

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOUGLAS VALENTINE)
)
 v.) CIVIL ACTION NO. 92-30025-F
)
 CENTRAL INTELLIGENCE AGENCY)

REPORT AND RECOMMENDATION REGARDING
PLAINTIFF'S MOTION TO COMPEL
SUPPLEMENTATION OF VAUGHN INDEX¹
(Docket No. 18)

April 15, 1993

PONSOR, U.S.M.J.

I. INTRODUCTION.

Plaintiff is the author of a book about purported Central Intelligence Agency ("CIA") activities in Vietnam, entitled The Phoenix Program, published in 1990. On March 17, 1989, plaintiff requested any information about him in the possession of the CIA, pursuant to the Privacy Act, 5 U.S.C. § 552a. In September of 1989, the defendant released a small portion of the information requested, but withheld the balance. Subsequent efforts to obtain the undisclosed material through the administrative process were unsuccessful and this lawsuit followed in January of 1992.

Pursuant to court order, the defendant provided the plaintiff

¹ This matter has been referred to the court for report and recommendation pursuant to Rule 3 of the Rules for United States Magistrates in the United State District Court for the District of Massachusetts, 28 U.S.C. § 636(b)(1)(B).

Although the motion at issue is "non-dispositive" and therefore technically not subject to Report and Recommendation, the court is using this procedural device because, as a practical matter, the court's ruling may result in the end of this litigation.

with a specification of documents and portions of documents withheld, matching particular justifications for the CIA's refusal to disclose with specific portions of the documents. The plaintiff has moved to compel supplementation of this so-called "Vaughn Index" on the ground that the justifications offered for non-disclosure are vague, conclusory and inadequate. See Vaughn v. Rosen, 484 F.2d 820, 827 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

The defendant has submitted all the documents in question for in camera review by the court in their unredacted form. Based on this review, and on the submissions of counsel regarding the sufficiency of the Vaughn Index, the court will recommend that the plaintiff's motion be allowed, in part. The reason for this ruling, in summary, is that, while the justification for the vast majority of the withheld material is beyond dispute, the explanation with regard to three segments is inscrutable, neither justifying the decision to redact nor giving plaintiff adequate grounds to challenge the decision.

II. PROCEDURAL AND FACTUAL BACKGROUND.

Beginning at least by 1986 and continuing for several years thereafter, the plaintiff was pursuing research on the "Phoenix Program," which the plaintiff asserts was the code name for a CIA operation carried out during the Vietnam War in South Vietnam. Part of his research included interviews with personnel formerly connected with the CIA who were involved in, or knew about, the program. In some cases at least, the individuals approached by the

plaintiff declined to be interviewed and reported the plaintiff's overtures to the defendant. These contacts generated correspondence between the CIA and the intended interviewees and between the CIA and the plaintiff. A small number of internal CIA memoranda also discussed the prospective book.

As noted above, in 1990 The Phoenix Program was published by William Morrow Company. It would be fair to say that the book, in some respects at least, was critical of the CIA, its operatives and the Phoenix Program.

Prior to the book's publication, on March 17, 1989, plaintiff requested information maintained by the CIA about himself, pursuant to the Privacy Act. In September of 1989, the CIA responded, identifying thirty-seven documents relating to the plaintiff, but releasing only seven in their entirety and portions of two others.

On October 9, 1989 the plaintiff, through counsel, appealed the partial denial of disclosure. Plaintiff's counsel inquired as to the status of the appeal on March 15, 1990. On March 26, 1990, the defendant responded to the effect that 330 appeals were awaiting completion and that no estimate of the time needed to respond to plaintiff's appeal could be made.

On January 29, 1992, more than two years after initiating his appeal, the plaintiff filed this lawsuit.

Following service upon the defendant and the filing of an answer on March 2, 1992, counsel appeared before this court on April 14, 1992 for a pretrial scheduling conference. On April 17, 1992, the court ordered the defendant to complete its

administrative process and report on or before May 15, 1992 "as to what documents, if any, of the remaining documents it intends to produce." Scheduling Order (Docket No. 11) at ¶ 1.

