UNITED STATES OF AMERICA

DEPARTMENT OF DEFENSE

THIRD SESSION OF THE
DoD HISTORICAL RECORDS DECLASSIFICATION
ADVISORY PANEL

Friday, August 9, 1996
0900-1400 hours
National Archives Building
Reception Room 105

CHAIRPERSON: DR. ALFRED GOLDBERG, Historian
Office of the Secretary of Defense

PANEL MEMBERS:

ERNEST MAY
MARC TRACHTENBERG
ROBERT WAMPLER
GERHARD WEINBERG
WILLIAM EPLEY
WILLIAM DUDLEY
WILLIAM HEIMDAHL
BENIS FRANK
DAVID A. ARMSTRONG

STAFF MEMBERS:

CYNTHIA KLOSS

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### Minutes of Panel Meeting

Executive Order 12958, "Classified National Security Information" established an aggressive program for declassification of historical records. The Department of Defense chartered a panel of noted historians to assist and advise the department on topical areas of interest to the public which can serve as a priority for immediate declassification review.

The panel meets quarterly in sessions that are open to the public. The proceedings are from the third meeting held August 9, 1996 at the National Archives in Washington DC.

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The Historical Records Declassification Advisory Panel is established under a FACA Charter. Panel meetings are open to the public.
AGENDA

AGENDA ITEM: Administrative Announcements
Cynthia Kloss
Executive Secretary

Opening Comments
Alfred Goldberg
HRDAP Chair
EO 12958, Progress to Date
Steve Garfinkel
ISOO

Panel Discussion
Wampler/David Proposal
Alfred Goldberg

Afternoon Session
Panel Discussion Continues
Alfred Goldberg

Closing
Alfred Goldberg

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PROCEEDINGS

9:00 a.m.

DR. GOLDBERG: This is the third meeting of this panel. I see that we have completed the arrival of the coffee phase. This is the first item on the agenda.

I want to welcome you to this third meeting. At least one of the members of the panel will not be present. Professor Leffler will not be here. We are expecting two more, who apparently have not arrived yet.

The first order of business will be Administrative Announcements by Ms. Cynthia Kloss.

Administrative Announcements

MS. KLOSS: Good morning. On behalf of the Secretary of Defense for Command, Control, Communications and Intelligence, Mr. Pate, welcome to the Third Meeting of the Third Historical Records Declassification Advisory Panel.

Administrative announcements include the fact that you are being taped. The proceedings will result in a verbatim transcript. All of the panel members will be identified by name in the transcript. Observers in the audience, if you wish to be identified by name for the record, please state your name when you
address the panel and speak loudly, since we don't have any mikes. Otherwise, you'll be referred to as panel observer or audience observer.

The taped proceedings are available in a couple of ways. You can e-mail me, and I will forward a copy of the verbatim transcripts to you as an enclosure. If you have access to DTIG, you may access a copy through them.

At this time, we still have not posted the transcripts to our C-3I Home Page. Hopefully that will come shortly.

The restrooms -- please try to limit the movement while the panel is in deliberation just because we do pick up extraneous noises. If you do need to move around, the rest rooms are outside, mens to this side of the hall, womens to that side.

There is a telephone in the back of the room. You are able to use that only during breaks, please.

If you need a pay phone, go all the way down to the basement. Right outside of the elevator, there is a pay phone for you.

We'll be serving lunch at 11:30. If you would like to participate, it's $8.75.

I do believe that that's all I have for Administrative Announcements.
I do have the copies of the verbatim transcript in the rear of the room, if you would like to take a look at the transcripts from the first and second iteration of the HRDAP.

Thank you.

Opening Comments

DR. GOLDBERG: The first two meetings of this panel resulted in recommendations and reports to the Secretary of Defense. In fact, for your information, I will tell you that these reports actually go to the Deputy Secretary of Defense because the Secretary is not here very often. He seems to be on an airplane to somewhere in the world most of the time.

Just by way of odd item of information, in two years, the first two years as Secretary, he traveled more often to more countries, made more visits around the world, than any other Secretary, including Secretary Weinberg, who had held the record up to that point, and Weinberg had seven years in which to do this.

So, it's understandable why the Secretary himself has not been able to pay attention to this. These reports have gone to the Deputy Secretary. The last report we made included six recommendations from this panel. These were the ones
that I had distilled out of the discussion that we held here, which I thought was a very thorough discussion of the issues which finally resulted in these recommendations.

These went, as I say, to the Deputy Secretary of Defense through the Assistant Secretary C-3I, who is the Secretary's representative for declassification, and in charge of the declassification program for the whole Department of Defense.

He forwarded the report to the Deputy Secretary, and the Deputy then requested a revised copy of the policy statement, of a revised policy statement, which is being prepared by the Assistant Secretary C-3I. He wanted to see this before reacting to the report that we have made.

That policy statement, which is in good part an outgrowth of the panel's work and recommendations. It's the statement which accompanies the DoD Declassification Plan, which was prepared by the Assistant Secretary, and it does state in some detail the broad outlines of policy for declassification within the Department of Defense.

It's approaching final form, I have been informed. I've also been informed that it's been through three drafts thus far. It has been reviewed by
the Military Services and other agencies, and it's undergone language changes in response to criticisms. All of this is perfectly normal. This is the way that the policy statements and directives and even memoranda are often prepared, often evolved, and finally issued within the Department of Defense, and I would guess most other departments, too.

It's now being staffed within OSD. Presumably this is the next thing to final draft. Staff offices and the Office of the Secretary of Defense are reviewing it. It has to pass the final hurdle of review by the Office of the General Counsel. That's the legal review, and some day, we hope soon, it will emerge and will then become available to us as to everyone else.

We expect that the policy statement will incorporate some, if not all, of our recommendations in some form. The language may be somewhat different from ours, but much of it will be there.

With reference to our recommendations, I can report as follows. The first one on the oldest first top-down priority was regarded by most of the Services as unduly restrictive.

As you know, they all have their own programs, their own plans and approaches. It is likely
it probably will be included in the policy statement most likely as a strong recommendation. I suspect that this is how it will emerge finally, and I would guess that it will have a mixed reception.

There are some services and some agencies will find it impossible to accommodate this priority. Others will find it more difficult.

The second recommendation, having to do with request for pilot projects, was not happily received either by the Services, and they're not completed yet. The Army in fact is not yet in the position to respond to the request for pilot program. It is still engaged in organizing its program. It has a lot of difficulties, but it appears -- something appears to be happening there, and there may be hope that within a matter of months, the Army may have a going program. At least they've assigned the responsibility for the program to the Adjutant General.

The third recommendation had to do with the substitution of the organizational for the approach, and this was generally acceptable. We had discussed it here from the beginning, I think, in our deliberations, and the Services and agencies didn't appear to have any trouble with that.

A recommendation on inter-agency agreement on
declassification was not considered necessary as of yet. There are some mechanisms already in existence which are providing exchanges for this purpose. It is possible for agencies and Services to get in touch, with OSD and JCS, to get in touch with each other in order to be able to carry out declassification of the records of other agencies.

Some of -- one particular instance, this is being done at the -- at the Presidential Libraries. Is Nancy Smith here?

(No response)

DR. GOLDBERG: No. She had reported on this to us once before, and she could probably tell us the progress that's being made there. That seems to be a rather successful program with participation pretty much across the board, not only by DoD but by other agencies, so that that appears to be proceeding at a good rate.

The disposition schedules, which we recommended, that is the speeding up of the disposition schedules in order to achieve faster transfer of records to the -- to NAR as the approval of the Services, and I think we can see probably a more rapid movement of records into Suitland and perhaps into the Archives, whether -- the latter depends on what the
Archives is able to do, the resources it will have, and you've been hearing the term "resources" now at every meeting we've held, and I'm afraid you're going to continue to hear it. It's all a matter of what they can actually accomplish in the time available.

The Archives is pretty far behind in accessioning, but it has been moving right along, and the volume of records just keeps on growing.

And finally, we had recommended the use of reservists as a possible resource for speeding up declassification, providing additional help in declassifying records, and as we know, some -- some are already doing this. Others don't find it necessary or desirable. At least in one instance that was so, but it seems likely that reservists will play a role and probably contractors, also, in bringing about -- carrying forward this declassification program.

That's where we stand as of now on our recommendations. I think that most of them, in whole or in part, will carry some weight and will actually result in some action on the part of the Department of Defense.

I do want to say a few words about the effect of the reports and recommendations of this panel. I know that it may seem to some members that we're not
having the desired effect, but this is nothing new. It happens inside. It happens all of the time in large bureaucracies. You don't make progress as fast as we'd like to make it. You don't get everything that you want. You often have to settle for less than you asked for.

But I do think sincerely that this panel is making a difference. It may not seem so to some people. Our recommendations are being weighed, and they are being considered. I can assure you they have occasioned thus far a lot of paper work inside the establishment, and even when they've not been adopted, they have still caused some kinds of change to take place in programs, and in the thinking, and in the attitudes of declassifiers. They're having to consider other possibilities that they hadn't considered before.

They are making modifications in their approach. That's not all, but I'm certain that some of them are. Some of our recommendations have been accepted in whole or in part or in some modified form. As I've indicated, the specific reference to the recommendations from our last meeting.

I do want our members from academia in particular to know that they are having an impact, and though it may not seem so at times, and that their time
and their efforts are not wasted.

We wanted outside views and ideas to help us fashion an effect declassification program, and to help shake things up a bit. There's not complete agreement within the Department of Defense, within its elements or with OSD or even within OSD on all aspects of this program. There's a lot of flux here, and there's bound to be, and with as many uncertainties as this one has, and the uncertainties, of course, in good part are with reference to the availability of people and money to do the job, and the programs already underway by the elements of the department, and in the attitudes and the culture of the classifiers themselves.

We wanted these outside views, and I think they have helped. You provided them, sometimes rather forcefully, and they're influencing what has happened, and we're having some successes in making changes and bringing about something different.

The overall picture is mixed. It's going to continue to be mixed. It never is going to become completely clear. So, I ask that you not sell yourselves short.

Now, we did ask the Director of Information Security Oversight Office, he's Garfinkel, to give us an overview of the progress of Executive Order 12958 to
date, and we hope that this will -- I hope at any rate
that this would reinforce the note of cautious optimism
with which I've tried to inoculate you.

Unfortunately, I don't see Steve Garfinkel.

MS. KLOSS: He'll be here at 9:30.

DR. GOLDBERG: Beg pardon?

MS. KLOSS: He'll be here at 9:30.

DR. GOLDBERG: He'll be here at 9:30? Oh,
it's only 9:15.

MS. KLOSS: Could I clarify two points,
though, --

DR. GOLDBERG: Yes.

MS. KLOSS: -- on the -- on the minutes from
the last meeting?

DR. GOLDBERG: All right.

MS. KLOSS: The disposition of records. That
was forwarded to our -- our senior records manager
within the Department of Defense. They are the office
responsible for identifying retirement schedules, and
that really is your recommendation, to relook the
retirement schedules and disposition schedules.

It has been forwarded. I will check on the
progress and their acceptance and clarify any questions
that they may have by next meeting.

The second item is the inter-agency
agreements. The example that Dr. Weinberg referred to at the Presidential Libraries, I wanted to tie that to your first meeting.

The first HRDAP meeting recommended endorsement of the Presidential Libraries as first priority for a standing project, if you will, which was consistent with the intelligence community's recommendations.

They have just finished a joint team scanning project led by the CIA and the DIA, resourced by the intelligence community, of the Johnson Libraries. The material is now forwarded to the owners of the information for declassification review. It will be consolidated by the intelligence community and returned back to the Library, the Johnson Library, with all of the recommendations.

It's a rousing success from the Archives' perspective, from the intelligence community's perspective, and it's an example of referral actions and inter-agency agreement and practice. So, that's good news.

DR. GOLDBERG: Well, I might point out one more thing, which many of you are acquainted with. The number of different panels and committees that are involved in declassification throughout the Government.
We are only one.

In addition to ISOO, which has the overall responsibility, there's the Department of Energy program. There's the intelligence community program. There's the Commission on Protecting and Reducing Government Security, otherwise known as the Moynihan Commission, and within -- there are the two overall commissions, the one that has the review committee composed of representatives of the different departments of the Government, and the outside committee, which I don't -- I don't know has come into existence yet.

Do you know?

MS. KLOSS: The Information Security --

DR. GOLDBERG: Yeah.

MS. KLOSS: -- Advisory Panel has not been named, and I think Mr. Garfinkel will be covering that, too.

DR. GOLDBERG: All right. Good. Within DoD, we have also the Defense Declassification Management Panel, which is composed of records and declassification people and is complementary to this panel.

So, we're part of a much larger program, and they do affect us. I mean a lot of Energy records are
Defense records, and a lot of Defense records are
Energy records, and the same thing with the
intelligence community, of course.

So that the need for more inter-agency
cooperation is evident, and we're hopeful that -- it is
occurring slowly. How much it can be speeded up, I
don't know. It's something we recommended. It's
something that we may want to recommend again and
reinforce. I think it's important. I think it's
desirable. I think it can be helpful.

Any questions? Dave?

BG. GEN. ARMSTRONG: Could I just ask Cynthia
a question?

DR. GOLDBERG: Yes.

BG. GEN. ARMSTRONG: The CIA DIA at the
Johnson Library, as I understand it, what you described
was basically putting all the papers through a machine,
getting it on to a computer screen.

MS. KLOSS: Scanning, indexing.

BG. GEN. ARMSTRONG: How -- could you keep us
updated on how rapidly the actual process of
declassifying or reviewing for declassification goes?

You know, the mechanics are very simple, but
how rapidly they do it and how much material they
actually choose to let out, I think, is what -- what
interests me as a historian. I really don't -- I'm interested, but not vitally, in all the computer stuff. That just means they have money. That's all.

MS. KLOSS: Navy and Air Force have both been participating with manpower in this project. Navy has a representative here, Ray Schmidt. Can you give a little bit of a perspective on the -- the time lines?

MR. SCHMIDT: I can tell you from our perspective. The OMI team spent a substantial amount of money to send people down to help with the scanning. So, we did invest heavily in the effort. We received for those thousands and thousands and thousands of dollars 225+ documents which belonged to the SNCPAC. Because of the special arrangements with SNCPAC, Navy is responsible or can assume responsibility, got their verbal permission, to take them on and declassify them within a couple of weeks, and those have been returned. I think for something like a 100,000 pages during that six weeks, they were done at the Johnson Library, and I think something like 90 percent have been released of those that were completed.

It's a pilot project. In September, we're going to the Kennedy Library to try and do the same kind of thing.

BG. GEN. ARMSTRONG: So, I guess two
questions on that. A, do you think it's cost
effective, and, B, does it really speed up the process?

MR. SCHMIDT: It's an effective way of doing.

To say whether it's cost effective remains to be seen
because nobody really knows whose equities in any
quantity are at the Library, but that's a good
question.

BG. GEN. ARMSTRONG: What about speed? Do
you think it's speeded up the process?

MR. SCHMIDT: I can give you a personal
opinion. I think it's the best alternative we have in
the circumstances. I agree with Nancy Smith, that I
think if we didn't have something like this, we could
not afford the per diem and the personnel to go around
the country and do all of the Presidential Libraries
and review them.

I think we would perhaps overwhelm the
Presidential Libraries. That's my personal opinion.

When you consider how many different agencies have
equities in the Presidential Libraries, it's over-
whelming. But Jean can address that better than I can.

DR. GOLDBERG: You mentioned per diem. Where
is the money coming from?

MR. SCHMIDT: Well, in the case of my team,
it came out of Admiral Crane's budget. I don't think
it's a very cost effective return to him yet. This was a good faith payment in order to get some value out of it, and I don't think that 225 documents is a good return for his dollars.

BG. GEN. ARMSTRONG: Well, you also got the assurance that you basically looked at everything there as far as the Navy's equities.

MR. SCHMIDT: Oh, no. This was just a small sample.

BG. GEN. ARMSTRONG: Oh.

MR. SCHMIDT: This -- this -- these projects are just samplings. There's a lot of documents left. Just a drop in the bucket. An eye dropper.

DR. GOLDBERG: Do you know anything about the experience of the others involved? Do you know anything about the experience of the others involved in doing this?

MR. SCHMIDT: I think I would feel more comfortable if Jean would handle that from the standpoint of the Archives, and the coordinated efforts that have been done.

