OFFICE OF DEPUTY DIRECTOR
EXECUTIVE SECRETARY

19 Sep 94

X Reg —

The original memo was redone per D/Dir & resulted in the attached. D/D/R has retained the original package w/ the background.

Tx
Mary

Approved for Release by NSA on 07-03-2014,
FOIA Case # 42771

~~TOP SECRET~~

UNITED STATES GOVERNMENT

memorandum

DATE: 20 September 1994

Serial:

REPLY TO ATTN OF: DEPUTY DIRECTOR

SUBJECT: FOIA Appeals for VENONA Documents - INFORMATION MEMORANDUM

TO: DISTRIBUTION

(b)(3)-P.L. 86-36

1. ~~(FOUO)~~ I have reviewed the package from the General Counsel requesting a decision on how to proceed to process two FOIA appeals for all Venona files. I have decided that we should follow a procedure which leads to the processing of some of the records under the FOIA and places the remaining records into the Mandatory Declassification Review (MDR) process. The strategy for proceeding was discussed and agreed upon during a meeting with Vito Potenza, DGC; Linda Miller, N513; Lou Benson, M5J; [redacted] P05A; [redacted] A952; [redacted] Z22; and [redacted] OGC on 12 September 1994.

2. ~~(TS-CCO)~~ The Venona records we refer to include:
- the encoded intercepted messages (raw traffic)
- the decrypts
- the translations (and reports based on those translations)
- the 3 volume Benson/Phillips draft History (and notes and files)
- all other supporting material (cryptanalytic worksheets, studies, and technical reports; working aids, code books, other agency reports, etc.)

3. ~~(TS-CCO)~~ In considering the FOIA requests and subsequent appeals, I conclude that the only records responsive to the requests consist of the encoded intercepted messages, the decrypts, and the translations of the Venona intercepts. Because of the ambiguity of the request from the Hoover Institute, N513 has confirmed with the requester that he is seeking only the "original Soviet messages and our translations."

4. ~~(TS-CCO)~~ The encoded intercepted messages and the decrypts can be withheld in their entirety under the first and third exemptions of the FOIA. There may exist unclassified portions of the translations which can be segregated for release. In order to assess the viability of releasing any portion of the Venona translations, I direct the following:

a. N513 will officially inform the British of our desire to process the first three types of Venona records under the FOIA and will request their agreement that NSA begin reviewing the translations for possible release with the understanding that we will coordinate the final proposed release with them.

b. Pending British concurrence, N513 will plan a broadly-based strategy for handling the public relations aspects of any resultant release of Venona material. The possibility of inviting British input should be considered.

c. To aid in processing the material in a uniform and consistent manner, N513, in coordination with OGC and the participating OPIs, will develop a review/classification guide which equates the FOIA exemptions to specific types of information which needs to be protected.

OPTIONAL FORM NO. 10 (REV. 1-80) GSA FPMR (41 CFR) 101-11.6 5010-114 (COMPUTER FACSIMILE)

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d. Upon obtaining British concurrence to begin our review of the translations for possible release, OGC will draft an interim response to the requesters which explains that responsive records are being reviewed for possible release. It will also inform them of the expected response time.

5. ~~(TS-CCO)~~ It is important that the remaining Venona material (the Benson/ Phillips draft History and related documentation and the records listed as supporting material above) be placed into the MDR process as soon as possible. It would be beneficial for any release under MDR to coincide with a release under the FOIA, since the FOIA release is likely to generate additional FOIA requests for Venona material.

WILLIAM P. CROWELL
Deputy Director

DISTRIBUTION:
DGC, Vito Potenza
M5J, Lou Benson
N513, Linda Miller
P05A, [redacted]
A952, [redacted]
Z22 [redacted]
OGC, [redacted]

cc: GC
DDO
DDP
DDS

(b)(3)-P.L. 86-36

DOCID: 4129944

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(b)(1)
(b)(3)-50 USC 3024(i)
(b)(3)-18 USC 798
(b)(3)-P.L. 86-36

SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

TO: D/DIR	EXR: * 51220 *		KCC CONTROL NUMBER: J9837-93; J9673-93
THRU: Exec Dir		ACTION: [X] APPROVAL; [ ] SIGNATURE; [ ] INFORMATION	EXREG SUSPENSE
SUBJECT: FOIA Appeals for VENONA Documents - DECISION MEMO			KCC SUSPENSE
			ELEMENT SUSPENSE
DISTRIBUTION: OGC, N51, P05A, A952, Z22, M5J			

SUMMARY

PURPOSE: (U) To obtain a decision on how to respond to FOIA requests for Venona records. (See tabs for background material.)

BACKGROUND: ~~(TSC)~~ Venona is a codename for the US/UK exploitation of encrypted KGB and GRU communications from the time period 1937-48. The Hoover Institution and the Institute for Policy Studies have appealed the denial of releasing the Venona documents. These requests are for all Venona files, including intercepted encoded messages and their decoded contents. N513's response admitted to the fact of U.S. intercept of Soviet encoded messages called Venona, but not to our ability to decode such material. In 1993, these records were removed from compartmentation, however, they still remain classified TSC. Initially it appeared that N513's response should be upheld, but A952 indicates that there is segregable unclassified material in the Agency's Venona records.

~~(TSC)~~ A meeting was held with representatives from DDO (P05A, A952, Z09, Z2), DDP (N513), Benson/Phillips (M5J/E3), and OGC to assess what, if any, harm would be done if unclassified portions of these documents are released, and to decide the best way to process these requests. All are in agreement to withhold the raw traffic, decrypts, and some of the analytic materials because it reveals the methods and cryptanalytic successes and vulnerabilities. In addition, protection of these records is required because [redacted] This information can be withheld under FOIA exemptions (b)(1) and (b)(3). [redacted] Therefore, the remainder of the materials, consisting of the translations, a three volume historical account and seven boxes of notes/files may contain releasable information. This decision memorandum sets forth the proposed options for processing these documents--affirm the initial denial, create a new document, transfer to the mandatory declassification review process, or process under the FOIA. (b)(3)-P.L. 86-36

RECOMMENDATION: (U) OGC and N51 recommend pursuing Option D, the segregation of unclassified information and release under FOIA.

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
N51	Linda Miller LM 7 Sep 94	963-5825s			
P05A	[redacted] (Response Attchd)	963-7044s			
A952	[redacted] (" ")	963-7820s			
M5J	Lou Benson (" ")	963-1978s		(	
EXREG	[redacted] 9/7/94	3201			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
[redacted]	D2	963-4057s	22 July 1994/gap

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