whom it may concern:

Today the Assassination Records Review Board is announcing the results of its August 3, 1995 formal determinations on 37 CIA records. Although the Review Board voted to release 18 of those previously postponed records in their entirety, the Board also, for the first time, sustained some of the postponements proposed by the CIA.

Of the 19 documents that will continue to contain some postponements, 13 identify the true names of CIA officials. As is explained below, because of the particular interest in these documents and to further their early release, the Review Board voted to substitute the pseudonyms of the officers (whenever known) and release that information to the public immediately. Moreover, the Review Board will review these same 13 records in December of this year after the CIA has had an opportunity to gather evidence about whether any of the individuals named therein would be at risk of harm if their names were to be disclosed. If the CIA is unable to provide such evidence by December, the Review Board presumably will open up those 13 additional records in their entirety.

Moreover, of the 19 records containing some continued postponements, the Review Board nevertheless voted to release a great deal of additional information that previously had been redacted.

The Review Board voted to open up 147 redactions from these 19 documents -- meaning that even in those documents where postponements have been sustained, they will now contain a great deal of additional information beyond that which previously had been available to the public.

Because the Review Board has voted to sustain some of the postponements, I thought that it might be helpful to provide the public with some explanation for the Review Board's thinking regarding its August 3 decisions.

The Review Board's decision-making process is governed by The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (JFK Act). The JFK Act contemplates that government records "should carry a presumption of immediate disclosure, and all records should be eventually disclosed" 44 U.S.C.

§ 2107.2(a)(2). The JFK Act also recognizes, however, that not all records will be releasable immediately. Section 6 of the Act explains the reasons for which documents may continue to be postponed, including the protection of sensitive sources and methods.

The Review Board's responsibility is to make an independent and informed assessment of whether

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information redacted from agency documents should be released to the public, or whether one of the statutory restrictions of Section 6 should apply. Each time that the Review Board makes a decision, it weighs the public's interest in the record, the statutory presumption favoring release, and the specific grounds for which a record might continue to be postponed under the JFK Act.

The Review Board is strongly committed to fulfilling its statutory burden to make its assessments independently from how the agencies might wish it to decide. In most instances thus far, the Review Board has decided in favor of release of the previously redacted information. We are aware of no comparable effort in American history to disclose so much information that goes to the heart of the clandestine services' activities.

The Review Board recognizes, however, that if it is to fulfill its statutory mandate, some records should continue to be postponed -- at least in part. It may be useful to give some guidance on the types of records that are at issue in the Review Board's August 3 decisions to continue postponement.

The CIA records in the most recent release center on Mexico City. The CIA's activities in Mexico City during the 1960s were among its most sensitive operations anywhere in the world. Although it has never been a secret to professionals in the intelligence community, it has now been disclosed publicly that the CIA conducted extensive surveillance on the Cuban and Soviet embassies in Mexico City, which was collected through both human and technical sources. The Review Board has, thus far, voted in all circumstances to release all substantive information in the records that relate either to Lee Harvey Oswald or the assassination of President Kennedy. Some of the means used to collect the information are, in the opinion of the Review Board, the proper subject for continued classification. In no circumstance has the Review Board voted to postpone any information containing substantive information, although it has voted to protect, in a few limited cases, some of the means by which the CIA obtained its information.

The postponed information from the August 3 determinations can be divided into three categories.

First, as mentioned above, the Review Board decided to make an *interim* postponement of the true names of some CIA officials. The CIA contends that the persons identified in the cables and memoranda may be alive and may be at risk of harm if their true names are disclosed. In order to meet the public's interest in an early disclosure of these interesting documents, but without wanting to jeopardize the health or safety of these officials, the Review Board decided to give the CIA a few additional months -- until December, 1995 -- to provide evidence regarding the persons whose names are included in the documents, but to release as much other information as would be possible. As an interim measure, therefore, the Review Board will substitute the pseudonyms of these officers in the

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records that will be released. In some instances, the pseudonyms are widely known and the release of the pseudonyms will be useful for researchers in identifying persons and roles. In December of this year, the Review Board will re-review these same documents after considering the CIA's evidence regarding any risk to the individuals. The Review Board expects that many of the true names will be released at that point.

Second, in one document, the Review Board decided to postpone part of a file number. The remaining portion is being released -- but the Review Board is convinced that the entire file number should not be made public.

Third, the Review Board believes that some details of the Mexico City operations should continue to be withheld and has, accordingly, redacted modest amounts of information. In some cases there are sensitive cryptonyms that the Review Board believes should be redacted in whole or in part. Whenever possible, the Review Board voted to release the digraph (the first two letters of the cryptonym that typically identifying the country or entity at issue) while postponing the remainder of the cryptonym.

Although the Review Board members have vigorously discussed the issues involved in postponements and releases, its decisions have thus far always been unanimous. The fact that the Review Board members have thus far always reached unanimity should provide some comfort, both to the wider public and to the intelligence community, that it is working hard to achieve the proper balance between the statutory presumption favoring disclosure and the protection of sensitive sources and methods.

Sincerely yours,

John R. Tunheim
Chairman

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