MS. SCHABBEK: Well, I understand, and I'm not directly involved in this myself, so all I can add is kind of secondhand information, it went a little slower at first than they expected because, of course,
this is the pilot, and it is a learning experience, but
also because until we could test standards with an
automatic feed, we had to insist at first that it be
manual standards.

But I think we've now identified standards
with an automatic feed that we can approve for usage to
speed up the scanning process.

I understand that the Air Force did the
original compilation of the first segment of documents
and sent them out to the equity holders for review and
apparently got them back within two weeks. So, that
was a very quick response on the part of the agencies
involved. It seemed to have been quite successful from
their point of view, from what they said.

I again would endorse what Ray has said and
what Nancy has said, that it really is the only
effective way to deal with the records in the
Presidential Libraries. We've been commenting that
different agency equities are involved, and the high
level of the information involved.

DR. GOLDBERG: Jim David?

MR. DAVID: Are the documents that are being
released being redacted or what I'll call traditional
systematic review? The documents released in its
entirety or not released at all?
That's up to each agency to decide. Some have redacted. Some will do a pass/fail.

For the documents that will be reviewed, there was no rehash, and everything was released in its entirety. These were not pre-selected because they were, you know, -- it was not a set-up job. They were not pre-selected because they were easy. So, that -- from that standpoint, I think the results are going to be very pleasing.

Now, whether they selected -- we didn't select the documents. They had been selected at the Libraries because they were likely to be good ones to release. I think they were almost all Vietnam documents. But the ones that we released were unredacted, untouched.

One thing you should appreciate about the Presidential Libraries, the documents don't often have -- often do not have letterheads and often are not even marked as to classification. So, determining whose documents they are, whose equities they are, is a time-consuming effort. But we would have that problem no matter how we handled it.

So, you don't really have any estimate of the volume that you might be faced with doing --
MR. SCHMIDT: 78 pages is the number that Nancy sent to me several months ago.

DR. GOLDBERG: That's for the total, though, isn't it? I'm speaking, for instance, for the Navy. No way of knowing.

MR. SCHMIDT: There's no way of knowing except to look, and if you screen and do a survey to find out how many pages you've got, you might as well do the declassification review. As a matter of fact, that same point holds for all the 500 million pages that we think we have. Conducting a detailed survey is just not a cost-effective way, if we had the resources to do it in the first case, which we do not. I hope that's -- that point is clear.

I mean we have --

DR. GOLDBERG: It sounds like a familiar theme.

MR. SCHMIDT: I had a turn on these yesterday at a meeting of our Navy and Marine Corps people. I said precise estimate, and they said that's an oxymoron, isn't it?

DR. GOLDBERG: Well, I see that our speaker is exactly on time this morning. Would you like to come up here?

MR. GARFINKEL: Wherever you would like.
DR. GOLDBERG: Well, whichever would be better for you. I think perhaps --

MR. GARFINKEL: I need to crunch my mint first, so I don't choke.

DR. GOLDBERG: Would you want to crunch some numbers, too?

MR. GARFINKEL: Well, not precise ones.

DR. GOLDBERG: All right.

MR. GARFINKEL: As estimated, precise estimates.

EO 12958, Progress to Date

MR. GARFINKEL: My preference for this morning would be to be open to questions, but obviously I need to introduce at least a little bit of what we in the Information Security Oversight feel is working, what's not working, in order to stimulate those questions.

So, what I would like to do very briefly in kind of a bullet form is tell you a little bit about what is working, what isn't working from our perception.

Now, when I say from our perception, I'm talking about the Information Security Oversight Office. For those of you who are unfamiliar with our office, we are a very small oversight and, I would say
in that sense, largely a policy oversight office, that
has existed since the Carter Administration and was
created by the same Executive Order under which
President Carter issued his security classification
system.

We were continued under the Reagan order and
under the Clinton order as well. In each instance, a
couple of additional duties were added. We haven't
gotten any bigger, just like everybody else, and I'm
sure you're hearing that over and over and over again.
The size of our staff is currently 12 people.

Ordinarily at this time, we would have issued
an annual report to the President for 1995 that would
have provided a number of data that would have been of
some interest to you, and, unfortunately, as everybody
else is falling behind, we are, and we are way behind
on issuing an annual report.

It's just about to go to the printers now. I
can tell you that it will reflect for 1995 that
classification activity continued to decrease and
reached a considerably lower level in 1995 than it ever
has in any of the other years for which we've recorded
data.

When I refer to classification actions, we
are talking about original actions and derivative

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actions. We are not talking about duplications of the same document. Duplications continue. The fact that we live in an almost totally automated environment now means that every time a classified document is created, ordinarily hundreds, if not thousands, of replications of that information may very quickly exist.

What is working with respect to this new Executive Order? Well, I think what is working is that there is an unprecedented effort in many quarters to declassify older historical information. Certainly in numbers of documents that are being declassified as well as in terms of having established infrastructures in many agencies where those infrastructures for declassification never existed before, and I think that's another aspect of the program that is working.

You had agencies, like the CIA, the FBI, NRO, NSA, and others, who had never had significant declassification programs, who now have declassification programs in place and have established infrastructures that will continue to benefit us under the terms of this order, and simply in the sense that they are learning how to declassify.

Another good thing is that there is -- and I think this is a good thing because we didn't realize how bad it was before, and that is that there is much
greater internal communication between the security
staffs or the staffs responsible for the classified
information program and the records management staffs
of the agencies.

This Executive Order has forced that
communication, and I think we benefit in a lot of
different areas, not just in the declassification
program, from this dialogue.

Another thing that's working, I believe, I
certainly hope that it continues to be so, is the
newly-created inter-agency classification appeals
panel. That panel has been constituted. It has had
two meetings. We have actually voted to declassify in
our first couple of meetings about a dozen documents.

As a matter of fact, we voted to declassify
every document that we -- that we actually voted on.
It was when we got to the first really difficult case
that the meeting adjourned.

So, our next meeting will be a -- I think our
next meeting will be a critical one in terms of
continued progress, but actually I hope -- I have hopes
and fears about this panel.

The hopes are that it will function
effectively, and by that, I mean that it will not only
make good judgments but that it will establish in
effect the parameters or the cutting edge between what
should be classified and what can be declassified.

I think we often fall into the numbers game
where we think that we have hundreds of millions of
classified documents. I can tell you from having
reviewed thousands of classified documents that there
are far, far, far fewer number of decisions that
actually have to be made in terms of what needs to be
classified and what doesn't need to be classified.

In other words, once you establish an icon,
it is very difficult to break down that icon, but once
you establish a rule that would call for
declassification of certain information, contrary
perhaps to past practice, that precedent would serve
for tens of thousands of additional classified
documents that are essentially classified on the same
basis.

That is especially true for older classified
information because it is within older classified
information that we essentially run into only two or
three reasons why it continues to be classified after
25 or 30 years. Those reasons essentially are a
foreign government information situation or
intelligence sources or methods.

If you -- if you can deal with those two
issues effectively, I would say that you can deal with
the classification decisions with respect to 80 or 90
percent of the older classified information that you
run into.

What's not working so well? Well, a number
of things. First of all, our dream that the automatic
declassification program would be fairly simple is not
at all true.

Once the decision was made -- and if you're
interested, I can go through the long history of how we
arrived at the 25-year time line for automatic
declassification, but if you're not interested, I'll
spare you that, but once we -- once we went to a 25-
year time line, from a 40-year time line, we had to add
exceptions to the rule. At 40 years, we had three
extremely narrow exceptions. Essentially, the system
would have operated, I believe, rather inexpensively.

As soon as we added exceptions, we added the
requirement for interpretation, and as soon as you have
interpretation, you are requiring a far greater degree
of review. So, the system is suddenly not simple. It
is far more complex than we had hoped, and as a result
is a lot more expensive.

It is not, however, in my view, nearly --
ultimately, it is not nearly as expensive as some of
the exorbitant estimates would have it be because, as I said earlier, I really do believe that once certain decisions are made, and you establish the cutting edge, a lot of that can be applied much more efficiently in future decisions.

Another problem is the unevenness of the program among the agencies. Essentially, I would divide them into two categories. Where it's working best is in those agencies that had infrastructures in place at the time the program began and haven't as a result had to develop these infrastructures, and those agencies where there has been from the start top management support for the program.

In those agencies where top management has not been involved, the resources have not been made available, and as a result, their programs are lacking.

What else is not working so well? Well, another thing that troubles us are the file series exemptions. When we went from a 40-year time frame to a 25-year time frame, we introduced the concept of file series exemptions because a number of the agencies said very loudly at that time frame, we can't rely exclusively on individual snippets of information. We have to have some way of separating those very small numbers of series that are replete with classified

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I think that we perhaps naively assumed some knowledge that didn't exist at the time, and that is that agencies would know or at least know better what classified series they had, and for the most part, the first six months or year of this exercise has been for the agencies to learn just what is the classified product.

As a result of that, a number of agencies or some agencies faced with the fear of having to come up with these file series very quickly simply listed all their file series or -- or described the file series in such a way as to create largely a blanket.

That would be terrible if that meant that nothing was being done in the declassification arena, but that is not what's happening. Instead, the file series exemption has kind of served as a "well, we're going to cover ourselves", and then we're going to do further review and find out what the real story is, and -- and, so, what we kind of have developed with this automatic declassification program is enforced systematic review.

We -- we came to the conclusion that systematic review was not working, and therefore we needed to go to an automatic system, but when we...
lowered the automatic system to the 25-year time frame, what in effect we created was enforced systematic review.

So, quite honestly, a lot of the response to the program is not how we foresaw it, but it's not at all negative. It's positive that -- that there are programs in place, and that much is actually being accomplished.

Other things that aren't quite working yet, that perhaps are not as important, Ginnie Shaw will disagree with me here, the agencies have yet to essentially provide the declassification guidance to the National Archives that ultimately they are required to provide, and, of course, the sooner they do that, the more -- the more quickly NAR can increase its assistance in this -- in this effort, and, essentially, what the agencies are saying is that they're overwhelmed themselves, and, you know, that is not their number one priority at this particular point in time.

In the long term, it is critically important that we have good declassification guidance, and it would be very worthwhile in the short term. So, that's another area that -- that we would love to see improvement in. At the same time, I think we recognize
that there are priorities grabbing the agencies from
every direction.

We had a little flap and maybe we will
continue to have a little flap with the Department of
Energy over the issue of restricted data. There was a
difference of opinion between DOE and at least ISOO
over how big a problem we're talking about.

I think we have largely worked that out, and
I hope that it doesn't continue to create a major
problem, and then we have also run into the opposition
in some quarters in Congress to spending a lot of money
on this program, especially within the intelligence
community. So, there have been limitations placed on
the amount of expenditures that could be made in
declassification.

Of course, the irony is that except for NAR,
the classification and declassification programs were
never line items. It was always overhead. So, you
never knew what you were spending on the program, and
it was only with the advent of this automatic
declassification program that the Congress said this is
-- this is -- what's the term of art they use?
Unfinanced mandate or whatever. What is it?

MS. KLOSS: Unfunded.

MR. GARFINKEL: Unfunded mandate. And
therefore needs a line item, and as soon as you create a line item, it gets cut.

In other words, I think you have a lot more flexibility to spend money if you can include the money more generally in your budget, but when the budget says specifically you can only have so much money for declassification, then it makes things far more difficult to -- to move money around among the different accounts.

So, there are real serious resource problems. That doesn't mean the resources that are available don't permit a very vigorous declassification program. I -- I think all the evidence we have is that in many quarters, there is such a vigorous program. We've seen in the last couple of years -- I don't know what the precise count is.

In 1995, given the President's Executive Order on the older NAR documents and given the systematic review programs, we declassified 70 million pages of material. We've never done that before, unless -- unless we could -- it's possible way back in the early '70s, when the -- when the systematic review program was first introduced that we had years where we were able to declassify enough rooms in the National Archives to come out with those numbers, but I don't
think so, and this year, the rate of declassification has proceeded and actually increased.

So, we don't have the comparable Executive Order like we had last year from the President, but certainly the agencies are declassifying at a much greater rate.

So, that -- that kind of describes what I think is going well, what's not going well. I'm available to answer any questions that you have.

MR. NORRIS: My name is Robert Norris. You mentioned the inter-agency declassification appeal panel. They've had two meetings.

Could you give some examples of the kinds of things you made the judgment about that succeeded, and then what it was that you anticipate at the next meeting is causing a problem?

MR. GARFINKEL: I can only do that generally because the rules are such that even if we declassify a document, agencies have 60 days to appeal our decision to the President, and those 60 days have only just begun.

So, the kinds of documents that we've dealt with already, we had one document that was an old report of aircraft and aeronautical technology. We've had a number of cases involving communications between
other heads of state and one of our presidents.

Those of you who may have been familiar with how this has worked in the past, our president would meet with, let's say, the British Prime Minister, and 15 years later, there would be a request, and everything Eisenhower or Johnson said is declassified. Everything Anthony Eden said remains classified. So, you'd have a conversation with the president. "Good morning, Mr. Prime Minister." The prime minister blanked out. "How are you today?" Blanked out and that sort of thing.

So, we had a number of documents where we had to confront the issue of declassifying what the foreign head of state or his emissary had to say.

We ran into -- where we hit the snag was not that we didn't hit intelligence information in the first cases, we did, but what -- it was when we hit what would have historically been an intelligence icon, and I won't say which one it was, but we hit an intelligence icon in one of our cases, and that's where the debate -- that's where we were debating when the time frame for the meeting ran out.

BG. GEN. ARMSTRONG: Did you vote on this?

The majority rules?

MR. GARFINKEL: The by-laws provide that the
majority rules. It has to be a majority of the agencies represented. Essentially, a quorum is five of the six agencies. I expect that we will get all six agencies at each of our meetings. So, it essentially means four votes to overrule an agency head.

DR. GOLDBERG: Where do the appeals come from mostly? All over?

MR. GARFINKEL: Right now, most of the appeals are appeals that had existed under Executive Order 12356 and had not been finally resolved at the time 12356 was superseded by the new Executive Order.

So, most of those appeals come out of the Presidential Libraries because it was -- it was under Executive 12356 that it was only materials in the Presidential Libraries that could be appealed to ISOO from an adverse decision.

So, those cases where ISOO had not finally resolved have gone over to the ISCAP. We've had two or three new cases.

When I say I had hopes and fears about -- about this panel, I didn't get to the fears. Well, there are two fears. One fear is that it won't work. Historically, there was the inter-agency -- the ICRC, the inter-agency classification review committee, which was like this panel in its function back in the '70s,
and the ICRC had some initial success, but then totally
bogged down in, you know, I'll back you if you back me,
and as a result, nothing in the last couple of years of
its existence, almost nothing got out of it.

That is a -- that's a major fear, but I'm
assuming that won't happen. The -- the -- a far more
realistic fear is that the ISCAP process will become
very attractive to requesters who will choose to go the
mandatory review group rather than the Freedom of
Information route, sensing that they might get a better
deal out of the ISCAP than they will in federal court,
and it's a lot cheaper, and if that happens, I can
see -- we in ISOO are providing at this point the staff
for it, and we are already overwhelmed, and I can just
see us -- I don't know what will happen if that -- if
that becomes a reality. I'm not sure how we handle it.

DR. WEINBERG: Can you tell us a little bit
about the dating of the documents that are being
considered by the appeals board; that is to say, from
what era do these documents originate?

MR. GARFINKEL: The oldest originated from
1943, taken from the Roosevelt Library, and of the
current appeals, the newest dated from the Nixon
Project. So, we're talking about the early '70s.

DR. WAMPLER: Can you tell me what success

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you've had or what effort you made in getting foreign
governments to respond? Is there any -- is there any
program pursuing that?

MR. GARFINKEL: Well, when we were doing the
Executive Order, when we were working on the Executive
Order, we met with representatives of a number of -- of
the foreign governments with whom we shared or had the
most information, and essentially let them know what
the new system was going to look like, and in light of
their reaction, it depends who you talk to because some
people say they got horrible reactions from the foreign
government.

The reactions that I generally got were keep
us informed. We appreciate -- we know that your system
is going to be far out in front of our system. As long
as we are informed, we can deal with it. That was the
general reaction that I got.

Now -- now, the big difference is that we
have told them that we are going from a system that
essentially says we won't declassify your stuff unless
you tell us we can declassify it to a system where
we're going to use judgment and not necessarily ask for
their permission, and -- and that was at least in one
of the cases that we dealt with in the first ISCAP
meeting, actually in several of them, we essentially
are saying we will alert the foreign government that we
have declassified this very old and, in those cases,
very innocuous information.