By letter of May 11, 1992, the defendant notified the plaintiff that six documents not previously identified had been located. On May 15 the defendant issued its notice in compliance with the court's April 17 Order. At this time, the CIA released to the plaintiff substantial additional material: ten documents in their entirety and another twenty-one documents in part. The defendant continued to withhold release of portions of some documents and to deny access to one document in its entirety. See Declaration of Becky L. Rant ("Rant Decl.") at ¶ 5.

The court's Order of April 17, 1992 required the defendant to file a Vaughn Index with the court on or before June 5, 1992.² On June 24, 1992, after a short delay, the defendant filed its Vaughn Index, in the form of the Declaration of Becky L. Rant, an Information Review Officer for the Central Intelligence Agency. This declaration indicated at ¶ 5 that "[i]n preparation for the filing of this Declaration, the Agency has determined that additional information in some documents may be released." Additional previously undisclosed material was released to the

² This order also required the defendant to report with regard to plaintiff's suggestion that the lawsuit should pertain to all pertinent documents through April 14, 1992, rather than documents only up to March 17, 1989 (the date of the original application). On June 3, 1992, counsel for the defendant reported that the CIA possessed no pertinent documents relating to the plaintiff for the period March 17, 1989 to April 14, 1992.

plaintiff at this time.

It is thought provoking to draw breath for a moment in this chronology and to note the persistence required of the plaintiff. It has taken an application, an appeal, a lawsuit, a court order and the filing of a Vaughn Index for plaintiff finally to be given, in three installments, the material that the defendant now concedes he was entitled to in the first place under the Privacy Act. The defendant's action, or inaction -- whether deliberate or not -- has thwarted the intent of a statute designed to be self-executing and to insure that citizens are given free access to information about themselves in the possession of the Government. To the extent that the Rant Declaration implies at ¶ 5 (by leaving out any reference to the court's April 17 order) that the defendant's administrative process happened to finish in time for the May 15, 1992 disclosures, the court is skeptical. Indeed, the inference is almost unavoidable that without the substantial expense and effort by the plaintiff, and the intervention of a lawsuit and court order, very little of this material ever would have been released to the plaintiff. Under these circumstances, plaintiff may be entitled to an award of attorney's fees. Maynard v. Central Intelligence Agency, No. 91-1334 (1st Cir. Feb. 4, 1993), slip op. at 44; Crooker v. United States Dept. of Justice, 632 F.2d 916, 932 (1st Cir. 1980).³

Following receipt of the statement of Ms. Rant, containing the

³ Maynard and Crooker were Freedom of Information Act cases, 5 U.S.C. § 552, but the provision for attorney's fees in the Privacy Act is identical.

Vaughn Index, the plaintiff, on July 31, 1992 moved for an order requiring the defendant to supplement the index. Docket No. 18. The defendant opposed the motion on August 21, 1992 and counsel appeared to argue before this court on September 11, 1992. In its memorandum opposing the motion for supplementation (Docket No. 22) the defendant confirmed that "at no time has CIA taken affirmative steps to collect information about the plaintiff." Opposition (Docket No. 22) n. 1. At oral argument, counsel for the defendant also confirmed that the defendant has had no contact, direct or indirect, with defendant's publisher.

Following the hearing, the defendant submitted, in camera, copies of the unredacted documents that are the object of plaintiff's Privacy Act request. The First Circuit stated in Maynard:

Discretionary in camera review enables the court to "determine whether the failure of the affidavit stemmed from mere inadvertence or from the truly overbroad reading of the exception by the agency. Irons v. Bell, 596 F.2d 468, 471 n.6 (1st Cir. 1979).

Id., slip op. at 16.

Having now carefully reviewed the documents submitted in camera, the court is in a position to assess the sufficiency of the defendant's Vaughn Index.

III. DISCUSSION.

The Privacy Act of 1974 was passed by Congress with the purpose of providing

certain safeguards for an individual against the invasion of personal privacy by requiring federal agencies, except as otherwise provided by law, to -- . . . (3) permit an individual to gain access to information pertaining to

him in federal agency records, to have a copy made of all or any portion thereof, and to correct or amend such records

Pub. L. 93-579, § 2(b)(3). The statute permits exemptions from its requirements, only in those cases where there is "an important public policy need for such exemption as has been determined by specific statutory authority" Id. at § 2(b)(5).

