

Director Freeh

8/29/95

General Counsel

MEMORANDUM OF UNDERSTANDING
REGARDING EXECUTIVE ORDER 12958
(CLASSIFIED NATIONAL SECURITY INFORMATION)

INFORMATION MEMORANDUM

Steven Garfinkel, Director of the Information Security Oversight Office, has signed the Memorandum of Understanding (MOU) that was drafted regarding the FBI's exemptions from the automatic declassification provisions of the above Executive Order. I have attached a copy of this MOU, which you previously signed.

The Information Resources Division is moving forward to comply with the FBI's obligations under the MOU.

Enclosure

62A-HQ-1136341

- 1 - Mr. R. Bucknam
 - 1 - Mr. W. J. Esposito
 - 1 - Mr. H. M. Shapiro
 - 1 - Mr. W. E. Baugh
 - 1 - Mr. R. M. Bryant
 - 1 - Mr. J. C. Harley
 - 1 - Mr. R. Prillaman
 - 1 - Ms. A. M. Simonton
 - 1 - Mr. K. O'Brien (Rm. 6296)
 - 1 - Mr. J. V. DeSarno (Rm. 5336D)
 - 1 - [redacted] (Rm. 4246)
 - 1 - [redacted] (Rm. 4266)
 - 1 - [redacted] (Rm. 4445)
 - 1 - [redacted] (Rm. 4933)
 - 1 - [redacted] (Rm. 4825)
 - 1 - [redacted] (Rm. 4825)
 - 1 - [redacted]
 - 1 - [redacted]
 - 1 - [redacted]
 - 1 - 66F-HQ-1059671 (OGC Correspondence File)
- AMS/ams (20)

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66F-HQ-1196849-5
ENCLOSURE

INFORMATION SECURITY OVERSIGHT OFFICE--
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM OF UNDERSTANDING
REGARDING EXECUTIVE ORDER 12958

Steven Garfinkel, Director of the Information Security Oversight Office, and Louis J. Freeh, Director of the Federal Bureau of Investigation, hereby agree as follows:

WHEREAS, Executive Order 12958 on Classified National Security Information, signed by the President on April 17, 1995, contains a provision for the automatic declassification of certain information; and,

WHEREAS, under this Executive Order agency heads may exempt from automatic declassification any specific file series of records where the release of the information contained in that series would almost invariably violate a statute; and,

WHEREAS, the Federal Bureau of Investigation has published in the Federal Register 16 systems of records which are protected from disclosure under the Privacy Act, Title 5, United States Code, Section 552a; and,

WHEREAS, the release of records of individuals from these systems would therefore violate the Privacy Act;

The parties agree that two of these systems, The Central Records System, as described in 58 Federal Register 51858-51872 (October 5, 1993) and the Electronic Surveillance Indices, as described in 57 Federal Register 8462 (March 10, 1992), are exempt file series from the automatic declassification provisions of the new Executive Order.

This agreement is based upon the parties' determination that the Privacy Act would preclude substantially the automatic release of declassified information contained in these two systems; that due to the nature of these filing systems, there is a relatively small proportion of classified information which is contained throughout voluminous records; that it is impractical to review all such records within the time period specified in the new Order; and that substantial harm to the national security could result from the inadvertent automatic declassification of certain information contained in those systems.

The parties further agree, that to accomplish the goal of the Executive Order of declassification and release of as much information as possible without compromising national security, the Federal Bureau of Investigation will establish an additional unit or team which will be responsible for the systematic review and declassification of information which is determined to be of historical interest; and the Federal Bureau of Investigation will

provide the National Archives and Records Administration (NARA) with timely detailed declassification guidelines which will enable NARA to declassify as many accessioned classified FBI records as is possible consistent with the provision of the new Executive Order. An Addendum to this Memorandum of Understanding sets forth the continuing process by which the FBI will satisfy this commitment.

The Assistant to the President for National Security Affairs has reviewed, and concurred in, this Memorandum of Understanding on behalf of the President.

July 31, 1995
Date

Steven Garfinkel
Steven Garfinkel, Director
Information Security Oversight
Office

July 25, 1995
Date

Louis J. Freeh
Louis J. Freeh, Director
Federal Bureau of
Investigation

FBI ADDENDUM TO MEMORANDUM OF UNDERSTANDING
RE: EXECUTIVE ORDER 12958

processing such material, the FBI should be able to process at least 100,000 pages of this material by May 1, 1996. We expect, however, that the rate of processing this older material will be achieved at an earlier date. These files will be accessioned to NARA after completion of the classification review for greater access by researchers.

The FBI will maintain close liaison with NARA to determine and prioritize for review those subject matters most important to researchers. HDRT, in coordination with the FBI's Archival Unit, will process these records for immediate accession to NARA.

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In the spirit of EO 12958, the FBI is allocating 34 additional paralegal specialists or analysts to review national security information for release to the public through accession to the National Archives and Records Administration (NARA), the Freedom of Information-Privacy Acts (FOIPA), and other mediums. This commitment of additional personnel for declassification review increases both the FBI's efficiency in response to the new EO as well as in providing previously classified information to the public.

Using these additional resources, the FBI is _____ establishing a Historical Declassification Review Team (HDRT). This team will consist of 12 paralegal specialists as well as two other senior paralegal specialists who will serve as a _____ coordinator and supervisor. The Team will be trained and in place by the effective date of EO 12958. HDRT's sole responsibility will be the review of nonexempt FBI classifications or files in accordance with Section 3.4.

HDRT's first major project will be the declassification review of the 176 classification series. This classification was established in 1968 to investigate possible violations of the anti-riot provisions of the Civil Rights Act of 1968. Investigations included individuals or groups believed to have crossed national or state to state boundaries to participate in civil disorder, or groups or individuals who demonstrated the use of firearms or incendiary devices with the knowledge that such might be used in a civil disorder.

Cases or subjects in the 176 classification include persons associated with the New Left of the 1960s, the Black Panther Party, protest demonstrations at the 1968 Democratic Party Convention, anti-war protests, Students for a Democratic Society, and the American Indian Movement.

A NARA study determined that these records possess a high degree of research potential in political, social and ethnic/racial studies.

The 176 classification consists of 105 cubic feet or 236,250 pages of information. This measurement is based upon those files which were opened during and prior to 1975. The files are likely to contain some exempt information within largely nonexempt material. Using the average rate for

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