DR. WAMPLER: Yeah. You made an interesting
statement about how you were seeing the file series
exemption as turning into an enforced systematic review
process, if I understood you correctly.

That's interesting because there's been some
discussion among us that maybe the answer here is just
declare everything exempt, and then go through
systematic review, but the question is, under the
Executive Order, what backs you up to enforce it?

I mean is there a deadline for the file
series exemption?

MR. GARFINHEL: Yeah. For -- what backs us
up is the fact that the file series have not been
accepted yet, and again when we first did this, the way
the file series were presented by the couple of
agencies who were advocating them is that we would --
we would get in a couple of file series very, very
precise, very specific, very obvious, and the reaction
was, okay, it will just be a few series, and -- and,
so, the reaction in the White House was to show how
serious we are that you limit it, we're going to --
we're going to make you have to go to the President.
The President's going to have to approve these.

Well, obviously what's come in has been far less precise, far more numerous, and they've all piled in over to the -- to the White House. Well, the White House has packed them all up and said we don't know what to do with these, sent them to ISOO and said here, give us some advice. What do we do with these? And, so, we have them in order to advise the National Security Council of how to advise the President.

What we hope to do is to send a letter -- we've just got -- formally, we just got the DoD file series. They just came over to us, I guess, last week in a formal manner.

We've gotten other file series from other agencies. Essentially, what we are going to do is send a letter in the very near future to the agencies, alerting them that these are still -- the fact that they haven't heard from the President doesn't mean that they've been accepted, and that generally they -- they have been received, and they are worded in a far more broad fashion than -- than had been anticipated, and that we're going to have to sit down and work with the agencies in terms of defining them in a better manner when we have the chance to do that.

DR. WAMPLER: Just one quick follow-up. Once
you accept one, you go through the process, is there any mechanism for trying to put a deadline on the review of the materials that are actually exempted?

I mean some agencies will apply one, but some agencies have not applied one.

MR. GARFINKEL: Yeah. The -- the Executive Order says that the exempted material has to include a date for -- a date or event for the declassification of the information.

So, one of the things we've noticed is that that's missing on many of the cases. So, that will be part of the process.

DR. GOLDBERG: But they still have more than four years, don't they?

MR. GARFINKEL: At the rate these five years are moving, it seems to me like we have three or four days. It's just been unbelievable how -- how quickly and how -- maybe I'm just expressing the fact that we feel somewhat overwhelmed, but I know that -- I know -- I have Ray here, and Ray calls one of us every day to tell us he's overwhelmed.

So, I know that --

MR. SCHMIDT: Slight exaggeration.

MR. GARFINKEL: I know that -- I know that there are agencies that are overwhelmed, and I wish
that it could be otherwise, but this is a radical
change from anything we've ever done in the past.

DR. WAMPLER: Well, this is an unfair
question, but are you prepared to say we don't accept
your file series exception?

MR. GARFINKEL: Oh, yeah.

DR. WAMPLER: I mean --

MR. GARFINKEL: You know, I think it's fair
to say that we could say we're offhand right now --
most of the file series exceptions we have don't meet
the standards that are spelled out in that paragraph of
the Executive Order. They don't meet one or more of
its elements.

What we haven't had yet is the opportunity to
review them in detail, sit down with the agencies and
work with them. I don't blame them for --

DR. WAMPLER: Yeah.

MR. GARFINKEL: -- how they did it. They did
what they could do in the time frames that they had
available to them, and -- and I understand why they did
what they did, and I would have done the same thing,
and I've been in their position.

What they did is not what the Executive Order
calls for.

DR. GOLDBERG: You're not really in the
position to police successfully all of these agencies, are you?

MR. GARFINKEL: We're not in a position to do the work for them. We're in the position to know where it seems to be working and where it doesn't seem to be working, but we certainly don't have the resources to substitute for resources that they don't apply.

So, of course, the Executive Order, unlike prior executive orders, this Executive Order is rather self-policing. You have this sword hanging over people's heads with this Executive Order, and, so, when you say we're not in a position to police them, I'm not sure that you need a police man that's not already spelled out in the Executive Order.

What -- what we need is to come up with reasonable ways of getting the work done.

DR. GOLDBERG: But Executive Orders are often observed in the breach by agencies, aren't they?

MR. GARFINKEL: I guess the issue is what's going to happen in the year 2000, when the deadline is approaching, and the agencies have not, at least to their satisfaction, gone through their material.

I fully suspect that some time between now and -- and when that happens, we're going to have all kinds of people coming in crying to the President for
relief, and I -- and I -- I don't know whether that's
go to happen after this election or whether it's
go to happen as we approach 2000, but I fully
suspect that -- that even those who are accomplishing a
great deal are going to come in and ask for some
relief, and those who aren't accomplishing are clearly
going to come in and ask for some kind of relief.

DR. WEINBERG: If I could follow up what you
were explaining a moment ago, that where there are the
file exemptions, you will remind them that the dates
are not yet there for declassification.

What kind of leeway do you think they're
going to -- are you going to allow them or are they
going to be allowed to have on those ultimate
declassification dates or review dates in the file
series exemptions?

MR. GARFINKEL: Right now, I don't know.
We're going to have to negotiate that. I think a lot
of that is going to depend on how well we are able to
narrow these file series exemptions. If we're able to
narrow them considerably, then I think the agencies can
have a fair amount of leeway because these things are
always susceptible to access demands anyway, and, so,
it doesn't mean necessarily that every file is
classified for a large number of years.
However, if we're not able to achieve that, then -- then we're going to have to -- we're going to have to come up with some kind of time table. If -- if the file series are -- are still broad, then we're going to have to come up with some kind of time tables for their review or some kind of specific date that is not way off in the future.

DR. WEINBERG: Yeah. Well, is it not possible to provide the agency with an incentive, to be specific, by suggesting that the broader the category, the shorter the time limit, and the more specific the category, the more willing you are to give them an appropriately-longer time period?

MR. GARFINKEL: Yeah. That -- that's how I feel.

DR. TRACHTENBERG: I was intrigued by what you said about the earlier idea of a 40-year system with a relatively automatic process for declassification, and I just want to ask you about the possibility of adding that kind of arrangement on to the arrangement that we now have.

If it can be done really virtually automatically, it seems that the costs wouldn't be all that great, and you said that there were a couple of red flags that would rise even in that system, which
was some question of foreign governments.

I don't know how this decision relating to foreign governments is made, but certainly one of the factors that should be taken into account, and I don't believe it is, is -- is the actual behavior of foreign governments to declassifying any documents because I don't think that the people who are sensitive to this issue on the American side are quite aware of how extremely liberal foreign governments, especially the British Government, are in releasing these materials. So, that whole side of this should also be brought in.

But, basically, I was just wondering whether a 40-year system can be, you know, easily superimposed on this.

MR. GARFINKEL: I'm not sure if there's a question in there, but --

DR. TRACHTENBERG: How do you feel about that?

MR. GARFINKEL: Well, I'm intrigued by your statement that the British system is extremely liberal. I've never noted them to -- certainly we have had perhaps a more difficult time with that government in terms of cooperation and getting stuff declassified than with most other governments with whom I've dealt.

So, that statement kind of intrigues me. I
just -- that has not been my experience at all. As a matter of fact, one of the -- one of the problems -- and -- and I'm too candid when I speak. Somehow I've been in this job for a long time. I guess -- I don't know why.

But I'll tell you what's an interesting thing with the British Government, we have so many contacts with the British Government in different areas and different agencies, people are able to forum shop the British Government on classified information.

People in different agencies will have their points of contact that they can go to in order to get the decision they want about whether their information can be declassified or not, and one of the things that I hope we do and we've talked about in -- in the ISCAP is having one point of contact through the embassy, the U.K. Embassy, so that we don't have this kind of forum shopping that we've had, that we've experienced in the past, where you can -- if you want an answer to -- we've had some documents, for example, that were dated from the 1920s, and it was outrageous that there should be any delay in declassifying these documents, but someone in an agency that will go unnamed knew the right person to go to, his counterpart in that government, and came back with that person's
declaration that this information should remain
classified, and it required a lot of extra effort as a
result of that to ultimately get that information
declassified.

DR. GOLDBERG: One of the complications in
using foreign government materials that we hold is that
great volume of them are now coming out of -- have been
coming out of international organizations, such as
NATO, and they require the permission not only of one
foreign government but a lot of foreign governments,
and it's extremely difficult to do.

It's one of the biggest hold-ups actually
that we have to international organizations.

DR. TRACHTENBERG: My point is that if our
people are in charge of these decisions knew how much
of that material is being released through especially
British sources, you talked about this, you know, great
detail, then that would affect how we strike that
balance, and part of the whole process here should be
our people having contacts, not just with their
equivalents on the British side, but with American
scholars who can work with resources and can tell them
what the story is about just how much stuff you can get
from the British material.

What I keep -- when -- when I get an American
document that's redacted and crucial areas are taken out, one of the first things I would do is go over to the PRO outside London and look up the British equivalent, and they don't go in for redaction the way the United States does, and after 30 years, they basically just release everything. It's all there, and -- and if our people don't know that, then we're in effect operating unnecessarily with one hand tied behind our backs.

So, let's bring the historians into that process at the working level on our side. That's my point.

BG. GEN. ARMSTRONG: What was your rationale for 25 years?

DR. GOLDBERG: Do you have time to answer that?

MR. GARFINKEL: I -- let me -- you're essentially -- and -- and you should know this. We have been reviewing older documents for a lot of years, from the Presidential libraries, essentially, and it had been our experience working with the NSC and with the folks in the Archives, it had been our experience that when we looked at material that was 40 years old or older, we were ending up declassifying just about every bit of it, far more than 99 percent of it.
Historically, with the application of 30-year systematic review, the rate of declassification has been somewhere between 90 and 95 percent.

Back when the Carter Order was in effect, and there was some, not much, but there was some systematic review on 20-year records, the declassification rate was only about 60 percent.

So, when we went into the process of writing this Executive Order and had decided that systematic review just wasn't getting it done because agencies weren't going to devote resources to systematic review if they didn't have to, and even if they had to it was a slow and laborious process, we decided we needed a drop dead date, and the drop dead date should approximate that age of the records where just about we could be fairly comfortable with very, very broad scale multi-classification in order to keep it cheap.

The first draft of this Executive Order was composed, and it had a 40-year drop dead date. Now, I want to let you know that we thought that there would be criticism from the historical and media communities, and, so, we wrote 40 years in there thinking that we could certainly get by with 35 years.

What we didn't anticipate when the -- when the first draft was leaked with the 40-year period, the
folks in the National Security Archive wrote an op-ed piece for the New York Times and for the Washington Post that totally distorted what the provision provided.

Instead, they -- they talked about it as if it were systematic review at 40 years rather than automatic declassification at 40 years, and, unfortunately, I believe unfortunately, the very first thing that the President ever saw about this effort to revise the security classification system were these op-ed pieces, and they were very clear in the op-ed piece to say Clinton is worse than Richard Nixon. Richard Nixon had a 30-year rule, Bill Clinton has a 40-year rule.

Well, Clinton is reading his newsclips, and he sees that he's being compared unfavorably with Richard Nixon. He's going to say -- he's going to not be happy about that, and, so, the President wrote a note to his national security advisor, and the note essentially said you got to do better than this, and the interpretation of that note which said we've got to do better than this was that we had to reduce the time frame from 40 years.

The NSC folks then decided it should either be 30 years or 25 years. That decision was actually
brought before the President, and the President checked
off 25 years.

Yes, sir?

MR. HALL: Good morning. I'm Roger Hall.

I'd like to know with respect to foreign government
material, are there any exceptions for governments,
like South Vietnam or former communist countries like
Czechoslovakia, and this includes not only classified
material from those countries, but any material we may
have collected on them.

MR. GARFINKEL: The rules don't distinguish
among countries.

MR. HALL: These countries no longer exist.

MR. GARFINKEL: Well, then they come into
play in our -- in our deliberations. I think it's fair
to say if you look at what -- at systematic review
that's taken place in the last few years, the demise of
the Soviet Union has had a dramatic impact in
increasing the rate of declassification among records
that you could call Cold War records.

So, -- so, I think naturally that comes into
play. It's probably a lot easier to declassify, and it
is a lot easier to declassify, a record from the old
Soviet Union than it is from the U.K. because, you
know, first of all, I guess it's easier to declassify
the record of an adversary than it is of a friend, and, second of all, they don't exist.

But -- but as far as the rules are concerned, they don't distinguish, but obviously that has an impact, I believe, as people consider whether the information continues to have national security sensitivity or not.

MR. HALL: Thank you.

DR. GOLDBERG: Jim David?

MR. DAVID: What sort of reports are you receiving from the agencies with respect to automatic declassification and systematic review? Are these publicly available?

MR. GARFINKEL: Well, we got -- we got their initial declassification plans, and I -- most of those would be -- I think we've had Freedom of Information requests for those, and I think we've released them, and it's the agencies' documents, and, so, we essentially go back to the agency and say we don't have any reason why we would withhold them, but do you, and -- and for the most part, the response has been no.

Now, these were the initial plans. We had not gone back and said, okay, agency, now update where are you right now, and this has kind of been a balancing act because we very much would like to get
such reports, but if we go out and say now give ISOO a
report on where you are, that diverts their resources
from working on their program to responding to our
reports, which we already imposed demands on them for
data and statistics and other things.

So, we're kind of doing a balancing act here.

We're -- one of the things we are going to do is we're
going to do our first inspections, if you want to call
them inspections, of agencies in the next month or two.

We haven't done inspections in three years,
and that used to be one of the primary functions of our
office. We haven't had the opportunity to do them nor
have we wanted to go in and say, okay, agency, shut
down everything else to get ready for our inspection.
We don't want that to be the case either. So, it's
kind of a balancing act.

Luckily, I think we have a pretty good
perception through other means and through constant
contact with the agencies. We have a pretty good idea
what we're going to find in these inspections anyway.

DR. GOLDBERG: Ernest?

DR. MAY: Have you ever done any estimates
for agencies of the margin of cost of not declassifying
documents?

MR. GARFINKEL: You mean keeping the physical
costs? We haven't. We've gotten some numbers in the
past that are kind of unreliable. We were told once
that -- and -- and then when I tried to get the agency
that gave me this number to give it to me formally,
they refused to do it.

We were told once that it costs about a
dollar a year to keep unclassified -- a foot -- a foot
of unclassified records could be stored for about a
dollar a year, and a foot of classified records could
be stored for about a $8 or $9 a year, and then I said,
hey, you know, that is a great number. We really need
that. Could you put that in writing? No way.

So, we know it costs more to keep stuff
secure than it does to keep it non-secure, but the fact
of the matter is most agencies have most of their
classified in long-existing facilities and long-
existing containers.

So, even though new containers cost a whole
lot of money, most classified material is kept in
facilities that -- and containers that have been around
for a long time. So, how you compare that, I'm not
sure.

It would be -- you know, it's kind of like
the question we're always asked, what is the total
universe of classified information? We'd love to be
able to know the answer to that because we're asked it so often, but in order to find out even a reasonable estimate, we would devote millions of dollars to the exercise that we feel we could probably devote elsewhere.

DR. GOLDBERG: Thank you very much.

MR. GARFINKEL: You're welcome.

DR. GOLDBERG: You've got your questions. Let's take a five-minute break now and resume as quickly as possible.

(Whereupon, a recess was taken.)

MR. GARFINKEL: Cynthia has asked one question about the advisory panel that is set up under the Executive Order.

Quite honestly, I'm to blame for why that panel has not been set up. The White House Personnel Office asked us to solicit organizations, get names and send over the package to them. We -- we were very disappointed in terms of the numbers that we got, and the fact that some organizations chose not to nominate anybody, and, so, we kept going back asking for more names, and essentially we managed to fool around long enough and not get the package together, that it kind of made it -- if we send it over now, nothing's going to be done until after the election. Essentially, I
think that's fair to say.

We have send -- we have, I believe, like 18 names. We still don't have a number of areas that perhaps the President thought would be representative, and the reason for that is the Civil Libertarians and the media folks have not given us any names on the basis that they will not submit their people to a security clearance, require a security clearance, and, so, as a result of that, we've had a lot of -- a lot of names -- a lot of good nominees among the very few names that we have, and eventually we will send those over.