The defendant contends that it has withheld only four categories of information from the plaintiff: (1) names of covert CIA employees; (2) locations of CIA installations; (3) CIA organizational information (i.e., location and office names, document distribution lists, descriptions of office and employee functions, and employee names, initials, or signatures), and (4) information about individuals other than the plaintiff, the release of which has not been authorized by these third parties. Rant Decl. at 7.

The index contained in the final portion of the Rant Declaration describes each document and offers a specific justification, at ¶ 24, for the redactions made in the documents and for the decision to withhold one document (No. 36) completely. As the First Circuit has recently noted, in a Freedom of Information Act case, a Vaughn Index serves three functions:

It forces the Government to analyze carefully any material withheld, it enables the trial court to fulfill its duty of ruling on the applicability of the exception, and it enables the adversary system to operate by giving the requester as much information as possible, on the basis of which he can present his case to the trial court.

Maynard, slip op. at 14, quoting Keys v. United States Dept. of

Justice, 830 F.2d 337, 349 (D.C. Cir. 1987). In Maynard, the First Circuit approved the submission of a coded index format, with exceptions noted for each segment of redacted material. Slip op. at 19-20.

Here, the Rant Declaration is fully as detailed as the submission approved in Maynard. With regard to virtually all the material, it has been easy for the court to discern how the deleted portions of the documents fall within one of the four exceptions specified. Moreover, the index provides the defendant with ammunition to contest any improper refusals to disclose. In addition, the court is mindful of Maynard's reminder of the deference to be shown by the courts to the CIA in matters involving the gathering of intelligence. See, slip op. at 8. In three instances, however, the court has found it impossible to correlate substantial deleted material with the proper justifications. As to these, a more specific Vaughn Index will be required.

Document No. 14. This is a letter of November 14, 1986 from a William G. Redel to an unrevealed party. A small portion of this letter has been disclosed to the plaintiff, but the bulk of the letter's contents, contained in the third and fourth paragraphs, has been completely deleted. The court is unable to discern how any of the exemptions cited for the third paragraph cover the material beginning with the third full sentence of the third paragraph (starting with the words, "You have") through the end of that paragraph (ending with the word "matter"). In all other respects, the redactions are justified.

Document No. 30. This is a letter dated March 7, 1988. In the fifth full paragraph, all but one sentence has been deleted (beginning "I have" and ending "Valentine"). Again, this material appears to relate directly to the plaintiff and his work and to fall outside any exception. The same is true of the second to last paragraph, which has been deleted in its entirety. Except for the names in the last sentence of that paragraph, the justification for the withholding the material is elusive. All other redactions are adequately justified.

Document No. 36. This document was withheld in its entirety. Again, the court is unable to discern the justification for withholding the information contained in the final three paragraphs of this letter (beginning with "due to" and ending with "good work"), except for the specific names contained in the second to last paragraph.

It is important to underline that the issue before the court is not whether the plaintiff is entitled to see the documents in their unredacted form. That question will be addressed on another day, if necessary. The issue is whether the index provided by Ms. Rant is adequate to permit the plaintiff a fair opportunity to contest the issue. As to the specified segments in Document Nos. 14, 30 and 36, the plaintiff has not been given this fair chance. The court will therefore recommend that the motion to supplement the Vaughn Index be allowed, to the extent that the defendant will, within fourteen (14) days, file a supplementary document containing more specific justification for the three deletions specified. In

all other respects, the court will recommend that the motion be denied.⁴

IV. CONCLUSION.

For the above reasons, the court hereby recommends that the plaintiff's motion be ALLOWED as to the specified portions of document Nos. 14, 30 and 36, and otherwise be DENIED.⁵



MICHAEL A. PONSOR
U. S. Magistrate Judge

⁴ As an alternative to supplementation of the Rant Index, the defendant is free to release the material contained in these three segments to the plaintiff.

