

United States Senate

WASHINGTON, DC 20510

November 19, 2014

Margaret Hawkins
Director, Records and Management Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Re: Comments on CIA Schedule N1-263-14-1

Dear Ms. Hawkins:

We write to share our concerns about the National Archives and Records Administration's pending approval of the CIA's proposed schedule N1-263-14-1. The CIA's proposal would allow for the destruction of emails sent and received by all but 22 designated CIA employees "when no longer needed," but at most, three years after an employee's departure.

While we understand the need for federal agencies to comply with White House requirements to electronically manage all email records, we believe that the CIA's proposed schedule would not comply with NARA's own mission – to provide eventual public access to federal government records, allow Americans to hold their government accountable, and understand their history. As members of the Select Senate Committee on Intelligence charged with overseeing the CIA and other intelligence agencies, we disagree strongly with NARA's assessments that all important information contained in emails written by the majority of the CIA's employees – to include senior CIA officials not among the 22 designated officials – is "captured elsewhere in permanent records" and that such emails have "little or no research value." These statements, in our judgment and experience, are simply not true. Important information about the CIA's actions, assessments, and decision-making processes is often contained in email records and nowhere else.

We believe that NARA has not explained the basis for its justifications for approving this proposal. It appears to have relied on CIA assertions about the CIA's treatment of information contained in email records, not on an independent review of these issues. Such an independent look is especially necessary in light of the fact that the CIA would be the first agency in the Intelligence Community to implement such a proposal, and thus would serve as a precedent for other agencies.

We also believe that NARA's justification for the pending approval severely undervalues the importance of email records to be used as documentary evidence for Congress, the courts, Executive Branch entities, and the public. For example, the Committee's report on the Benghazi attacks as well as the Committee's Study on the CIA's Detention and Interrogation Program rely on email records from CIA officials to tell their narratives.

Additionally, the proposal would not capture emails of many senior CIA officials, to include the Deputy Director of the National Clandestine Service, the heads of the Counter Terrorism Center, the Counterintelligence Center, and the Counterproliferation Division, and all their employees, as well as every CIA contractor, among others.

For much more detail on these concerns, we commend you to the comments on the CIA's proposal already submitted on November 3, 2017 by 17 open government, civil liberties, and human rights organizations.

We strongly urge that NARA conduct a thorough, independent assessment of the CIA's proposal before further considering the CIA's schedule.

Thank you for your consideration.

Sincerely,



Mark Udall



Ron Wyden



Martin Heinrich