I have a feeling once we send them over, the White House Personnel Office will find it not numerous enough or not complete enough, and they will -- however they might do it, solicit more names or what have you. So, that's what the status is. It's largely been our fault for not getting them over there.

DR. GOLDBERG: Thank you.

MR. GARFINKEL: In the meantime, we have this panel, the CIA panel, the State Department panel, the Department of Energy panel, and a number of names that I have are people that are on this panel and the other panels.

So, I think there will be and already is some
level of duplication in terms of the advisory panels, although I think it is important that the one called for in the Executive Order be fulfilled.

DR. GOLDBERG: Just call them interlocking directors.

MR. GARFINKEL: Almost. Almost. Yeah. Most of the names that I have, for example, most of the names I have are historians or academics and are already on one of the other agency panels. So -- and I hope that we do solicit through this group and those other groups very similar input that we can anticipate from the other panels.

DR. GOLDBERG: Thank you.

Panel Discussion - Wampler/David Proposal

DR. GOLDBERG: A major order of business for us today is consideration of the communication from Bob Wampler and Jim David with recommendations for priority listings of major DoD component records.

The question is how can DoD implement the attached list of recommended priorities? So, we're really talking questions of both procedure and substance here.

They recommended DoD components proceed with systematic review of exempt files series concurrently with the series of non-exempt files and other things.
I'm going to ask Bob Wampler to speak to this for just a few minutes, so that those of you who have not had an opportunity to see the communication and the listing will be aware of it.

It is a very substantial listing of files belonging to the major agencies of DoD. I said a few minutes, Bob. Keep that in mind.

DR. WAMPLER: That's no problem.

In essence, what had come to me and some other members of the -- the outside members of the panel after the first couple of meetings --

DR. GOLDBERG: I might interject that this has also been endorsed by a very large number of the scholars, in addition to the originators of the communication.

DR. WAMPLER: We had two meetings focusing on the procedure where we wanted to get educated as to how the process works. But what I was hearing from a number of the people who were working with historians' offices, the Services, the components, is what would help us most is if you tell us what you want, what are your priorities and whatever level of detail you want to provide them. Give us something we can react to, give us something we can act on, say yes, this can be done, or no, this can't be done, and here's why, so
that we can get down to specifics.

I had worked up a representative list that I submitted at an earlier meeting to Jim David from the Air and Space Museum, but it's in a much longer list. We got together and with our resources. Jim spent quite a bit of time out at Suitland beefing up the Record Group 330 list for OSD, and then we circulated this amongst a number of outside scholars, saying here's our idea about the priorities, and how they should be attacked, give us your comments, and if possible, allow us to attach your names to the list of people who approved this recommendation, and in essence that's what this letter is.

It lays out a very detailed listing of all the accessions we could determine between Jim and I of records for OSD, Service components, that would fall under the Executive Order, that seemed to us to be of high historical importance.

We took the principle which you say is encountering some opposition, earliest first, top down, although there is an interest which makes sense to me of at least trying to proceed somewhat in parallel to get, say, 1955, if you can get OSD but then also you have ASD, AE, if you could try to have a bow way rather than going forward, going back, going forward, but
that's a coordination problem. As you say, it's always resources.

I just wanted to get down to a point of trying to say, okay, in concrete terms, can this be done? Is there any give in the system that would allow our recommendations to have any impact upon what they can do or are our resources and the existing guidelines such that really outside input, however well received by the offices, really cannot be implemented because the system does not allow it? And I just hope we can get down to some very basic discussions here of what can be done in response to our recommendations.

I want to give Jim just a second, if he has anything he wants to add to this, because he is the other co-signer on the cover letter.

MR. DAVID: No.

DR. WAMPLER: No? Okay. That -- that's it.

DR. GOLDBERG: You had some thoughts on this matter that you wanted to bring before us, and they are directly relevant to this communication.

DR. WEINBERG: Well, if I've read this proposal correctly, it is a means of making specific the concept of oldest first, top down, and it's an area on which at least my reading of the last meeting of this group is there is rather general agreement, and,
so, I don't want to continue with the arguments in favor of it, but I want to go at it from two other aspects.

At the meeting last time, when we pushed for this, I thought I heard from some of the people in the field working an objection that I think we need to engage in and which I'd like to find the way for us eventually to work into this, and that is that the people in the agencies, and that maybe the reason that you were told that this is a little out -- the recommendation is to restrict it, is the people in the agencies are concerned that if they were to do this, when the axe falls, very risky records would be opened, and while it's easy enough to say, as Mr. Garfinkel said, that when the time comes, everybody will be running to the White House and saying, oh, but we can't do this yet, you must give us more time, etc., etc., and my guess is that this is a correct -- I don't frequently agree with Mr. Garfinkel, but in this time, I do. I'm sure that's what would happen.

What I'd like to suggest is that we think of this in a double track quite literally. The current plan calls for percentages in volume. The percentages in my judgment can be met only by the approach the committee has been recommending. You start with the
oldest records, go from the top down. That's where you have large quantities of records that could in fact be safely, speedily, and, for reasons I'll come to in a minute, blocked declassified.

At the same time, however, agencies are, I think, justified in saying we cannot be sure we will get the exemptions down the track, and we have got to start looking at some of the most sensitive stuff that is 25, 26 and 27 years old when the axe falls.

I think perhaps we ought to therefore consider doing this sort of the way the transcontinental railroad was built, start at both ends.

The fact that by the year 2000, it is not quite likely that we will arguably come to a promontory point will be much easier to understand for people when we get to that, if in fact the effort from both ends has been made.

If a serious effort has been made to meet what I would call the bulk, that is to say, the percentage of total records, and that can only be done if one starts with the earliest records, and if, at the same time, that a good faith effort to meet the quantities is made, a determined effort is made starting at the other end, so to speak, chronologically with the most recent ones that would be affected by the
automatic declassification in the year 2000, a process that's obviously going to be much more laborious, much more slow and which is going to produce in terms of volume of declassified records very much less.

It's then when we get to the year 2000, we -- we still have serious problems, at least the scholars can see that vast quantities of records have been declassified. Most of the percentage targets will have been met, and at the other end, it will be feasible to demonstrate that in spite of a good faith effort, there are as yet unscreened records that require detailed review and therefore extensions of classification authority.

Now, when eventually things meet, that remains to be seen, but I do think we have to go at it from both ends simultaneously.

Now, one further comment about both ends of this. The bulk declassification which I think is feasible in the early years, and the more careful screening which is required for the more recent period, and -- and -- and that observation comes from my concern as to the other side of this issue; that is to say, the protection of security.

The best place to hide a tree is in a forest. If there are any earlier records, items which might on
careful examination require classification, the only way that they're going to be protected is by being declassified in a very, very large bulk.

If in a group of 10 or 20 million pages, there are 10 that are perhaps still in need of classification, if they are declassified in bulk among the five, 10 or 20 million pages because that's the bulk we're talking about to judge by the information we've been given, you can be certain they will not be found, at least not for 10 or 20 years, and after 10 or 20 years, they don't need protection anymore, and if you ask me why do I say this with such a degree of assurance, it is because of my own experience.

I came to Washington and started dealing with classified material in 1951, which was shortly before the first of the Executive Orders on classification came from President Eisenhower.

We had then first the Eisenhower classification system. We then had the Nixon one for which reference was made, which went in the direction of more openness, not as much as some of us wanted, but more openness. Then came the Carter Executive Order. Then the Reagan one, which reversed the trend completely, and now the Clinton one.

Now, there is an aspect of this that none of
you will want to think about, but I suggest you give enormous thought to anyway, if not today then after you've gotten over the initial negative reaction.

If one thinks back over the years that these have been in effect, and asks when did the most serious penetrations of American security take place, it's very interesting to me that they all took place when the most restrictive order was in effect. The Walker spy ring, the Ames case, a whole batch of others. I could give you a long list.

Then the question is, is that a coincidence? We had earlier the atomic ones, but that's before the systematic orders took effect, but since the Eisenhower Order went in effect, the most serious breaks into American security that we know about took place when the Reagan Order, the most restrictive, was in effect, and I would suggest that that is not a coincidence.

If one stretches one's resources over a billion pages; the likelihood of protecting them is, in my opinion, less than if one stretches those resources over a hundred million pages.

The more we attempted to keep closed, the more successful those who wanted to penetrate the screen for this, that or the other document, the more successful they were.
It suggests, in other words, that for those who are in fact concerned about the security files, the notion that keeping everything classified protects security turns out on the experience of the last 45 years to be mistaken.

The concentration of security classification on a smaller rather than a larger scale leads to the penetration of fewer secrets, not more. That has been our experience over the last 45 years with this sequence of presidential orders, and it suggests that those in the government agencies who have had very serious reservations about the new executive order which went into the opposite direction from 12356, the -- the Reagan Order, that in fact, the substance of security which is not keeping stuff from us historians but keeping stuff from spies, we should keep that in mind, that that is likely to be more successful if we concentrate our protection on things which need protecting, and that brings me back to the concern about the older records.

The target figures for percentages can only be reached if the oldest records are screened and looked at first, suggests to me at least that agencies would be well advised to include in that program substantial quantities of the older records and

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declassify these in bulk, and the larger the bulk, although it sounds contradictory, the larger the bulk of the older records which are declassified, the less, not the more, but the less likely it is that secrets that ought to be kept secret will get out, and that the effort to maintain security over the largest possible number of documents, certainly by the experience of the country, suggests that the result, the result is the exact opposite, and it seems to me that if we move forward as I suggested simultaneously at both ends, recognizing that at one end, we're going to get the bulk and get it fairly quickly, meet the percentage targets, and that at the other end, have a kind of insurance policy for the agencies, that the secrets that they really have good reason to believe need to be kept secret beyond the time frames will be identified at the most sensitive point, which is the most recent, that will fall under the axe, then it seems to me we can expect to make some progress, in bulk at one end, in insurance at the other end.

That's it.

DR. MAY: Bulk, top down. What if you wanted to start bulk, bottom up; that is, you have the greatest bulk of stuff that's confidential, records of one kind or another, that's what you could declassify
in great quantity?

DR. WEINBERG: Well, I would suggest that --
that we do both; that is to say, the lower level
records that are old, okay, don't need any more than a
look at the general description, and if that's done,
you know in the first week of doing it that you've met
your percentage target. Okay?

Then, you've got some time in order to do the
top level ones, and as is very clear, it seems to me,
from the description, a number of those are in terms of
footage quite small, and therefore will lend themselves
to a relatively quick operation as well.

If you've got -- if you look at the first
page of this letter, I -- I -- I'm -- I always take the
worms and review them. My students will all tell you
this. The thing which is very clear here is that the
largest group has 25 lineal feet. That's the largest.
Okay?

The others are all two and three and five and
six. They're very important, but they're not going to
take very much time. If they're accompanied by bulk
declassification of the lower levels from that earlier
period, then within a very short period of time, the
agencies can meet their percentage targets and get some
high level stuff declassified.
I'm looking at this purely from a very practical point of view, and if at the same time, they've started some people on the stuff that's going to be most sensitive when the axe falls, that is to say, which is now 21 and 22 and 23 years old, then they will be in a position in order to make a fair case if they need more time.

DR. GOLDBERG: I'm generally in agreement with you, particularly about starting at both ends, because I think this will satisfy both this panel and the declassifiers who are concerned about sensitivity of the most recent documents.

On the other hand, what you regard as very practical approach, it is possible to allow the agencies in regards to theoretical one. They will not necessarily agree with you that these top priority documents are going to be as easy to declassify as you think or can be done as quickly. They're mixed. They've got a lot of things in them.

They're going to want to look at them most likely because of that, so that they may take a much longer time than you think. That's all right. I just want to caution you on this, that it's not necessarily as simple or as easy as it may look to you at this point.
What you regard as a practical approach, this will not cease practical. The people are going to have to do it. Well, see, a lot of things that we don't see are standard.

MR. SMITH: Michael Smith.

DR. GOLDBERG: Sorry. Can't hear you.

MR. SMITH: Sorry. The Secrecy Commission as part of our activities decided to test assertions, and we went to Suitland with permission of a number of DoD agencies and others to open boxes that fall within the purview of the DO, and one of the things we found that we did not expect to find was support for DoD's assertion that we just never can tell where RD is going to pop up.

In one instance, we went into a box that showed itself to be having no more higher than secret in it, and we found TSRD in it. In another that purported to be unclassified, we found secret and top secret information.

So, this is supporting Dr. Goldberg's admonition that it will take a little longer than it appears on the surface because of anomalies like this.

DR. GOLDBERG: Jim David?

MR. DAVID: My concern about working backwards is that I don't think at any time, any DoD
component is going to consider multi-classifying, for example, Secretary of the Services' records, Chief of Staff records, etc., and if DoD components haven't applied for exemption of these files from automatic declassification at this point, they certainly will at some point before the year 2000.

So, I -- I -- the bottom line is I think that lessens the concern about the possible automatic declassification of these records in 2000 through exemptible information being released.

DR. WAMPLER: I have a question for Mike. How long did it take you to find the stuff? I mean is this improperly-marked documents that contain the information or was it properly marked and improperly filed?

MR. SMITH: Improperly filed. We simply took the box, opened it up, and leafed through.

DR. WAMPLER: So, how long did -- it wouldn't take very long to go through a similar box to find it, pull it out, and then just proceed.

MR. SMITH: As long as --

DR. WAMPLER: That doesn't take that longer.

DR. GOLDBERG: You've got an awful lot of boxes to do that.

MR. DUDLEY: I'd like to ask this question.
You sound like you're talking about a file of folders rather than individual pages. I would be very concerned myself that individual documents which are far more classified hiding in the forest of the trees, as Dr. Weinberg says, may in fact be released.

This is a serious matter. People can go to jail for stuff like this. There are penalties to be paid for failing to find and review the documents. It's not just a "practical matter".

I think that one has to look for ultimate results, not just in the availability of documents but who pays for the release of documentation which should not be released if you go bulk declassification?

MS. McCONNELL: I just want to -- I'm from the Department of Energy, and we did a more extensive survey at NAR of the DoD records, and we found them mis-filed as well as unmarked restricted data mixed with --

DR. GOLDBERG: Everything's mixed. I think that in connection with what Bill just said and what he has said does account for much of the cautious and conservative attitude of the declassifiers. A lot of them genuinely fear making mistakes that will be brought home to them and that will cause them some kind of grief and actual penalties.
So, whether they're justified in being as cautious and conservative as they are and not to question the fact is, I think, that that is the case and accounts for their resistance to the kind of flexibility and change that we would like to see occur.

It is a culture in the declassification community, and it has to be dealt with some way or other, and perhaps we might find some way of reassuring them on this, I don't know.

With reference to your remark about hiding the tree in the forest, I agree completely. Depending on how many trees there are, if it's 10 or 20 documents in some millions, all right, but if it's hundreds or even thousands in some millions, that is a lot.

I agree because I know of published works of documents with things -- classified things or sensitive things in them which have never been found. Journalists haven't found, the stars haven't found or nothing has ever been made of them.

So, what you say is essentially true. It's a matter of how many are to be found.

Yes?

MR. SCHMIDT: Sir, I think that people have characterized the reviewers and those who have the legal responsibility for making a recommendation for
declassifying as cautious, conservative, afraid of their shadows, whatever you want to say, and --

DR. GOLDBERG: I didn't say afraid of their shadows. I said cautious and conservative.

MR. SCHMIDT: But you're talking about real people --

DR. GOLDBERG: Yes.

MR. SCHMIDT: -- with real careers at stake.

DR. GOLDBERG: Correct.

MR. SCHMIDT: And I think to characterize them that way forgets the experience that they have had.

Let me just cite a couple of examples. The bulk declassification executive order a couple of years ago derived from 50 million pages that were recommended for declassification as being easy to do. You go in and review in only a few days. It's some seven to 10 million pages that were at stake.

Of that 50 million, I think 43 million were released, seven million were not released. I consider that an error rate of 14 percent. Is that acceptable to you? Is that acceptable to the President? Is that acceptable to the American people? Just questions for you to ponder.

Ms. McConnell, a few minutes ago, mentioned
that she had pointed out that a number of agencies had released or had material in their files that were replete with RD and FRD.

Reg 272, which was one of those blinded declassified -- which I think is a better term to describe what you're doing, is blind declassification, you don't look at it. You're saying oh, yes, we've gone over this, and it's now releasable to the public.