⁵ The parties are hereby advised that under the provisions of Rule 3(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party who objects to these findings and recommendations must file a written objection thereto with the Clerk of this court **within ten (10) days** of the party's receipt of this Report and Recommendation. The written objection must specifically identify the portion of the proposed findings or recommendations to which objection is made and the basis for such objection. The parties are further advised that failure to comply with this rule shall preclude further appellate review by the Court of Appeals of the District Court order entered pursuant to this Report and Recommendation. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); United States v. Vega, 678 F.2d 376, 379 (1st Cir. 1982). See also Thomas v. Arn, 474 U.S. 140, 154-55 (1985).



U.S. Department of Justice

United States Attorney
District of Massachusetts
Springfield Office

1550 Main Street

Springfield, Massachusetts 01103

May 7, 1993

William Newman
Lesser, Newman, Souweine & Nasser
39 Main Street
Northampton, MA 01610

Re: Douglas Valentine v. Central Intelligence Agency
Civil Action No. 92-30025-F

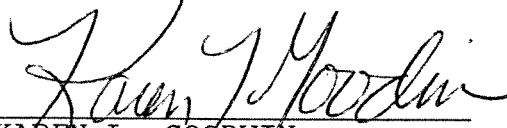
Dear Bill:

Enclosed please find the CIA's interrogatory responses. I will contact you next week concerning the proposed settlement.

Very truly yours,

A. JOHN PAPPALARDO
United States Attorney

By:


KAREN L. GOODWIN
Assistant U.S. Attorney

cc: Thomas Goodread

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOUGLAS VALENTINE,)
)
Plaintiff,)
) Civil Action No.
v.) 92-30025-F
)
CENTRAL INTELLIGENCE AGENCY,)
)
Defendant.)
_____)

RESPONSE OF THE CIA TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES

The defendant, the Central Intelligence Agency ("CIA"), by its attorney, A. John Pappalardo, United States Attorney for the District of Massachusetts, responds to plaintiff's first set of interrogatories as follows, subject to objections asserted previously to interrogatories 3(b) and 6(a).

1. With respect to exemption from disclosure relating to the identity of third parties claimed by the defendant in this litigation, and specifically including the averment made in the Vaughn index, and the exemptions claimed as the basis for non-disclosure, said exemption being pursuant to 5 U.S.C. §552a(b):
 - a. state whether each third party refused to consent such disclosure; and
 - b. if so, state whether defendant contacted each third party to determine whether said person would consent to such disclosure.

RESPONSE:

The CIA did not seek the permission of the third parties to disclose the information in question as it was not required to do so.

2. With respect to the third parties whose names have been released:

- a. state the manner and date of their consent to such release; and
- b. if written, provide a copy thereof.

RESPONSE:

The third parties whose names have been released did not consent to the release of their names. Release was authorized under 5 U.S.C. § 552a(b)(2).

3. With respect to exemptions from disclosure relating to organizational facts about the CIA pursuant to 5 U.S.C. §552a(j)(1):

- a. identify specifically the portion of each document contained such information;
- b. state briefly the nature of security risk raised by the release of such information; and
- c. identify specifically the person making the determination of each such exemption.

RESPONSE:

a. The CIA will mark redacted documents to identify the portions of the documents exempt from disclosure under 5 U.S.C. § 552a(j)(1).

c. Becky L. Rant.

4. With respect to exemptions from disclosure of employees' names and cover pursuant to 5 U.S.C. §552a(j)(1) and (k)(1), state whether such names and covers have been disclosed at any time and in any manner whatsoever, including but not limited to:

- a. books, newspapers, magazines, journals, tv or radio broadcast and/or any other publications;
- b. official records of judicial and/or administrative proceedings;
- c. congressional testimony; or
- d. any other document which is part of the public record.

RESPONSE:

a & d. The CIA does not keep records on non-official disclosure of the names or cover of CIA employees or the location of covert installations.

b & c. The CIA's Officially Released Information System (ORIS) records all intelligence-related CIA information that was disclosed to the public by an official properly executing his or her responsibilities under CIA regulations. The ORIS does not contain the names or cover of CIA employees or the location of CIA installations, which were withheld from the documents at issue in this case.

5. With respect to exemptions from disclosure of the location of CIA installations pursuant to 5 U.S.C. §552a(j)(1) and (k)(1), state whether such locations have been disclosed at any time and in any manner whatsoever, including but not limited to:

- a. books, newspapers, journals, tv or radio broadcast and/or any other publications;
- b. official records of judicial and/or administrative proceedings;
- c. congressional testimony; or
- d. any other document which is part of the public record; or
- e. any other document available to the public.

