

United States Senate

WASHINGTON, DC 20510

December 1, 2014

The Honorable David Ferriero
Archivist of the United States
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Mr. Ferriero:

We write to express concern about a recent proposal to allow the destruction of the emails of most Central Intelligence Agency (CIA) employees three years after they leave CIA employment, “or when no longer needed, whichever is sooner.” We understand that this policy would apply to all CIA employees except the 22 most senior officials of the agency.

Transparency and accountability are critical to a functioning democracy. We have worked together for years to improve the Freedom of Information Act (FOIA) with the goal of making our government more open and transparent. We are concerned that this policy would undermine the ability of citizens to understand how their government works and hold it accountable. In an era when critically important government activities and decisions are conducted via email, a plan to delete the majority of emails at any agency should raise great concern.

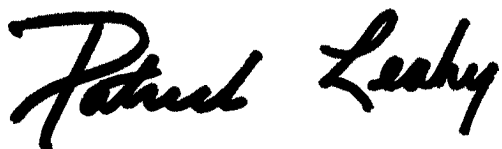
Due to the nature of the CIA’s work, it is particularly important to evaluate carefully any changes to CIA recordkeeping policies. Many CIA activities are not declassified for years or even decades. Therefore, historians and other researchers, who rely on FOIA requests to learn about CIA programs and understand how the CIA’s activities fit into the larger picture of U.S. foreign affairs, may not have any basis to make FOIA requests until decades after the activities at issue occurred. That is all the more reason why it is so important to maintain a permanent, full accounting of CIA activities.

We also know that CIA personnel have in some instances deliberately destroyed records or other materials, suggesting that the National Archives must be particularly cautious in approving any policy permitting permanent destruction of CIA records. Further, this new policy could undermine congressional oversight efforts, as pointed out by the Chairman and Vice Chairman of the Senate Select Committee on Intelligence in their letter dated November 17, 2014.

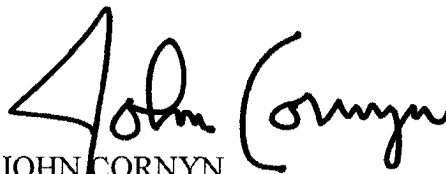
We urge you to take these considerations into account as you consider whether to approve the new retention schedule for CIA employee email. To lose permanent access to the email of every CIA employee, except the 22 most senior officials at the agency, is to lose access to a piece of American history. Thank you for your consideration.

The Honorable David Ferriero
December 1, 2014
Page 2 of 2

Sincerely,

A handwritten signature in black ink that reads "Patrick Leahy". The letters are fluid and connected, with a prominent initial "P".

PATRICK LEAHY
United States Senator

A handwritten signature in black ink that reads "John Cornyn". The letters are fluid and connected, with a prominent initial "J".

JOHN CORNYN
United States Senator