DoD found substantial quantities of RD and FRD in that record group that we had blind declassified in 1994. So, it's experience and the harsh reality that people are facing, not some theoretical fear of making a mistake. Not conservatism, not caution, it's reality.

I mean the more experience you have, the better your judgment, I hope.

BG. GEN. ARMSTRONG: Could I ask a question, though? You're in the business of doing what we're talking about. Does the proposition that you ought -- that it makes sense to approach your task from two ends; that is, take the oldest documents first and at the same time putting some effort against the most sensitive files that you have, i.e. the most recent, most highly-placed people, does that proposition -- does that general proposition make sense to you in
terms of doing your business?

MR. SCHMIDT: Whatever the panel recommends, and whatever OSD recommends, we will certainly try to comply.

BG. GEN. ARMSTRONG: Oh, I know that. I asked the question, does it make sense?

MR. SCHMIDT: But -- well, this is part of the answer, if I can finish this. We will certainly -- I mean this is the Department of Defense, the Department of the Navy. We do try to comply with regulations.

It seems to me that you have to appreciate we have one command, the Naval Sea Systems Command, that has a 100,000 cubic feet, cubic feet, not pages, 100,000 cubic feet multiplies -- that's a substantial part of our 500 million pages.

Those people are doing the best. They have declassified and will have declassified something on the order of 15 million pages by the end of this year. That's far more than any other agency. I'm sorry that the people aren't here to publicize this, but it may not be the material that you want, but they are looking at all this stuff, and they're following their judgment as to what they can accomplish to do the greatest quantity in the most useful way from their standpoint.
In other words, this is a decision they have to make. There are 14 or 15 other commands in the Navy who have that responsibility. So, they do all the top down stuff they can, but to tell them -- I can't tell them to go the most recent first, and I would like to hear what the DOE and the Marine Corps and other agencies represented here have to say.

DR. TRACHTENBERG: What you said is fair. You're saying that the idiosyncrasies of the material under review will drive how each reviewing agency does its job. Okay. That makes sense to me.

You said they're using their judgment to decide what would yield the greatest quantities, that expression, the greatest quantity, of -- of classifiable material.

I think that goes to the heart of -- of our concerns, at least my own personal concerns, that the system that we're working under stacks the deck in favor of quantitative judgments as opposed to a qualitative judgment about the value of the material, and as I understand the whole point of the Wampler/David effort, what we're trying to do is redress that balance, so that greater store is put on allocating, we all know, with limited resources into the areas that would give us the -- a better result in
terms of the kinds of material that's of real historical interest as opposed to simply meeting targets for bulk declassification.

Do you want to respond? Maybe I misunderstood what you were --

MR. SCHMIDT: Professor Trachtenberg, people who are reviewing that 100,000 cubic feet are not the people who would review the material that is in this proposal.

We have no one trained, qualified. We have no one, zero resources on hand or in the immediate future to try to do this. We have no one who can look at what you're suggesting. That's what I -- that's why I prefaced my remarks.

Yes, we'll do what we can to comply, but if we don't have the people qualified to do that, we can't do it, and we have a recent example of this pilot project that we did for the ASDC C-3I that illustrates the point.

DR. TRACHTENBERG: So, -- so, different kind of training, different kind of people for the high-quality material than for the --

MR. SCHMIDT: Considering the range of subjects and the number of original classification authorities and the number of equities from other
commands within the Navy and the other agencies within Government and other countries and international organizations, when you consider what a reviewer or team of reviewers would have to know, the kinds of material that you're asking to have produced first -- and I like to read your books about some of these stories that -- that I know are in the file.

The problem is, we have to have such a wide range of classification/declassification expertise, that putting the team together is no small feat, and I would suggest that Mr. Jean Schabbel is the person in the room with the most experience in this -- maybe in Government on this subject.

DR. TRACHTENBERG: But in terms of her recommendations as a panel, what are the sorts of things that we should propose in order to get resources channeled into the areas that would enable us to tackle what's admittedly the hardest job, and -- and one of the debates that -- that I really like about this list is it's a way of translating into very concrete language the sense of, you know, the academic historians about what's important, so that in your internal -- your discussions of these issues, people can kind of wave this list and say this is what people are really interested in.
We shouldn't be straitjacketed by, you know, the requirements of the Executive Order about, you know, so many, you know, percentage points of documents that would be released in any particular year, but what we have to do is balance, you know, two kind of goals. One, meeting quantitative limits, the other, getting out the material that's of highest historical -- historical value, and all we're trying to do, I think, as a panel is -- is to -- to -- to wrap our minds around this problem and say things that are of practical value in terms of pushing the balance more --

MR. SCHMIDT: Sure, and that's why if we had the resources, we would follow this kind of approach, but you have to understand that this takes a long time to get the resources on hand and to train them and give them experience.

The last time you heard from the Desert Shield/Desert Storm project, and look how long it was taking them to get prepared to do it, and I heard Secretary O'Leary some months ago explain how they were handling it. I know that Ms. McConnell knows how the Department of Energy is approaching this, and I don't think that they're following the specifics of top down.

DR. GOLDBERG: Haven't you had any experience in declassifying top quality records?
MR. SCHMIDT: Have I?

DR. GOLDBERG: Has your organization, the Navy?

MR. SCHMIDT: Oh, yes.

DR. GOLDBERG: Hmm?

MR. SCHMIDT: Yes.

DR. GOLDBERG: So, there are people who have those qualifications.

PANEL OBSERVER: Generally, those people are also in a job. Their job is something else. That's where the real rub is because that's who you have to go to get the -- the evaluation as to whether something can be classified or should be declassified or not.

It's not that it -- it's not the guy in the trenches; it's the --

DR. GOLDBERG: Well, there have been guys in the trenches who have done.

PANEL OBSERVER: I'm sure they don't want to sit around looking through a bunch of boxes.

PANEL OBSERVER: If I might give an example, we looked through some records on the C&O level, and one of the topics we discovered was plans for the Russian invasion of Europe, and the apparent response. Now, there's no way that I as a lieutenant commander can make the decision of whether that falls
within an exemption of the Executive Order. You clearly have to go to a four star and say is this still intact, even though it was a 40-year old/50-year old document. So, I can't make that call to declassify it.

DR. GOLDBERG: What makes you think the four star will know the answer?

PANEL OBSERVER: I can't do it on my own.

MR. SCHMIDT: A specialist in plans would have to look at that, and that's exactly the point we were making, that there are a number of different people who have to put their lines -- apply their lines to the decision, and we have written guidelines, but you cannot empower someone who doesn't know the subject to declassify things that belong to some other original classification authority. Therein really lies the problem, and it's not the percentages as an excuse, and we're not cautious and conservative, we just don't have the authority, and I would plead you to ask Ms. Schabbel about how they solved the problem.

MS. SCHABBEL: We haven't solved the problem. We find that our guidelines don't help us when we get into the policy areas, and, so, if you're talking JCS or Secretary level, we have to come back to the agencies.

DR. WEINBERG: Well, let me just make a
comment on this. If you don't have the people with the
training and experience, you may find that in this
area, you've got to do what in every other area every
government agency and every private employer in the
United States does, and that is, you begin to train
people on the job in the areas where they're least
likely to make disastrous mistakes.

You start people working on the records from
the late '40s and early '50s. There are enormous
quantities currently classified that are included in
the list here and date from the '47 to '53 period.

If you start the people in those records,
then the learning curve hopefully will be great by the
time they get into such sensitive periods as the late
'50s. We're still way before the Vietnam War here, and
as they refer, as they will still have to in the late
'40s and early '50s, they will develop patterns and
benchmark decision.

The point that Mr. Garfinkel made when he
discussed the appeals that they heard, it seems to me,
applies to this particular kind of thing.

We don't have to take every single document
that pertains to the same thing back to the same
person. You have benchmark decisions made on specific
documents, and as you start in the late '40s and early
'50s, the number of benchmark decisions that you need will still be relatively small, but then as the people who are doing this work get them, they learn this kind of document is okay, this kind of document is not.

That's the way the people who have all the experience that you don't want to turn to this now, how they acquired it in the first place. They were not -- the people that took top of the offices were not born with the knowledge and experience they now have. They acquired it over a period of years by definition, and your declassifier people are going to have to acquire it themselves over a period of time, and the least risky and most effective way to get them this kind of training and experience is precisely to start them where we're suggesting that they start; that is to say, in the earliest records and at some level at least at the top two.

DR. GOLDBERG: I don't think there's a complete picture. Are there not agencies, organizations, which have had a great deal of experience in declassifying high-level documents and done it successfully, and they've done it for a considerable period of time?

So, they have people who have this experience and are doing it. I think there may be more of that
actually than -- than may appear on the surface. I
know that OSD, the Joint Chiefs of Staff, and as far as
know now, the Air Force apparently is declassifying a
considerable amount of high-level material, and their
resources are -- are in each class limited.

It's just that they've been at it for a
considerable period of time now, so they've acquired a
great deal of experience in doing this.

It may not be as great a problem as thought.
You're never going to get paradigms at this work.
People aren't going to be able to look at a document
and say, yeah, it can be declassified or no, it can't,
any document. They will be able to look at a lot of
them. There are some they will have doubts about, but
I think the declassifiers are going to have to be given
more leeway, and as has been pointed out obviously,
more guidance.

So that this constant need to refer to some
authority who may not really be an authority, and
there's some areas that you're not going to find any
people or who are not going to know very much about it.
Something from 40 or 50 years ago, you can find a great
deal of ignorance on the part of people who are
supposed to be authorities on the subject today.

I found this often. And there's ignorance of
what's happening outside, and in the JCS, for instance, within the past year or so, I've informed the declassification people that material which they are still carrying as classified has already been declassified by the Department of Energy. So, this matter of information, of keeping informed of what's happening is fundamental in doing this work.

Yes?

MR. DOOLITTLE: I'd just like to say a couple of things. I don't have a lot of experience in this area, but I worked for the CIA, and in terms of their declassification program, and I think they had a reasonably aggressive set-up in which they have an automatic declassification program which is a rather large program that is going to do the bulk declassification, and they have sort of a medium that they're putting in place in which they can handle a large number of documents.

At the same time within the study of intelligence, we have a historical review group led by various experienced historians who has a relatively large group of people, many of whom are new at this, who are high-level agency people, who are being hired with expertise in a lot of different areas, who are
handling that declassification, and I think we're
making a lot of progress within the CIA in terms of the
types of things we're doing.

We've started to work on documents from DCI's
office. All the documents from the Soviet Cold War
era. The IG is developing this. So, I think they've
done an incredible amount of work.

Where I run into problems is I have been put
in charge of trying to get the community together for
-- to start these cooperative efforts, and as I've gone
around to some of the other agencies, they're
struggling a little bit relative to the CIA, but I'm
very optimistic in terms of the progress we're making.

Where we're coming up with the difficulties
is in identifying the systematic way of where we want
to concentrate our efforts in terms of systematic
declassification.

I think maybe you're struggling with that a
little bit, too.

DR. GOLDBERG: Yes?

PANEL OBSERVER: I have a question. Do we
know that some of these records are not already being
worked on?

DR. WAMPLER: It's possible some are,
particularly in the case of the Air Force. That's a
real moving target. In a lot of cases, they're still
in Suitland, so far as we know.

PANEL OBSERVER: Okay. And the other thing
is to ask the gentleman from the Navy whether he's seen
-- if he knows whether some of these ideas work.

MR. SCHMIDT: I have seen some of the items
on the list work.

PANEL OBSERVER: Of course, this is only two
recommendations.

MR. SCHMIDT: To give you a partial answer
and a partial answer to Dr. Weinberg, these are
excellent suggestions. It assumes that we have the
funding, that we have the people to do it.

My point was we don't have either. So, you
know, the recommendations that we have made for a year
and two months now are exactly what you're saying,
but -- and what we've been doing is very slowly making
progress. This is an unfunded mandate, and there's no
line item in the budget to pay for it, and they're
being taken from other tasks which are degrading to
those tasks, and we still have to write and publish
information for that Executive Order for today and
tomorrow and other future processes.

So, I hope that answers your question. I'm
trying to be responsive, but the point is the best

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recommendations can't go anywhere unless they have the resources.

PANEL OBSERVER: I'm from the Marine Corps.

I have some experience in declassifying. I spent three years on the staff of the National Security Council.

So, maybe if I could describe the process, you'll understand what the problem is.

Okay. National Security Council document, presidential document has equities from a number of different agencies or components, and by custom and practice, these do not attempt to be declassified by anybody else's equities. It's just not done. You can make a very serious mistake which will cost you personally quite a lot and cost the agency quite a lot.

The information has to be sent to the Army, related information on the SEC DEF document or the CIA-related or DOE-related, whatever, has to be sent to that agency for its review. That might be 40 or 50 years old. We don't have the authority to declassify another agency's equities, even if these were policy documents.

So, now you've got not just the declassifier making decisions, you've got a clerk xeroxing these documents, transmitting them in a classified manner to the other agencies, a clerk at the other agencies
logging these in, going into que, another declassifier at another agency, who has to review it, has to send it back to my agency, and then in time, two or three years, will have responses from these eight or 10 interested agencies, and one of those responses might say subject to the concurrence of yet another agency I never thought of because I didn't know they had equities in the document. I didn't recognize them, and, so, more time passes while I send the document to that agency for its review, and only then, after this long process, the high-level policy documents would be released. That's the problem. That's the resource problem.

Not having one person review the document and say this is okay, this is good to go or just strike it --

BG. GEN. ARMSTRONG: Okay. You know, I'm probably as much at the mercy of the process as anybody else in the stuff I want to publish in an unclassified manner, that I have to go to Tony and then to all you folks to declassify it.

I'd like to get back to what Professor Weinberg has proposed, and the Wampler/David letter specifically and ask the people who have to do the work. We're sitting here as historians, and what
you've heard the academic historians basically say is, look, we understand that you've got a percentage mandate, and you've gotten an opinion on how to meet the percentage target, which in my personal view would probably make sense.

But the academic historians, the people who are interested in using the material, have said from our point of view, we would like to have some attention paid to the more difficult to look at but much more valuable in terms of the scholar's approach documents.

Now, does it make sense for this panel to go back to General Page and say, look, we think that the agencies who are within DoD who are doing this should look at a two-track approach to recognize the data needed to meet the requirements of the Executive Order?

However, what spurred this Executive Order, at least in part, was a scholarly interest in particular material, and we think that they ought to look at putting some effort against the scholarly end of the problem.

PANEL OBSERVER: That would make some sense, provided we're allowed to meet our 15-percent requirement. You want to say okay, once you've done your -- your actual requirements, you could then develop whatever remaining resources you have in doing
these high-level documents.

PANEL OBSERVER: Don't we have a Catch-22 here, though? I mean isn't it by the year 2000, 1975 and earlier, we're going to face this automatic drop-off that leads -- unless they've been exempted from the review? From the automatic declassification?

So, I think that's what the agencies are afraid of, is that they start working up front and devoting those resources to '75 and earlier, and then go way back, and you switch your assets. If you started only at the bottom and worked your way up, you can say, hey, we gave it our best shot. We only got to 1972.

But if we've got a bunch in '75 and nothing in between '69 and '73, because you're working from both ends, are you suddenly going to have a bunch of stuff you've got to put out on the street that you haven't had a chance to review yet?

I don't know. I mean it's -- I think it's a resource problem. I think the idea of doing '75, the later ones at the same time you're doing your old ones, I think it's a great idea. I think it's just a matter of resources.

DR. TRACHTENBERG: We understand the constraints that the agencies are working under. But
this whole notion that the letter of the Executive Order comes first, it's going to eat up all of the resources, there's going to be nothing left, nothing left at all directed toward declassification of the material that's of real historical interest. That's crazy.

Our complaint is not with the -- with the agencies. The agencies are bound, but we as a panel have -- have the possibility of appealing to higher authority.

PANEL OBSERVER: Appeal.

DR. TRACHTENBERG: And -- well, yes, I mean we can say there's this resource problem. Their hands are tied. They're doing the best job they can. If you're serious about spearing the Executive Order, then what that means is you have to direct resources in -- you know, in a different way or at least give the people in the agencies the clear signal that -- that -- that when they are doing this thing, they shouldn't pay exclusive attention to meeting quantitative targets, and that they should give equal weight perhaps toward, you know, providing material that's of real historical interest.