RESPONSE:

See response to interrogatory 4.

6. With respect to exemptions from disclosure of information that is not about plaintiff:

- a. state briefly the nature and subject matter of such information;
- b. if the information is claimed to be privileged, state the nature of such privilege.

RESPONSE:

b. The information is exempt from disclosure under 5 U.S.C, §552a(b).

7. Has the CIA thoroughly searched its records for all information and documents pertaining to the plaintiff?

RESPONSE:

The CIA has made all reasonable efforts to search for documents responsive to plaintiff's request.

8. Have any CIA records, documents or information relating to the plaintiff in any form been disseminated to any other government agency?

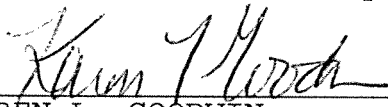
RESPONSE:

No.

Respectfully submitted,

A. JOHN PAPPALARDO
United States Attorney

By:

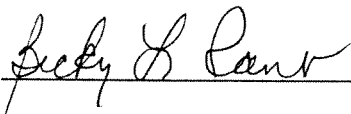

KAREN L. GOODWIN
Assistant U.S. Attorney
1550 Main Street
Springfield, MA 01103
(413) 785-0269

DATED: 7 May 1993

VERIFICATION

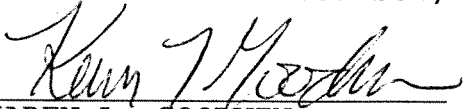
I declare under penalty of perjury that the factual responses to Plaintiff's First Set of Interrogatories are true and correct, to the best of my knowledge, information and belief.

DATED: 6 May 1993


Betty S. Cantor

CERTIFICATE OF SERVICE

I, KAREN L. GOODWIN, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing, to William C. Newman, Esquire, Civil Liberties Union of Massachusetts, Western Regional Office, 39 Main Street, Northampton, MA 01060; Douglas Valentine, 136 Captain Road, Longmeadow, MA; and Thomas Goodreid, Esquire, Central Intelligence Agency, Office of General Counsel, Washington, DC 20505.


KAREN L. GOODWIN
Assistant U.S. Attorney

Interrogatory Response 3(a)

Telephone: (703) 351-2557

Mr. Douglas Valentine
128 Prichard Street
Fitchburg, Massachusetts 01420

Dear Mr. Valentine:

This will acknowledge receipt of your correspondence and envelope addressed to Mr. Robert E. Haynes.

Unfortunately, Mr. Robert E. Haynes died on 4 February 1984. Therefore, we are returning the envelope that you asked us to forward to him.

If we may be of further assistance, please do not hesitate to contact us in writing at the above address.

Sincerely,

Regina A. O'Keefe
Retirement Division

Enclosure

distribution

Orig.- Addressee

organizational data
(j)(1)

Approved for Release
Date

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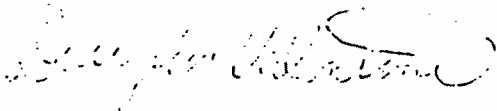
October 7, 1987

Central Intelligence Agency
Retirement Division
Washington, DC 20505

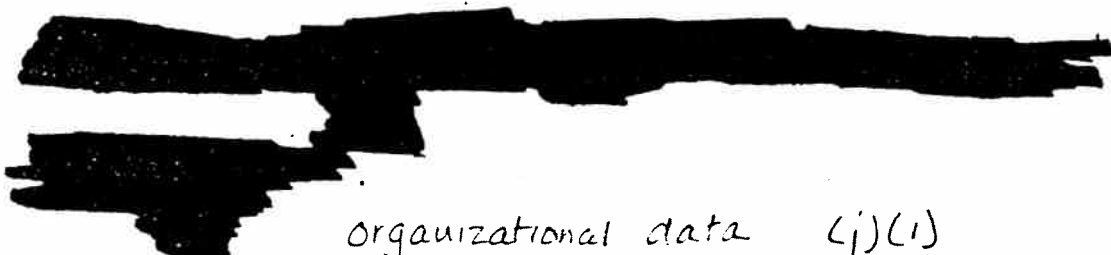
Dear CIA:

I understand from having spoken with Sharon Foster that the CIA Retirement Division will forward the enclosed stamped letter to Mr. Haynes at his current address. I have left blank the spaces on the envelope where his address should be typed. Thank you very much for providing this service.

