



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

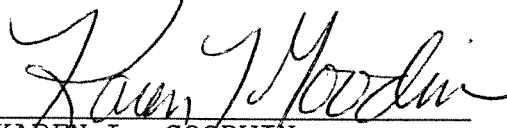
Dear Bill:

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:

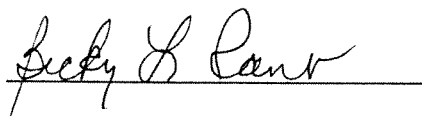

KAREN L. GOODWIN
Assistant U.S. Attorney
1550 Main Street
Springfield, MA 01103
(413) 785-0269

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

7

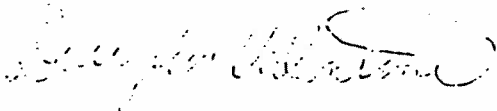
October 7, 1987

Central Intelligence Agency
Retirement Division
Washington, DC 20505

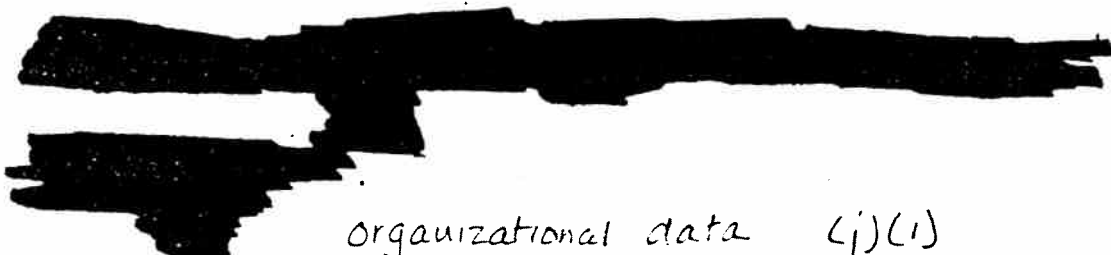
Dear CIA:

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 clerk
CIS/CI →

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

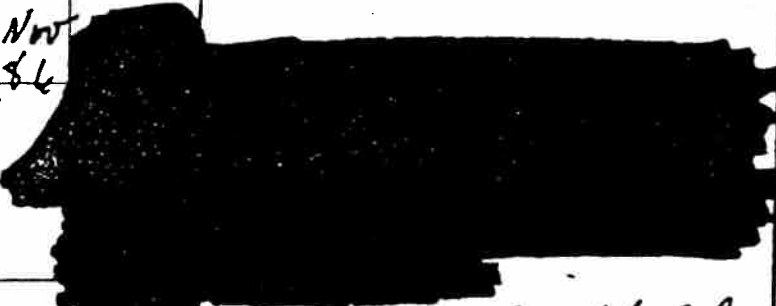
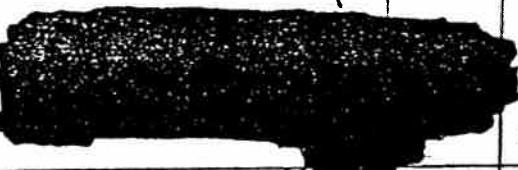
FORWARDED

1.

A C/IMS/FPLG (HT-1)

21 Nov
86

2.



3.



4.

D/PAO 7B03 5 JAN 1986

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

5.



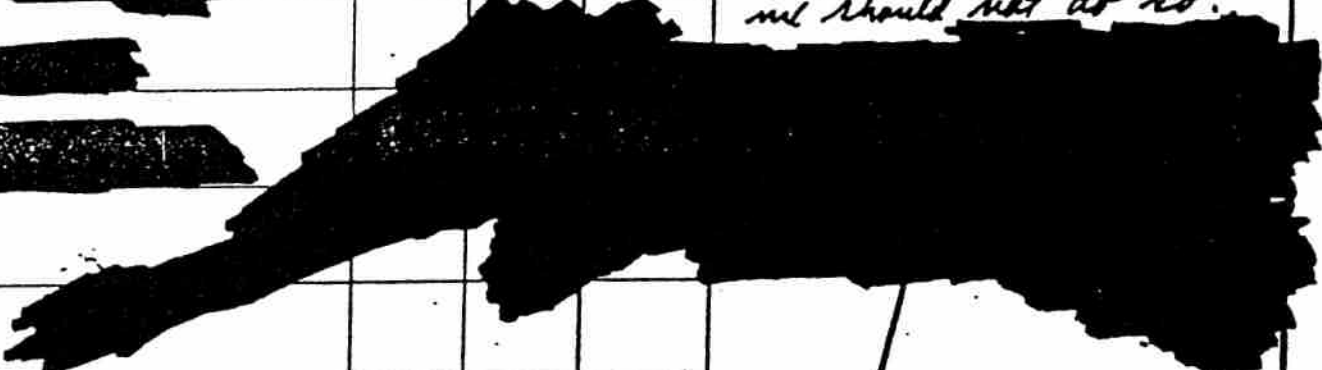
6.



7.



8.



9.

10.

11.

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13.

14.

15.

Confidential 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.

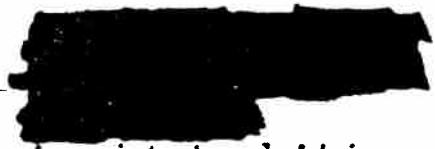
Approved for Release
Date _____

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 - 
- 2 - 
- 1 - 
- 1 - 
- 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

Distribution:

Orig - Addressee
1 - Stats

1 - [Redacted]
1 - [Redacted]
1 - [Redacted]

*Organizational
Data (JSL)*

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]

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~~

Distribution

Orig - [redacted] essee/ [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)