PANEL OBSERVER: I really don't think anybody has a problem. If they have the expertise to renew
that at the same time, I don't think anybody would argue that that's not a good idea to do it that way. That's what you want, and also meet our targets. I don't think anybody has a problem with that approach, except the fact that they don't have the money and the resources to do it.

So, your recommendation should be give us the money and resources.

DR. MAY: Let me ask a comment about the level of expertise. A, I don't know whether any four star in fact knows whether this is still sensitive or not. That's a very good question. In fact, the chances are he doesn't, and the point that Michael was making and that the lady from the Department of Energy was making is that if you need this expertise you're talking about, why aren't you doing that? Because you need somebody who's got the judgment to know whether -- either your post-graduates or your -- whatever.

You've got something that's sensitive. You require the same expertise for that stuff that you require for the CIA or the Secretary. I mean in terms of the talent you require, the judgment you require, it's the same. So, you're essentially talking about what task was given to that set of eyes.

Now, the way in which CIA is theoretically or
tends to approach this is their bulk records. Now, they treat all of those things as sensitive. They assume everything is sensitive, and they've divided up two-thirds of it as acceptable to all management classifications, and the procedure there is to have each document looked at first by three people, and the two retired people who -- who take a look at it, the four eyes, and then somebody who's currently on duty who has to sign it because it has to be a current official who signs off on it.

But that's the way in which it's done. Now, that's a procedure that -- especially if, as -- as their advisors have recommended. They do it piece work rather than paying the retired people by the hour.

MR. DAVID: None of the records on the list have ever been the subject of automatic declassification. What we're asking is if there is any systematic review by these DoD offices that they start with the records that are on the list.

What we're talking about here is systematic review, no redactions and no coordination. The bottom line is that none of these records are available to the public now. So, if in the declassification review of, let's say, some SECNAV collection, only 10 percent of the documents are declassified in their entirety and
thus are made available to the public, so be it. None
of the records are available at this point.

MR. SCHMIDT: This is Washington, so I'll use
a Redskins analogy. Coach Joe Gibbs had this
experience, and Norv Turner has the problem now. Too
many quarterbacks, and we have that problem because the
Archivist of the United States, who tells us what our
quota is for accession records in the Archives II, this
building, Regional Archives, and in the Presidential
Libraries, sets the standard for it. That's one
quarterback, and then we have our own boss as
quarterback.

I mean you can just multiply it. Everybody
wants a piece of the action to tell us what to do and,
again the problem is we can do it, we just need the
people who are trained to handle it.

DR. GOLDBERG: I can understand that the
declassification people are uptight about this. As you
point out, you were being assailed from all quarters.
You were being told what to do, but you're not being
given the resources to do them.

On the other hand, there's a more realistic
view to be taken, and that is that the Executive Order
is not as executive as it sounds. I know. In the
military, you're given an order. You salute and you do
it, but in fact, you often don't do it. It doesn't happen.

(Laughter)

DR. GOLDBERG: That is what happens with Executive Orders, also, and orders from agency heads, even the Archivist of the United States. Things don't work out the way they are supposed to, and as has already been pointed out, when we get to the year 2000, it is most likely that most of the agencies are going to have to ask for extensions. They're not going to have finished, and what this panel fears is that among the documents which will not have been declassified, and which will be retained as exempt or for which an extension will be asked are precisely the ones that we would like to see declassified.

Many of these high-policy documents that we've been talking about. This is why they would like to see something -- something done about them during these next four years, instead of some time after the year 2000, and it is not only in the interests of these scholars; it is in the public interest that these documents be reviewed and as many of them as possible released for use by the public and not simply by scholars because there are other people in our society who are interested in these records. It's not only the
scholars. They happen to be the point men here in this particular panel.

DR. WAMPLER: I'd like to give them two options to mull over while they're eating, and they're looking at the food.

One is to have them declare everything exempt and then proceed with systematic review without the deadline holding over them, under agreement that they would work out a reasonable deadline for all the exempt files.

The other is to say, okay, work out something with ISOO with our panel's endorsement to say, okay, if they present, you know, good faith plans to try to adapt their review schedules to our recommendations, ISOO will then give them a waiver on the 15 percent because they're trying to devote resources to the historically-important and more difficult stuff in response to outside opinion.

We're trying to find a way to get them around this 15-percent issue, and it's either get rid of the exemptions or get rid of the 15 percent.

MR. DUDLEY: I agree with that. I think that's a good suggestion, and I don't see how you can fail to come to that conclusion, at least in a recommendation from this panel.
It's the 15-percent thing which is driving people crazy, and the 2000, year 2000 deadline. If you don't have resources, you do have time. What is so sacred about the year 2000? God knows. Push it down, delay, and then make sure that priorities stay the same because I know people are going to say, well, if you move the deadline, the pressure will go off, and the resources will come anyway.

But even if the resources don't come, this -- this relieves the pressure of -- of failure from the agencies, and I think that's an excellent suggestion.

DR. WAMPLER: Okay. But there's one thing that goes with this. If you buy into this, you have to accept something I think that I believe was -- you were not comfortable with on the basis of what I heard about the prior meetings, and that is, the panel becomes something of a watchdog.

DR. GOLDBERG: Becomes a what?

DR. WAMPLER: A watchdog.

MR. DUDLEY: Instead of an advisory group.

DR. WAMPLER: I know it's advisory, but I mean that we can publicize -- say you were going to do this, you know, we let you off the hook in response to which -- in return for which you said we're going to now try to adapt our review schedules to meet your
scholarly interests, but then if we turn around a year later, and nothing has happened, we -- we say -- you know, we come out and say, hey, look, --

MR. DUDLEY: My point is -- fine. If these things are -- are on the table, they should be discussed here. They should be discussed here. There's no power here. There's advisory influence, and if you don't make these recommendations, you might as well just fold up.

These panel meetings, as I understand it, are public anyway, --

DR. WAMPLER: Yes.

MR. DUDLEY: -- and if things don't -- if you reach an agreement, an agreement that is not enforced, that's the court that you're going to appeal to in any event.

You know, I mean as Garfinkel said at the start, that's how the 25 percent or 25-year thing was arrived at, was basically by going public with some of this.

DR. GOLDBERG: We've reached the agreement on adjourning for lunch at this time.

(Whereupon, at 11:42 a.m., the meeting was recessed, to reconvene this same day, Friday, August 9th, 1996, at 12:30 p.m.)
Panel Discussion Continues

DR. GOLDBERG: When we stopped for lunch, we were in the midst of a discussion, and it seemed to me it was helping to sharpen some of the issues that have been present since the beginning of our sessions here early in the year.

The subject of the discussion is still basically the communication from Wampler and David, recommending an approach by declassifiers with specific priorities for records to be reviewed and declassified.

We had some very interesting suggestions brought forth during the course of the discussion, particularly those from Professor Weinberg, relating to bulk declassification, while at the same time or immediately after paying attention to the top policy materials, and also the other recommendation, the other thought, of beginning at both ends and seeing how far we can get and thereby in effect meeting the objectives of both the panel and the people who are doing the declassifying.

There are other issues brought to the fore, also, as usual. We always have them. There were some people who had raised their hands in order to make some remarks towards the end of the session. I had to cut
them off.

Is there anybody who does want to speak to these points now? Jim David?

MR. DAVID: I think what several of the people have talked about, and that is going in on the surface relatively low-classified collections and finding truly sensitive material gives credence to applying for exemptions for those files and entire collections and thus spending more effort in systematic review efforts.

If in fact one goes out to the Washington Records Center and looks at a 135 for, let's say, Army Chief of Staff records, an RG-319, and the 135 states that the -- let's say 60 boxes are up to and including secret, yet a sampling of those records indicates that there's TS, SRD, and whatever else. That really makes for a good case for exempting those files or in fact the entire collection, and this seems to be a common occurrence, which in my mind, if carried through, should lead to a large-scale systematic declassification review effort.

DR. GOLDBERG: A much larger effort than perhaps some originally assumed would be required, and perhaps an effort that may require more time than had been made available.
MR. DAVID: In -- in respect to the sampling or --

DR. GOLDBERG: No.

MR. DAVID: -- the actual review?

DR. GOLDBERG: With respect to the review.

The sampling would take time, too, obviously.

MR. DAVID: Sure.

DR. GOLDBERG: An awful lot of those collections.

MR. DAVID: But I think on the basis of a representative sampling of, let's say, the 40,000 feet plus in RG-338 at the Washington National Records Center, and there's all sorts of SRD, TS, probably even some TSRDs, so on and so forth, that gives the basis for applying for exemption for that entire record.

DR. GOLDBERG: And eventually for extensions because they're exempted, and they have to be systematically reviewed. It's going to take a lot more time than bulk declassification.

MR. DAVID: Right.

MS. KLOSS: But then would that not equate to you recommending an exempt record group by mere fact that there's mis-filing or mis-identification as opposed to the classification and nature of classification required for continued protection?
MR. DAVID: Well, there's two reasons here. First of all, it's not accurately describing what's in the collection. The second issue is, as has been the case, some documents not even being marked in the first place. For example, the document being marked SI is really SI and RD.

So, yes, but the -- but the bottom line answer is yes.

DR. GOLDBERG: Ben?

DR. FRANK: Yeah. I've been listening all day, and I have participated, but I haven't heard any -- from anyone here who's actually done declassification of records.

I've been a Marine Corps historian for 37 years. I've been chief historian for seven years, and with the chief historian's job came the responsibility for declassifying Marine Corps documents from our Archives, and I want to assure you that there wasn't one single file that I declassified that I wasn't concerned about because I didn't know for certain. I had to depend on my archivists or our archival workers for pointing out that this stuff by law, by regulation, is down-gradable, declassifiable.

But I've always worried, and I've done it now -- I feel certain when you're dealing with more
sensitive records, it's not all that easy, and I haven't heard anybody say that.

DR. GOLDBERG: I thought it had been said. I thought I have heard people say it.

DR. FRANK: Well, I'm saying it again.

DR. GOLDBERG: All right. Good.

Yes?

BG. GEN. ARMSTRONG: When we've -- I think this time, with the concrete proposal that's come forward, I think that at this point in time, having been to three of these sessions, we basically have talked about the same set of problems the entire time; that is, on the one hand, the academic historians, and I think it's fair to say official historians, have interests in certain kinds of documents.

On the other hand, the people who have to do the declassification who are not historians have a set of requirements which (a) they by and large do not have adequate resources to meet, which caused them to do their jobs in a way that probably is going to result in the -- in the interests of the academic historians not being addressed or not being addressed to the degree they would like.

It seems to me we've heard that three times now. We've heard it in some detail, and at this point
in time, as an advisory panel, I think it would be responsible to go back to General Page and say, look, this is what we've heard. The declassifiers are acting according to the mandate of the Executive Order. They're acting in most cases without sufficient resources. Because of that fact, they are doing their work in ways that they believe are the best way to get the best job done.

However, the academic historians find that most of these approaches do not in fact result in the declassification of particular documents that they think they would most like to see and are most in the public interest to get reviewed for declassification.

And we ought to make some recommendation, maybe along the lines of what Bill said, of -- of a way out of this box because we've now had the bottom and the top and all four sides of this box described to us, and -- and we ought to be able to go back and say this is what the box is, and we recommend that maybe more time -- that DoD go back to ISOO and ask for more time now or something else bureaucratic be done to address the problem.

I don't think it's responsible to wait three years from now and then address the problem.

DR. GOLDBERG: I have heard the view.
expressed it may be too soon to ask for an extension on
the basis of the limited experience. However, it's
quite clear that that experience is pointing very
clearly in that direction.

On the other hand, it might not be too soon
to address the problem of these percentages, these
numbers.

BG. GEN. ARMSTRONG: But the percentages are
the box. Percentages are intended to produce a hundred
percent declassification, aren't they?

DR. GOLDBERG: Right. But we can address
those without addressing the question of an extension
yet at this point. I think we will come to that
eventually because it's becoming clear that both the
percentages and the terrible date are just not doable.

PANEL OBSERVER: I would submit to you from
the Navy's point of view that if this panel would go
and say give them the funding, because you have the
military out there doing what it has to do within its
budget. They have the President signing off on the
budget, sailing along smiling.

In the meantime, my organization, ONI, has
got a group of reservists together. They are running
out of time. As best they can to do what little we
think they'll do, and we've accomplished quite a bit of
the stuff. The CIA spoke earlier. They got $25 million.

   MS. KLOSS: No. That's incorrect. They are capped at $25 million. They did not get anything. Now, there is an opportunity to address resources on the table right now, and you can communicate that to your resource people.

   Like it or not, the money is going to come from some other program within DoD. The likelihood of getting a windfall from Congress pulled from some other federal agency is not very likely.

   DR. GOLDBERG: I might mention that the first recommendation made by this panel was to provide more resources.

   MS. KLOSS: That's right.

   DR. GOLDBERG: Precisely that.

   Yes?

   MR. HALL: It appears to me that in the tendency to err on the side of caution, and not following through on security resources, the departments aren't appropriating the money from Congress. They're not making the request. The only way to get the money from Congress is to demand it from them. They're passing legislation to have material declassified from the FOIA as is the Executive Order,
but they're also cutting your budget.

If you instruct them that they are tying your hands and know they're doing this -- but if you go to somebody from the Military Personnel Subcommittee and tell them of your problems and requirements, you may be able to get some influence to get some money for that, and I realize the problems of the Government.

We don't want micro-management of the FOIA problems or the declassification problems, but unless they're aware of it, they're not going to give you the extra money, but if you point it out to them or find a way to do it through the Secretary of Defense, you might be able to get it.

The second proposal was -- point I wanted to make was -- is that these documentation involve more than one agency, and I'm speaking in particular of NSA and CIA, where you have DoD personnel whose unit records or individual records may be under the custodial -- in the custody of NSA or CIA, and these records at this late date be transferred back to the departments of which they originated from.

You have people that fought in Laos who CIA and NSA pulled those records, and they will not release them under their special privileges, but this has to do with personnel that fought in certain areas, and their
records are still being maintained as exceptions, and
if they would identify this to you, and if they still
won't declassify it, at least they'll be able to make
mandatory declassification review at a later date, but
right now, we don't even know where they are, and the
branches of Service don't know where they are.

So, those agencies could be requested to

notify the branches of the Service. It might make

future declassification of material easier.

DR. TRACHTENBERG: I basically agree a

hundred percent with the point that was made before.

Yes, we can call for additional resources, but we could

also say that within the -- whatever budgetary

constraints that there are going to be, there are

problems that have to be dealt with.

We should outline the problems as they
develop. The -- the business of the 1975 documents not

being subject to this whole procedure of being

exemptible at the time, the necessary distortion

resource allocation that's availed by that, the great

emphasis placed on -- on getting certain quantities

of -- of classified documents declassified during that

five-year period, and so on, and how this pulls

resources away from the sorts of materials that are of
greatest interest to historians, and I also agree

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getting them declassified is --

DR. GOLDBERG: Speak up.

DR. TRACHTENBERG: And -- and -- and that

what we should do is not call for an extension of

deadlines but refer specifically to what Mr. Garfinkel

said before about how the process is working de facto,

how in effect it's negotiated process, and that we ask

that in that process, a much greater weight be given to

issues of quality than is natural, given the kind of

bureaucratic imperatives that have been released by --

by the Executive Order in the ways that we've all been
talking about.

The other point that we should maybe discuss

a bit is given those constraints on resources, are

there any other things that we can suggest of a

constructive positive nature that might be helpful?

I think one thing has to do with this whole

business of the training of the people who do

declassification, the structure within the Pentagon of

that training process and of the declassification

process, and a number of thoughts came -- came -- came
to mind here.

One thing is the material that is really old,

40 years old, 50 years old, maybe something could be
done on an all-DoD basis for the pooling of equities,
subject to guidelines written by the different agencies, but where people can be trained on a DoD-wide basis as professionals who would be able to deal with this process much more efficiently.

The key term in a situation dominated by resource constraints is efficient allocation of those kinds of resources.

This whole issue of training is something that I think deserves a certain amount of attention. One of the things you want are people who are real professionals and who have some sort of understanding of -- of -- of the broader historical context.

You don't want the declassifiers to be a real, you know, just simple machines who kind of apply a set of guidelines as far as they're concerned, plucked from the -- from the air, and -- and -- and look at documents without any real understanding of -- of what these documents mean, what's historically important, what's already known by historians.

In other words, you want these people to be professionals, also in the sense of being brought into contact with, you know, with their target audience, historians.