Respectfully,



Douglas Valentine
128 Prichard Street
Fitchburg, MA 01420
617-342-3452



organizational data (j)(1)

Approved for Release
Date ~~30 JUN 1992~~

31 July 1986

MEMORANDUM FOR THE RECORD

FROM: [REDACTED]
Associate Legal Adviser
Publications Review Board

SUBJECT: Conversation with [REDACTED]

On 30 July 1986, [REDACTED] telephoned [REDACTED] whom he knows personally. He was seeking guidance for an interview proposed by outside author Douglas Valentine. Mr. Valentine is writing a book on the "Phoenix program" and contacted [REDACTED] among others, to question him about it. [REDACTED] said she would ask the PRB legal adviser to return his call.

I first checked with the PRB Reference Center [REDACTED] to confirm my recollection that the Agency has approved the publication of much information concerning the Phoenix program in books by William Colby and Ralph McGehee as well as in congressional testimony by Agency officials. [REDACTED] confirmed that this was correct but said she had never had occasion to collect all the information in a single report or memorandum.

I then called [REDACTED] and asked if the Agency was still protecting certain information on this program and if he could offer any general guidelines to assist [REDACTED]. [REDACTED] replied that, despite the open publications on the subject, a considerable amount of information about the program remains classified. He recommended that I talk to [REDACTED] the resident expert on the desk.

I telephoned [REDACTED] and put my questions to him. He confirmed the [REDACTED] view and said we should discourage [REDACTED] from granting the interview. I responded that we could not prohibit him from talking to this author, but that I could -- and would -- point out to him the pitfalls of an unrehearsed, unprepared interview; I could suggest that he obtain the questions from Mr. Valentine in writing in advance and draft a written response for the Board to review. [REDACTED] agreed that this was the best course assuming that [REDACTED] was determined to assist the author.

[REDACTED] For organizational data (JTH)
Distribution
Orig - Addressee

Approved for [REDACTED] MAY 1992

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:



organizational chart
← CISCIA →

EXTENSION

NO.

DATE

20 November 1986

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across columns after each comment.)

RECEIVED

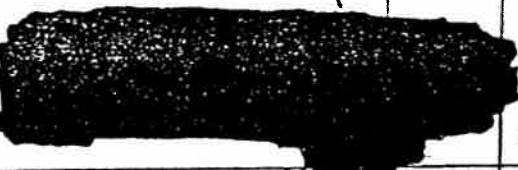
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21 Nov 86

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3.



4.

D/PAO 7B03 5 JAN 1986

5.



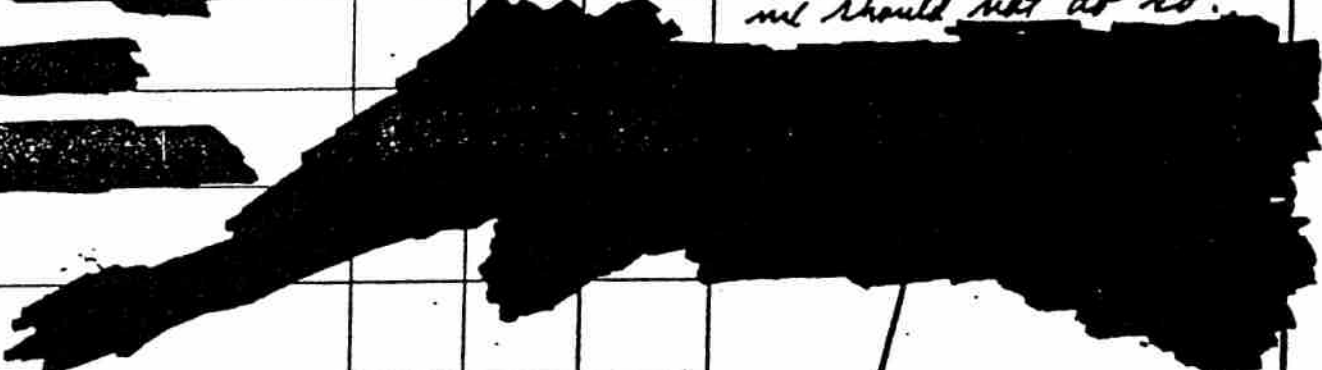
6.



