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The Honorable Todd Russell Platts, Chairman
The Honorable Edolphus Towns, Ranking Member
Subcommittee on Government Management, Finance and Accountability
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Representatives Platts and Towns and Honorable
Committee Members:

I am submitting this written testimony as someone personally affected by delays by the CIA in processing FOIA requests. I hope you will make my comments part of the written record for the May 11th hearings.

My first FOIA request to the CIA occurred in February, 1999, when I asked for the release of agency records pertaining to my father, the late Daniel C. Dennett. My father, code-named "Carat," was a top X-2 counter-intelligence officer in the Office of Strategic Services (OSS) and the Central Intelligence Group (CIG) in the Middle East. He served from 1943 until his death in a plane crash in Ethiopia on March 20, 1947. I was six weeks old at the time. Years later, when I filed my first FOIA request with the CIA in 1999, I had begun writing a book for a major New York publisher about early American involvement in the Middle East, with my father playing a central role.

In the summer of 2001, the CIA released 300 documents to me. Most of them, however, were routine personnel documents. While I was happy to receive them, I was very disappointed to discover that the most substantive documents (for instance, regarding my father's own analysis of his impending work in Lebanon) were heavily redacted, in some cases with whole pages blacked out. In addition, the CIA did not provide me with anything remotely connected with my father's last months or with his death (along with six other Americans) in the March, 1947 plane crash. The CIA justified its actions by citing FOIA exemptions based on protection of Agency sources and methods and reasons of national security.

I appealed on September 12, 2001. I noted that the documents I requested were over half a century old (i.e. deserving of mandatory declassification) and "should not constitute a threat to national security." I also said that the material sent to me should not "threaten identities of individuals whose names have been crossed out. Most are dead or very old." Further, I stated that I already knew what my father's sources and methods were, having obtained O.S.S. documents during the period in question which had already been declassified by the CIA through the national archives. Because of the release of these O.S.S. records to the public, I saw

no reason for withholding other records pertaining to my father on the basis of protecting national security.

I gave an example where, in my father's 1943 Analysis of Work, a deletion by the CIA seemed quite unnecessary: "Up to the outbreak of the present war," he wrote, "the U.S. enjoyed, throughout the entire region, a greater prestige than any [deletion] for the following reasons...." He was clearly referring to allied European powers, who were greatly resented in the region because of their colonial legacy. This has been amply documented in other documents released to the National Archives.

On a more personal note, the CIA censored out an "Official Superior's Report of Injury" which purportedly referred to the injuries my father sustained in the plane crash. Why withhold this document from me?

For three years, I waited for the CIA to respond to my appeal. With the help of John Taylor, senior archivist of the Military Records Division of the National Archives, I made periodic inquiries about the status of my appeal. I reminded the Agency that I was working on a book with a publisher's deadline and that the CIA's delays were holding me up.

At one point, the CIA informed Mr. Taylor that my case involved a particularly large number of documents to review. To be helpful, I suggested that the CIA's reviewers focus on the last three months of my father's life, as this was the period I knew the least about. Still, every time Mr. Taylor or I made an inquiry, we were given the same response: wait in line

In November, 2004 I contacted the office of U.S. Senator Patrick Leahy, explaining my dilemma. I noted that I was under pressure to finish my book. I explained that my story "is incomplete until I get access to documents about my father's last months." The CIA's response on February 1, 2005 to Senator's Leahy's inquiries was typical: "The case is currently going through review and an estimated time for completion is unpredictable..." At that point, I contacted the office of U.S. Congressman Bernard Sanders, who subsequently made inquiries on my behalf.

Meanwhile, I consulted Washington D.C. area attorneys about my options, and was informed that I might be facing a six year statute of limitation in my case, and that I should protect my rights to sue the CIA. After considering the various options before me, I decided to file suit in the U.S. District Court of Vermont on February 23, 2005, just under six years since I filed my original FOIA request with the CIA.

Suing the CIA is not something I relished doing. As a lawyer, I know that lawsuits can drag on and on, and I am rapidly losing time to meet my deadline with my publisher. Since filing suit, I have consulted a number of individuals as to whether I should go public with my concern about CIA delays in processing my (and others') FOIA requests. I was primarily concerned that my going public would risk inciting the CIA's ire and cause further delays. I got mixed responses, ranging from "yes, you could annoy the CIA" to "whatever you do won't matter because no one in Washington cares" to "anything you do to help the Freedom of Information Act matters, because it is at the core of our defense of democracy."

I have concluded that the latter argument is the most compelling, and that is the primary reason why I am submitting my testimony to you.

But there are two additional reasons why I am making my appeal to you.

1) The personal need for closure. According to Ted Gup, author of *The Book of Honor: Covert Lives and Covert Deaths at the CIA* (2000), “family members of CIA employees killed in the line of duty can pay a steep price for the secrecy surrounding their relatives’ deaths. In some cases, they have been lied to about the circumstances in which their loved ones died. Some have been forever tethered to bogus cover stories. Their grief can be prolonged by uncertainty over what happened...This lack of closure sometimes passes from one generation to the next, a dour patrimony.”

2) A growing concern about official sanctioning of secrecy, including the “secretizing” of our history. Several writers I’ve been in touch over the last two months have expressed deep concerns about a “secrecy explosion” in this country since the events of September 11th, 2001. They believe, and I agree, that such secrecy has actually had an adverse affect on the conduct of our foreign policy abroad. Government secrecy removes accountability, and prevents elected leaders from making wise decisions on behalf of their constituents. It deters the executive branch from carrying out its law-mandated duties in an accountable, professional manner. It reduces us all to being helpless bystanders, unable to intervene if we detect mistakes in policy or intelligence gathering.

If our nation’s history is allowed to become a secret history, what, then, happens to the value of historical hindsight? If we have no history to look back on, we will be losing one of our most dependable guides for the future. I believe it was Virgil who once said that without history, we are all children, easily led.

I’d like to close my written comments with a statement made by William Thompson, my father’s professor of Middle Eastern history at Harvard University: “America lost in [Dennett],” he wrote in 1950, “not only a faithful and informed public servant, but also what we could spare least, a scholar and teacher, whose wide knowledge of the Near East past and present, and enlightened judgment of its peoples and problems would have served his country well in these days of devious and dubious political activity at the great crossroads of ancient and modern world routes...For lacking a knowledge of these two fields [modern Europe and the Umayyad Caliphate], centuries apart though the eras be, it is scarcely possible to steer an intelligent course in Near Eastern affairs today ...Dennett had both the mind and the heart to read history aright, a mind that did not turn its back on anything human as unworthy of attention or even respect and a heart full of sympathetic insight. One of his friends has said of him, ‘We numbered him among the elect, and knew that he illumined our lives.’”

There were many dedicated individuals in the foreign service during World War II and its immediate aftermath, men and women whose insights deserve to be studied, so that we may chart an enlightened course in the Middle East and throughout the world. In short, release of the documents I have requested are very much in the public interest.

President Bill Clinton stated in 1993: “The Freedom of Information Act has played a unique role in strengthening our democratic form of government...Openness in government is essential to accountability and the Act has become an integral part of the process.” Now, it seems, the Act is being eroded by needless delays, demoralizing the very people it was designed to help: writers, researchers and scholars. If delays become the norm, fewer citizens will avail themselves of the Act. Freedom of – and to – information will become no information at all.

For the sake of our elders, and for our progeny, I therefore appeal to you to do all in your power to eliminate delays in processing FOIA requests. With your help, we can restore the Freedom of Information Act to its original purpose, and help preserve our democracy for future generations.

Sincerely,

Charlotte Dennett