So, let me give you an example of this because this came up before with the whole issue of --
of who's to judge whether a war plan should be
declassified.

I keep thinking of the Berlin crisis '58 to
'62. After years and years until the unification of
Germany, we said, oh, we can't release any material
about contingency planning for dealing with the Berlin
crisis because who knows, it may happen again, or all
plans will reveal too much about existing plans and so
on and so on.

And, so, for a long time, none of this stuff
was coming out. This was the sufficient reason for
preventing it. Then it turns out that we made a point.
U.S. Government made a point of making sure that the
other side knew where our war plans were and the
strategies. We permit them to know. We briefed NATO
in such a way that different NATO delegations that we
knew to be penetrated by Soviet intelligence were privy
to our war plans. This was a conscious, deliberate
policy. The war plans, the essence of the war plan --
of the contingency plans for the defense of Berlin also
became kind of clear in various other ways to the press
and so on, famous Newsweek 1961 and so on.

If the people who were in charge of
declassification had a sense what historians already
knew, what I could have learned through British
sources, for example, which is quite considerable, with -- with what could be learned from all these other sources, their whole attitude towards declassification would have been very different.

Their sense would not have been, oh, I can't risk releasing this stuff. My career is on the line. It would be much more tilted in the direction of all this stuff is already known. It's no big deal.

So, the professionalization of the process means getting people much more closely tuned in with professional historians. So, that's like a whole other area in which our deliberations can move. Accepting resource constraints, looking at the process and trying to figure out how that process can be made more efficient.

DR. GOLDBERG: Perhaps we could get stars to come in here on their sabbaticals.

DR. TRACHTENBERG: I'll say this, if anybody who does declassification is interested in talking about these things, all they have to do is pick up the phone. Any historian would be more than happy to just kind of chat about -- about these kinds of things, and if you feel there's like a need for a meeting, they'd be more than happy to do it.

But there's -- I guess what I'm saying is
there's too much of a gap between these two worlds.

It's as though we're not in the same business, when in

fact basically it should be the same business, you

know. It's not like historians can't see things

through the eyes of people who do declassification work

or vice versa.

So, we need institutional structures to pull

despite these two worlds together.

DR. GOLDBERG: Well, this is such an enormous

and such a complex area, that agencies don't know what

other agencies are declassifying, and they maintain in

their own records as declassified -- as classified

records that have been declassified years ago.

Now, it's -- part of it is really the sheer

size and scope of this thing, and how can one penetrate

all this and set up a rational scheme that will serve

the purposes that we would like to see served, and

that's -- it's a big job, and a difficult one to do.

DR. TRACHTENBERG: We can make certain

specific --

DR. GOLDBERG: Yes, things can be done.

PANEL OBSERVER: I think the issue of

recommendations is an important one. For several

meetings, we have asked the public historians to give

us, the military services, their recommendations about
what we should do.

DR. GOLDBERG: About what?

PANEL OBSERVER: What we need to do. Give us
-- they said we want policy documents. We said okay,
go ahead and cite the specific extensions you want
done. They've done it. Okay. The ball is in our
court.

What do we need now to recommend to the
Secretary of Defense? I don't think we need an
instruction or guideline telling us how to do the job.
That, we don't need. We don't need a top down first-in/first-out, any of that kind of guidance.

What we need is an instruction from the
Secretary of Defense or the Deputy Secretary of Defense
to the military services to get this job done and to
provide some resources to us to get it done.

The example, the Gulf War. As Dr. Dudley
knows, as Bill Epley knows, when the time came to do
the Gulf War, millions of dollars were done this
calendar year. We programmed the money to do the Gulf
War. This is an even bigger project.

MR. EPLEY: Not without a lot of pain.

PANEL OBSERVER: A lot of pain. A lot of
effort. But if you want to get the resources, the
money has to be reprogrammed. Somebody at a very high
level -- and -- telling the military services, get this
done, and get it done by this date, and if the
Secretary of Defense, the Deputy Secretary of Defense
will instruct the Secretaries of the Army, Navy and Air
Force to get it done. The resources simply will be
found.

DR. GOLDBERG: Suppose they tell you do it
but don't provide the resources?

PANEL OBSERVER: Well, the President told us
to do it. That's not --

MR. EPLEY: But he's right. You need to --
you need to get somebody at the Secretariat level to
sign a -- sign his name on the line, I think, to direct
the Services to execute the Executive Order, and -- and
to provide the resources out of hide because that's
where they'll come to make it happen.

But I will say another thing. In the Gulf
War declass, because it was a DoD effort coordinated by
the Army, we did set up a -- a -- we called it an
inter-agency clearinghouse, clearinghouse, where each
of the Services had other service equities, and
sometimes -- in some cases, out of DoD activities.

This clearinghouse, you submit the paper in
there, and the Navy says, well, we've already
declassified that. So, right there, you have the thing
already declassified, and --

DR. GOLDBERG: Not right there. It takes a little longer.

MR. EPLEY: Well, it takes a little bit longer, but I mean it's -- it's -- it's more than sending it over through channels, and it sits in an in box for two weeks or two months before somebody looks at it, and, so, you have the clearinghouse that meets once a month, I think, that goes -- that reviews all these equities from at least within DoD, and it helped -- it has helped expedite the declassification process.

So, I think that's a good suggestion for the Executive Order, and perhaps even at the DoD -- correction -- at the -- at the inter-government level, where you have CIA and NSA involved, to have a central clearinghouse that would meet and somebody would say, representing CIA, say we have already cleared that or -- or we haven't cleared that, and we'll look -- we'll have to take a look at it, but at least you've got their attention.

I mean on the other suggestion that Fred just made, on training, on training, I agree with Fred. You don't -- you simply can't tell the agencies how to suck eggs, you know. You can't -- the agency knows how to
train its people. It does.

Now, whether or not they make the same kinds of judgments you're looking for is another question, but -- but they have other considerations to make, too, and -- and -- and I'm sensitive to -- to what you're talking about.

I think that each of these organizations, and -- and our deputy chief of staff of personnel in the Army has that -- the Executive Order mission right now, not the Center of Military History, where I'm from, but I think the -- I think a historian ought to be within each of those organizations to assist in issues just what you're talking about.

MR. DOOLITTLE: Maybe I'm obtuse here. I don't understand why, if it's old enough, those equities can't be delegated to kind of a centralized authority. Can someone explain that?

PANEL OBSERVER: Let me give you an example of what happened with the Gulf War declassification. When the Gulf War issue was put on the Internet, somebody declassified a CIA document. Okay.

MR. EPLEY: DoD, I'm very familiar with that.

PANEL OBSERVER: So, all of a sudden, the accusations started flowing. The CIA said you shouldn't have declassified that, and a whole bunch of
people now are worried about getting their heads chopped off, and it took the intervention of the DCI to say, no, no, it's okay, that's what we wanted to have done, and a whole bunch of people then breathed a sigh of relief.

And as a declassifier myself, that's what I worry about. That's why I worry about equities. Am I going to declassify somebody else's document, and then find my name being put on the evening news because I released something that somebody else had.

PANEL OBSERVER: Let me cite you an exact case that happened. I'm sitting in court representing the National Security Council in a FOIA litigation case. Plaintiff walks in, says Your Honor, this case is moot. I have just gotten most of this information from the Department of State. We lost the case. The plaintiff has substantially prevailed. It cost the Government a $149,000 in penalties, and it cost the employee his job. He declassified our equities. He declassified information about the location of nuclear weapons in the Southwest Pacific. Boom. He's gone.

DR. TRACHTENBERG: I'm not saying that --

PANEL OBSERVER: That's the problem. He didn't know what he was doing. He went beyond what he was allowed to do.
DR. TRACHTENBERG: I wouldn't defend that, and I'm sure there are people even within DoD who are incompetent and would do things like this.

I'm not suggesting that your agency should allow some other agency to do it. I'm saying should there be some sort of centralized group where if material is old enough and the risk is low enough, and you feel comfortable enough that you can give out clear guidelines stating what from the standpoint of your own agency should not be released, then why not take the risk if our goal is efficiency?

PANEL OBSERVER: Well, there aren't many written guidelines in the agencies. Jean Schabbel can tell you. She works with them all the time. They cover much of this hearing.

DR. TRACHTENBERG: So, if you're willing to delegate it to the National Archives, why not delegate it to an organization within the Defense Department proper so that we can get a much more efficient system in place for this real old stuff that -- that Garfinkel says 40 -- you know, stuff that's 40 years old, nobody had problems with declassifying it in a virtually automatic way.

Why not set something like that up?

DR. WEINBERG: Well, this gets to a point
which makes it in my judgment very unwise to draw in
the Gulf declassification because there by definition
we're dealing with events a few years in the past.
We're dealing with events which are partly currently
sensitive. We're dealing with matters that involve
real or alleged use of weapons of mass destruction, a
whole host of issues.

As I was suggesting earlier, we start with
the easiest, not the hardest, and the suggestion of
Professor Trachtenberg, that is to say, that there be
some centralization or coordination of declassification
in the area which is the chronologically earliest, not
the chronologically latest, is -- is one that it seems
to me is worth thinking about.

When we're talking about the late '40s and
the early '50s, when several of the agencies that now
claim to have equities didn't even exist, it may be
possible to have some kind of a coordination where
things can be done a little bit more rapidly and
specifically.

Now, I do want to make the comment that goes
in another direction, and I'm afraid not in accord with
what several people both on and off the panel seem to
think, and that concerns the percentage issue.

I am not as convinced as a number here in the
room that the percentage inclusion is necessarily such
a bad thing. Okay? It was obviously designed to
provide an incentive or enforcement mechanism built
into the Executive Order to begin with, and while it
may well have as a by-product for scholars the less
desirable effect of putting a premium on doing lower
level materials in order to meet bulk -- bulk targets,
I would be very, very leery about dropping them or
encouraging that they be removed.

I guess I take the old line, better something
than nothing. I would rather frankly have the agencies
declassify huge quantities of records, much of which is
not of that great exciting interest, than to drift away
from doing that.

Furthermore, having worked in lots and lots
and lots of lower-level records myself where the
higher-level records either had been destroyed in World
War II or were still classified, one can often get
clues, though it's a little more painful and time-
consuming, to higher-level choices and decisions by
working through vast bulk of low-level material.

Having spent many months doing just that, I
-- I think occasionally I came up with something. So,
I would be frankly very leery of recommending either an
abandonment or substantial attenuation of the
percentage requirements that they give the Services a push, and part of that push, I will agree, is not quite in the direction we might want them to go, but I think an effective push, which the quantitative requirements, the percentage requirements necessarily involve, has a lot to be said for it.

DR. GOLDBERG: Yes?

DR. MAY: I wanted to -- I agree with the thrust of what Dr. Weinberg is saying, but for a slightly different reason. I think there are two -- two public interests that are involved that are in conflict with one another.

One is the interest of accountability, which is the one essentially being stressed in the argument for releasing material that is through us and partly through journalists in the larger interest of the public.

But there's another public interest, which is the cost of this stuff, and there is a real point in getting a lot of this declassified because we save money.

So, those are -- I think it's important to -- that both of those public interests be -- I would make two other comments.

One is that your point is certainly it's true
that we're not going to suggest here's a manual for how it ought to be done, but I would reiterate the point I was making earlier, illustrated by the CIA program, in what you really want are people with the capacity to make these judgments themselves.

You don't put this responsibility, whether it's bulk declassification or systematic, in -- confide it in people who cannot --

DR. GOLDBERG: Absolutely. The agencies know that. The agencies know that.

DR. MAY: That's -- that is crucial.

DR. GOLDBERG: Absolutely.

DR. MAY: And if they've got that, they know that they can call a historian or call somebody who knows something, if they have that background, and just the last point, is there point in following Mark's suggestion?

Is there a possibility that -- that the -- obviously with the agreement among the Services, the Secretary of Defense could simply transfer the ownership of records 40 years out to you or somebody.

(Multiple conversations)

DR. MAY: Surely the first World War reference, they can't assert equities in those matters.

There must be some cut-off point at which it could be
transferred --

DR. GOLDBERG: The Archives -- I mean when these records are accessioned by the Archives, they presumably have good guidelines from the departments which permit them to do this. This brings us to this whole question of some central clearinghouses and inter-agency agreements and all the rest of it.

The central clearinghouse business can be a very difficult thing. Who's going to establish it? Who's going to pay for it? And how far do you go? Is it inter-departmental? Is it intra-departmental in DoD or what?

I still like the idea of inter-agency agreements, which will permit this, and if they provide decent guidelines, which they don't do at the present time, and presumably those guidelines can be improved, they provide such guidelines, and it seems to me the most efficient way of doing it would be to have inter-agency agreements.

But it's very difficult to get. Agencies don't like to give authority to others to declassify their records. They hang on to them, even though they've been in the possession of another agency or agencies for decades, still belong to them.

But that's -- that's something that could be
pursued. We did make that recommendation. It didn't
get very far apparently, but the central clearinghouse
thing, I think, is more difficult to accomplish because
it involves people, it involves money, and it involves
the establishment of some larger authority which lesser
ones might be reluctant to accept.

DR. TRACHTENBERG: How we're proposing it
puts the -- makes the responsibilities clear. It says
to the people -- you know, the Secretary of Defense,
the Deputy Secretary of Defense, are you serious about
this? Do it at the OSD level. Allocate the money for
it yourself if you're going to be setting it up. If
you don't want to do this kind of thing, then get off
everybody's back.

DR. GOLDBERG: He's not on the back anyhow.

DR. TRACHTENBERG: They don't feel that way.

MR. SCHMIDT: If I could add something to
what I hope is the growing awareness of what is going
on, it's hard even for those of us who are involved in
this to keep current, and I must admit that this -- I
have a real job. This is not my primary
responsibility, although I spend half of my time, most
of it after hours, on this, and I would ask Cynthia
Kloss and Jean Schabbel to correct anything that I say,
but the external referral working group started out in
the intelligence community effort initiated by the
Central Intelligence Agency -- am I correct so far,
Cynthia?

MS. KLOSS: Correct.

MR. SCHMIDT: It was focused initially on a
Presidential Library, as you heard Nancy Smith explain.
It has grown way beyond that because obviously you
can't keep presidential libraries combined between
intelligence communications, and it has become this
referral mechanism that you keep talking about and
wanting to establish.

It's taken all of our resources and all of
the agencies, except CIA, to provide people to handle
that task. In other words, it's already there, but if
you're going to talk about establishing another one,
it's with your money, and I say except for CIA because
I have a voice mail from another CIA fellow who says I
am handling Section 3.5 of the order, the ERWG handles
Section 3.4 of the order, and we would love to have
that kind of specialization, but when we do a review,
we automatically do a classification review and so on
with the resources that we have, and I say that tongue
in cheek because we don't have the resources.

I mean this is all stolen from other people,
and we have -- as Tony Pastarelli said, well, you know, you understand it's the State Department, the National Security Council, the DOE, FBI, CIA and the other IAs around town, we have equities that we cannot address. They will never transfer authority to us.

We have been working together for years within the military departments on exactly the kind of thing that you're recommending. This is not -- you're not telling us something we haven't been hearing. We discovered the wheel.

MR. DAVID: I just want to make clear that -- I've asked this in previous meetings. What we're talking about here is again what I'll call traditional systematic review.

An agency looks at records it owns, and if it can be classed -- declassified in their entirety, without obviously redactions, without coordination, they go ahead and do it. If they can't, a pull card goes in the file, and anybody who wants to see that document without the requisite clearances can go to FOIA, but with the volume of records we're talking about here, that's -- that's in my opinion the only way to approach it.

MR. DOOLITTLE: This is practical as well. The stuff that hasn't been reviewed, we don't know what
it is. So, you have an accounting file with tons of boxes of stuff that we don't know what's in the boxes.

MR. DAVID: Well, that gets back to an earlier point that was made, and that is just take the Navy record groups at WNRC. There's hundreds of thousands of feet in the eight-10-12 record groups. Again, I think you can legitimately apply for exemption of many of the files and in some cases entire collections on the basis that these are records from the '50s, in fact have RD, the 135 so indicated. We sampled some boxes, and there's some documents that clearly also ought to be, so on and so forth, and then you get on with systematic review.

DR. GOLDBERG: Is this pretty much what happened?

MR. DOOLITTLE: Yes.

MR. DAVID: Well, I don't know what --

DR. GOLDBERG: Exempted, already exempted most of the records. Presumably on the basis of some presumptions that we've been talking about.

