

July 18, 2017

Margaret Hawkins
Acting Director, Records and Management Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
Request.Schedule@nara.gov

Re: Comments on CIA Schedule N1-263-13-1

Dear Ms. Hawkins:

On behalf of the undersigned organizations concerned with government openness and accountability, we are writing to ask that the National Archives and Records Administration (NARA) reconsider its pending approval of the CIA's proposed schedule, N1- 263-13-1, until NARA can better assure the public that records of permanent historic value will not be allowed to be destroyed by the CIA.

We believe the proposal could be interpreted to allow the destruction of crucial documentary evidence of the CIA's activities, including the Agency's and its employees' official actions in countries outside of the United States, such as: investigative files from the offices of the Inspector General, Security, and Counterintelligence; files relating to CIA assets that the CIA itself does not deem as "significant;" and CIA investigations into alleged unauthorized releases of classified information (which the Agency is proposing to change from a permanent to temporary designation).

Moreover, the destruction of CIA declassification referral files as "temporary" after 30 years may also be unwise. FOIA and Mandatory Declassification Review requests to NARA (sometimes of CIA records) occasionally take longer than 20 years to be completed. Declassification referral "paper trails" also *do* have research value to find and request re-reviews of documents, even if they are no longer needed for CIA business purposes.

This June, the Department of State released its long-awaited *Foreign Relations of the United States* documentary history of the 1953 Iranian Coup. As an example of the CIA's handling of historical files, key portions are missing, due to the CIA's destruction of records resulting from insufficient oversight by NARA. As the National Security Archive's Malcolm Byrne has [written](#):

"A source note to the volume explains that CIA officers destroyed a large number of records in the early 1960s as part of a routine 'office purge,' and allegedly in the belief that a backup file existed. In fact, a microfilm set had been made and some of the cables in this collection were transcribed from it several years ago originally for use in the 1989 FRUS volume.

Where is that backup set now? The source note provides the answer in what may be the most inexplicable statement in the entire volume: 'The microfilm was later destroyed in accordance with a National Archives approved records schedule.' How many other irreplaceable files about other historically significant or controversial intelligence operations have met the same 'approved' fate?"

It is with this recent account –as well as an abundance of other documented incidences of improper destruction of CIA records¹– that we ask NARA to reconsider the CIA’s assertion that all of the records it has designated for destruction are not in fact of historical value. Because of the past destruction of historically important and irreplaceable files, we also ask NARA to take a closer examination of the CIA’s request to destroy some records based on the assertion that the information is “[c]aptured elsewhere in permanent records” in order to assure that this is in fact the case.

We request that NARA pause the approval of CIA N1-263-13-1 until NARA is able to verify beyond a reasonable doubt to the public that: 1) the records set for destruction are in fact *not* historically valuable, as the CIA’s claims, and 2) The records and information that the CIA claims are captured elsewhere are in fact preserved.

We also request that Item 30-3a: Declassification Referral Files be re-designated for preservation. We strongly believe that these files *do* have significant research value, as they provide an invaluable tool and a roadmap for researchers to identify documents that were once designated as too secret to disclose to the public, but will be subject to release at some point in the future. Executive Order 13526 states, “No information may remain classified indefinitely;” NARA must ensure safeguards so that no previously secret, historically valuable, information is improperly destroyed.

Sincerely,

The National Security Archive
OpentheGovernment
Defending Rights & Dissent
Demand Progress

¹ For examples of these documented incidences, *see* OpenTheGovernment, Comments submitted by a coalition of open government and public interest organizations on CIA Schedule N1-263-14-1, November 3, 2015: <http://bit.ly/1xovPuQ>.