7.



8.



9.

10.

11.

12.

13.

14.

15.

as to providing detailed information on CIA participation in PHOENIX, etc., I agree we should not do so.

Continuity NOT.

4/21/51
2:30

(j)(1) →
organizational
data

Per [REDACTED]
[REDACTED]
has called Security seeking advice.

Douglas Valentine wants to interview him on South Vietnam operations.

[REDACTED] will send us a copy of the secrecy agreement

Will you please call him.



Central Intelligence Agency
Publications Review Board
1016 Ames
Washington, D.C. 20505
Telephone No. (703) 351-2053

7 April 1987

[REDACTED]

Dear [REDACTED]

This letter will confirm our telephone conversation of 3 April 1987.

[REDACTED]

You also informed me that you had received a letter from outside author Douglas Valentine requesting an interview concerning the Phoenix Program in Vietnam. You asked if the Agency had any guidance to offer in this regard. I responded that Mr. Valentine had contacted a number of former employees, some of whom had posed the same question to us, and that I had given the same advice to all.

The decision whether to grant the interview must be yours. However, you should be aware that the author, who seems to have done extensive research, is undoubtedly familiar with the open literature on the subject and will be seeking new, previously unpublished material to distinguish his work from the many existing books on Vietnam. An unrehearsed oral interview presents the greatest risk of compromising classified information because you have no way of checking in advance whether the questions (and your answers) will stray into the realm of previously undisclosed, still sensitive information. You will probably be asked to confirm, and expand upon, information allegedly obtained from other former employees. Again, you will have no way of checking the source of the information or of ensuring that you will not be confirming an unauthorized disclosure of classified information. If you decide that you do wish to contribute to Mr. Valentine's book, we recommend the following procedure to avoid the pitfalls of an extemporaneous oral exchange: ask him to provide questions in writing; draft your proposed responses in writing; and send both to me at the above address so that they may be reviewed for classification before you respond to Mr. Valentine.

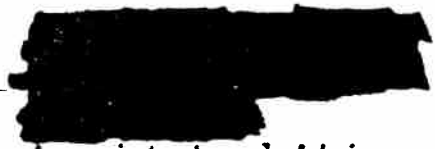
Approved for Release
Date _____

After we spoke, I reviewed our files and was reminded that one former employee, upon receiving this advice, did ask the author for questions and drafted answers which he sent us for review. Virtually all were found to be classified. I do not know that we would reach the same conclusion in your case, but thought you would like to be aware of our prior experience.

You stated that you were not particularly interested in contributing to this book and that you did not plan to answer the author's letter. In the event that he attempts to contact you again, by mail or by telephone, you offered to notify us. I agreed that we would like to be kept informed.

We appreciate your bringing these matters to our attention and your sensitivity to the Agency's security concerns.


Sincerely,



Associate Legal Advisor
Publications Review Board

Distribution:

Orig - Addressee

- 2 - 
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- 1 - 

*organizational data
(j)(1)*



Central Intelligence Agency
 Publications Review Board
 1016 Ames
 Washington, D.C. 20505
 Telephone No. (703) 351-2053

24 December 1987

[REDACTED]

Dear [REDACTED]

Thank you for your letter of 30 November 1987 informing us of your response to Douglas Valentine. The Agency appreciates being apprised of such activities and commends you on your decision not to provide additional research for Mr. Valentine's book on the Phoenix program.

[REDACTED]

Again, our thanks for your information [REDACTED]

Sincerely,

[REDACTED]

Associate Legal Advisor
 Publications Review Board

[REDACTED]

Distribution:
 Orig - Addressee
 1 - Stats

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 1 - [REDACTED]
 1 - [REDACTED]

*Organizational
 Data (JSC)*

Approved for Release
 Date MAY 1992

organizational
data (j)(1)

[REDACTED]

23 March 1988

MEMORANDUM FOR:

[REDACTED]

organizational data (j)(1)

From:

[REDACTED]

ALA/PRB

Subject:

Referral by

[REDACTED]

1. Attached per our telecon are copies of recent correspondence from [REDACTED]. He is one of many contacted by outside author Douglas Valentine (no CIA or known USG affiliation) who is researching a book on the Phoenix program in Vietnam.

[REDACTED]

(U)

2.

[REDACTED]

3. Also attached for your information is a copy of a recent letter from D/PAO to Valentine, which is self-explanatory. Bill Baker is aware of the correspondence [REDACTED] (U)

[REDACTED]

organizational
data (j)(1)

[REDACTED]

APR 1988
MAY 1988

~~SECRET~~

8 April 1988

MEMORANDUM FOR: Kenneth Wesolik
C/IMS/DO

FROM: [REDACTED]
Associate Legal Advisor
Publications Review Board

SUBJECT: Douglas Valentine

Outside author Douglas Valentine continues to expand the research for his book on the Phoenix Program and has apparently accumulated an alarming amount of information about Agency personnel in Vietnam, their functions, cover mechanisms, and (presumably) their activities. I have asked [REDACTED] to check the accuracy and classification of the information contained in his latest correspondence (copies attached) but thought you might wish to bring this entire matter to the attention of senior DO management. Although this is not strictly a PRB matter, the C/PRB and I are concerned that his forthcoming book will contain so much detailed information about Agency operations and officers that even today, with so much already published about Vietnam, it may cause damage.

[REDACTED]

[REDACTED]

Attachment
as stated

[REDACTED]

Distribution for [REDACTED]

Orig - Addressee/Author File

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]

← organizational data
C/S/C/S

...ution for [redacted]
Or - Adresse [redacted]
organizational 1 - [redacted]
data 1 - [redacted]
[redacted] 1 - [redacted]

8 April 1988

MEMORANDUM FOR: [redacted]
FROM: [redacted] *organizational data*
Associate Legal Advisor
Publications Review Board
SUBJECT: Communication from Douglas Valentine

1. Attached is the latest communication from outside author Douglas Valentine. It appears that he wishes to communicate with former Agency personnel [redacted]. We request your assistance in establishing the classification of the information contained in paragraph two of his letter to Regina O'Keefe. (U)
2. Retirement Division will return to Valentine the letters he has asked us to forward together with a copy of the letter previously sent to him by D/PAO (copy attached) which he apparently had not received as of 21 March. (U)
3. Given the scope of Valentine's research and sources of information, we are also bringing this matter to the attention of other DO components which may be interested through DO/IMS. (U)

[redacted]

[redacted]

organizational data (jli) →

[redacted]

~~CONFIDENTIAL~~

Approved for Release
Date

Distribution

Orig - [redacted] assee/ [redacted]
 1 - [redacted]
 1 - [redacted]
 1 - [redacted]
 1 - [redacted]

organizational data (j)(c)

18 May 1988

MEMORANDUM FOR: [redacted]

organizational data (j)(c)

FROM: [redacted]
LA/PRB

SUBJECT: Douglas Valentine

Attached is the latest information we have received concerning the activities of Douglas Valentine. Although this letter from [redacted] poses no new questions, it reminded the C/PRB that we have an outstanding request for information [redacted] to which we have received no response. I meant to ask [redacted] about it before he retired but did not get my question in before he left. Please see my memo to [redacted] dated 8 April 1988 and Douglas Valentine's letter of 21 March (copies also attached) for details. If the individuals Valentine is seeking to contact are under cover or if the activities he wants to question them about are still classified, they should be alerted to the Agency's concerns before Valentine manages to locate them.

[redacted]

[redacted]

organizational data (j)(c)

~~CONFIDENTIAL~~

CENTRAL INTELLIGENCE AGENCY
Office of the Inspector General

organizational data (S)(1)

[REDACTED] [REDACTED] [REDACTED]
FYI - Assume Valertive
well known to you -- as
"bod news". Was beginning
to believe I had escaped
his notice.

organizational
data
(S)(1)

Have no intention of talking
to him under any circumstances.

[REDACTED]

organizational data
(S)(1)