MR. SCHMIDT: I would just ask you to use the -- I think, the most valuable resource we have in the room, and that's Jean Schabbel. The National Archives has the most continuity in this kind of area.

You do surveys to determine whether there are
good prospects or bad, is that correct?

MS. SCHABBEL: Well, we do surveys hopefully
to actually declassify records and decide that once we
do the survey, we're going to sit down and do the page-
by-page. Basically, what we're trying to do, based on
what we know about the records, either from finding
aids or having reviewed similar records in past, is
that we can pinpoint areas within the records, for
example, particular file categories, where we know we
are likely to find still sensitive information.

Those areas we'll look at in detail. Other
areas, where in the past we have not found still
sensitive information, we will look at in lesser
detail, unless we find something in there which would
lead us then to look at it more closely.

In other words, we aren't expending the same
amount of effort on every single page of the records.
We try to tailor our level of examination to what we
expect to find and then look more carefully if we find
something where we don't expect to find it.

DR. GOLDBERG: In taking over records from
the departments and accessioning them or evaluating
them for accession, most of them presumably are
discarded, is that correct?

MS. SCHABBEL: Presumably.
DR. GOLDBERG: Only a small percentage of the total are actually accessioned by the Archives?

MS. SCHABBEL: I'd say about three percent of the records are permanently valuable and 97 percent are temporary. I think that percentage is probably a little higher for more recent records than it used to be, but still the vast majority of records are temporary valuable.

MR. SCHMIDT: Dr. Goldberg, that's not three percent of the records presented to them for accession, isn't that right, Jean? It's three percent of all records presented during the year?

DR. GOLDBERG: Of all records that are what?

MR. SCHMIDT: Three percent or so already is created during a year, not three percent of what is offered for accession.

BG. GEN. ARMSTRONG: You could also say that the list that Wampler put together has much higher percentage. Almost all of those records are kept.

MS. SCHABBEL: Well, a lot of those records have already been determined to be --

MR. DAVID: In fact, there are a couple of sections and a couple of records at WNRC that are unscheduled, that are listed, but there's no question that they're in fact permanent records. They just
haven't been appraised as such.

MR. DOOLITTLE: We don't know if they're temporary or permanent. That's what we're -- that's part of the process for going through because when they were filed, the SSIC put into storage all 3800 code SSIC, and we'd open a box and it could be anything.

So that part of our problem as we go over the records at the center, we believe that with the 12,000 cubic feet over there, 7,000 of them have been identified by the records center as temporary, but I'm not even sure of that. We need to look at that to make sure that they haven't mis-identified temporary records -- permanent records as temporary records.

MR. DAVID: Well, I was referring to the various collections in the letter. The overwhelming majority have been appraised permanent. Those that haven't been appraised at all are -- when they are appraised will be appraised as permanent.

DR. WAMPLER: I'd like to come back to the box General Armstrong was talking about in terms of this list, and I think I take a different tack from Professor Weinberg because I'm not quite sure we're going to -- I mean if you've got a box that's being framed by the dictates and the incentives of the Executive Order, and the way in which your resources
are allocated, one of the two has got to give or else
they don't have a lot of room, it seems, to be able to
adapt to anything we recommend.

DR. GOLDBERG: Not necessarily. I mean
things of this sort have happened before, where either
one gave and it just -- things just didn't happen.

DR. WAMPLER: That's what I'm saying.
Nothing will happen. That's what I mean. I'm saying
unless --

BG. GEN. ARMSTRONG: That's not true.
Garfinkel said this morning that what has happened now
is a working systematic declassification, so that with
the -- the drought of the Reagan years and the maybe
pie in the sky of the current Executive Order, in fact,
have resulted in a system where a large amount of work
is being done.

However, that -- that amount of work (a)
doesn't meet what you want, and (b) may not meet other
requirements. It may not all be done in the mandated
time, so forth and so on.

That's the reason you have guys like Tony
Pastarelli who basically says what are you people
worried about? In five years, you're going to have an
amazing amount of work done.

Tony's a classifier/declassifier. He's not a
historian, and I understand why he feels that way, but it's not true to say that there's nothing being done. What it is true to say is that the particular things that you want done are not being done in the way you want them.

MR. DUDLEY: I would like to add to that. I would like to suggest a linkage because I think if you want archives items done according to your particular disciplines, then there must be a give in the time frame, okay, the way I see things, and I cannot support a prioritized list, such as the one you have put together, unless our recommendations include a loosening of the time frame. That's the way I look at it.

BG. GEN. ARMSTRONG: I think that any -- anybody -- there are a lot -- we've made a lot of -- heard a lot of proposals here. They're good ideas, but they're postulated on resources becoming available from somewhere, either each agency gives up some resources to work for you in a central agency or -- which he is not likely to do, but bureaucrats just don't behave that way, or we get more money.

The Gulf War thing has been cited. The Gulf War thing is a red herring because there is enormous -- was enormous political pressure to get that done, and
it wasn't DCI, it wasn't Mr. Deutch, he wrote the
order, but the -- his impetus to give the order came
from a much higher authority than he.

So, that's not a comfortable circumstance. I
really do think that you need to think about making
some recommendations that accept the fact that you're
not likely to get additional resources.

DR. WAMPLER: I think that, thinking pretty
pessimistically and realistically, you're right, which
drives you toward the deadlines or the percentages, and
I'm bringing that up for other people to shoot it down,
to say, okay, you have to find some way to reallocate
the resources you do have to try to find some means to
at least partially try to address our recommendations,
but to give them political cover, which means you've
got to work with Garfinkel's office in some way and
say, look, DoD is trying to implement their
declassification plans in a way which is responsive to
recommendations from the outside community.

This means that it is likely we will not make
our 15 percent the way you define it, but is this an
equitable trade-off between quantitative criterion and
qualitative criterion, like Mark was talking about, and
do you in some way then, you know, make use of this
panel to help get that cover, and perhaps other
agencies will pick up on it to the degree that you get
other panels giving you advice to do things and try to
make the Executive Order work in the way that some
people thought it would work.

MR. HALL: Aren't you looking too soon, as
Dr. Weinberg was saying awhile ago, looking too soon
for extensions and not --

DR. WAMPLER: These are not extensions.

These are ways of reallocating what you do within the
15 percent.

MR. HALL: Well, you have to -- you have to
find the resources you need, and if you don't go
through the OSD or through the executive office and ask
for them, we'll get somebody through your departments
to go to Congress and get the money, you won't get done
what we need to get done, and if they don't hear from
you through a panel or through DoD that you don't have
the resources to do the job, they won't hear about it,
but I've mentioned it to more than one congressman, and
they said they haven't heard anything from anybody.

They don't know you people are having a problem about
declassifying anything.

Congressman Dornan raised hell about it. I
mentioned it to his staffs, and they hadn't heard
anything from anybody. So, I suggest you do a bottom
up complaint.

BG. GEN. ARMSTRONG: I don't think it's the
-- first of all, this is an OSD panel. I don't think
it's our business to go talk to Congress. I certainly
will not do that.

MR. HALL: DoD says we need aircraft. If you
need resources to declassify DoD, let's say we need
resources to declassify. It's as simple as that. If
they don't hear from you, they'll think you don't need
it.

BG. GEN. ARMSTRONG: It's not quite that
simple.

MR. HALL: That may sound all simplified, but
that is as simple as it is. If they don't hear from
you, they don't know. Excuse me.

MS. KLOSS: Mr. Smith?

MR. SMITH: Yes. DOE's example might seem
reasonable. They went to the NSC and said that we
believe what is most interesting in our material is in
the RD section, not in the National Security
Information sector of materials we have, and they
received from the NSC a green light to concentrate
their resources on that information as opposed to what
to them would be the easier to declassify national
security information, so that there is some precedent
to what Bob was suggesting.

DR. GOLDBERG: But you've got the special RD law out there which gives us something more to lean on.

MR. SMITH: That's true. But at least they got the people who did that, to acknowledge that, yes, there can be some discrimination in how you approach it.

DR. TRACHTENBERG: As Garfinkel in fact told us this morning.

DR. GOLDBERG: All right. We've had a lot of talk. I'd like to hear some nominations for specific recommendations to the Secretary of Defense. We talked about a lot of things here.

What is it? You've already said resources before. They know themselves what the score is. Do we now say please ask Congress for an appropriation? Is that the sort of thing we ask the Secretary of Defense to do?

DR. WEINBERG: Well, I would think that what we could say is phrase this in a somewhat different plan, and that is to say that by this time, on the basis of what we have been hearing, we are more convinced than before that the Secretary of Defense must make clear to the components of the department the high priority that he attaches to this in terms of
their internal allocations of resources to it, and the reason I phrase it that way rather than suggest that he go to the Congress is that the most recent experience with the Congress in this regard is in the opposite direction.

So, the likelihood of going to Congress is that you end up with less resources, not more. So, -- but it does not seem to me inappropriate for us to say on the basis of what we have been hearing and learning, this original notion seems even more urgent to us than it did before, and that it is important for the Secretary's office to make this clear to the components of the department.

DR. GOLDBERG: That's a possibility.

BG. GEN. ARMSTRONG: Can't you state the fact that it is an unfunded mandate, and it's a mandate which the Services -- the responsible agencies are seeking to implement by diverting resources from other areas, and then why all these efforts all appear in good faith and so forth and so on, we -- they still do leave several residual concerns.

First of all, Wampler's list. That's the concrete concern. Now, it may be a concrete concern to the guys, I don't know, but that's what we ask for, and that's what we got.
DR. GOLDBERG: There's more people than just two guys.

BG. GEN. ARMSTRONG: Yeah. But the point is that every -- everybody here understands there's a resource problem.

DR. GOLDBERG: The Services understand it better than anybody else.

BG. GEN. ARMSTRONG: Sure, sure. And the resource problem could get fixed or it may not get fixed.

MR. DUDLEY: I'd like to add -- I think the word linkage comes up again -- that resources where they should come forward might assist in completion of this in the time limit assigned, and it might enable us to hit some of the prioritized items on the list, but if the resources don't come forward, then time has to give. There must be an extension of time down the road. You can argue about how much time is necessary, but it seems to me you're coming to a stalemate in what is attainable in a practical sense if you don't put that in there.

BG. GEN. ARMSTRONG: And speaking from a DoD bureaucrat's point of view, I have some concern that we go to the Secretary and say, resource allocation is not adequate, the Secretary or his 37th-ranked minion turns
around and says, all right, historian, I want one of your people or whatever, you know. That -- in a situation where you don't get additional funding or something, something has to give, and recent experience within the DoD historical community indicates that one of the places they look for resources are the historians. CMH is facing that right now.

DR. GOLDBERG: They look elsewhere, too. The current experience in the Army now, for instance, is it's allocating people. They're not getting money, but they are getting people, which is the same thing, really, and they're taking them from different parts of the Army.

BG. GEN. ARMSTRONG: They're also at the same time going after CMH to the tune of about 30 percent of their folk for something else.

DR. GOLDBERG: Well, then --

BG. GEN. ARMSTRONG: All I'm saying is that I -- I'm part of the target. I have resources. Dudley has resources. Epley has resources, and if you say to DoD additional resources are needed for this, it's quite possible that some of those resources will come out of my hide, speaking as a low-bellied bureaucrat.

DR. GOLDBERG: How do you feel about taking things out of his hide?
BG. GEN. ARMSTRONG: Fortunately, they can't.

DR. GOLDBERG: Well, observing things being taken out of his hide.

BG. GEN. ARMSTRONG: Ask Bill Holley, he already did that.

DR. TRACHTENBERG: We could state there's a resource problem, and point out and reiterate that there's a resource problem. I think you have to be a little realistic here and say, but given this resource problem, we have an allocation problem. These -- these -- it is quite clear that the -- that given the fact that resources are not adequate to meet the -- all of the goals set by the Executive Order, what's going on here is that resources are being allocated in such a way to contravene the spirit of the Executive Order, and that this is a fundamental concern of ours, that we take note of the important information we got this morning from Garfinkel about how the process is working in practice.

Our concern is that in these negotiations, setting up what amounts to be the real declassification system, adequate weight is given to the priorities about quality, not -- as -- as translated into weight -- kind of a precise agenda kind of by the Wampler and David letter, which I -- I have to say that -- that it
should be understood that that letter does reflect, I think, what has to be viewed as a consensus of the academic historians working within.

They have hit all the really important stuff, and, so, -- so, -- so, just kind of, you know, raise those concerns because I don't think it's -- it's all that likely that they're going to open up to Congress, and we have to give him practical advice about specific things that they can say within what are going to be realistic ranges.

DR. GOLDBERG: I am still looking for specific recommendations to make. We did very well last time, at least in the number we submitted.

MS. KLOSS: Remember quality over quantity should be our buzz words.

DR. GOLDBERG: All right. Anything else we want to say?

DR. TRACHTENBERG: Can we say something to the effect that attention should be given to the -- the streamlining of the system and to the training of declassification people on an all-DoD basis, and --

DR. GOLDBERG: What do you mean by an all-DoD basis?

DR. TRACHTENBERG: Meaning the pooling of equities for very old material, historical material
that's 60 years old, 70 years old. I don't -- I don't care. Whatever people feel they're comfortable with, just to see whether it's possible to break away from what strikes me as an outsider is rather an inappropriate use on the part of agencies that have resulted in an unnecessarily inefficient system because, as I say, the argument to be made is that in a -- in a structure characterized by very sharp resource constraints, one has to give a great deal of attention to how the system itself can be made more efficient, and just -- just review some of the descriptions of how -- how the multi-equity system works, and -- and the -- the inefficiencies that that entails and just raise the issue, could it -- could these equities be called for material that's like 50-60 years old? Consideration should be given.

DR. GOLDBERG: Yeah. There is a basic problem here. You don't have a centralized organization of control for this sort of thing within DoD. C-3I has a policy responsibility, presumably can out put a directive which is general in tone, and it can suggest a lot of things.

Now, is it possible to get all of these Services and agencies together to work on this, to streamline the system, set up some kind of a central
apparatus? It's an extremely difficult thing to do. It hasn't worked in a lot of other areas where it's been attempted.

DR. WEINBERG: Well, let me make a suggestion on that particular point then, and that is to suggest that the agencies themselves may find it in the interest of the efficient utilization of their own resources for certain periods to combine some of the declassification teams in areas where the equities are mixed.

After all, under the present system, each agency's people are using a great deal of time trying to find out which one to consult whom on and doing it and collecting it and collating and checking whether they've gotten the Xs and Os, so on and so forth.

It's not just simply the outsider who has some interest in having this done, and if some of the agencies are prepared to experiment with this, and if they can, get everybody to agree. That's not a problem. They can at least get some increased efficiency of the operation, and then for those that insist on still being consulted, then they just have a little less correspondence than they used to have, that they have under the present system, and make clear in our recommendation that we're suggesting this, not for
things as recent as the Gulf project, which I think is inappropriate, as I said before, but, rather, at the other end chronologically of the whole period.

That is to say that there be pooling of resources for the late '40s and 1950s. It is a recommendation, in other words, not simply to the Secretary of Defense but through the Secretary to the operating portions of the department that they consider doing this. They're the ones who are going to save time, trouble, energy and money by doing it this way.

DR. GOLDBERG: Somebody has to take hold of that and push it and see that it gets done, and the question is, where is that going to be done? Is OSD going to do it? One of the Services step forward in Dod, Army or Navy or whoever, you act as executive agent in doing this. That's a possibility.

On the other hand, historically, the Services are usually reluctant to commit people and resources to joint efforts of this kind, despite all the jointness that we hear about, because they would much rather do their own internal business and take care of that. That takes priority. Service, your own organization, your own agency, takes priority over almost everything else here in the military services, and to a certain extent in the agencies.
DR. WAMPLER: Joint Operations is a new mantra now. They were leaning toward joint operations, I thought. That's --

BG. GEN. ARMSTRONG: The law specifically tells the Services to do that. If you look at Title 10, that's what they're mandated to do. Approve, train, equip, blah-blah, and that's the administration which is what we're talking about, is definitely their function.

The fact of the matter is if you want to create a body like that, you have to have somebody like a deputy secretary of Defense turn and say do it, and he then has to appoint a doer, and the doer has to be either an executive agent or out over the circuit, whoever. Just -- cooperation sounds great, but I'm sitting here looking at the Service guys, and I don't believe any one of you will stand up and say that it's a realistic expectation. Prove me wrong.

DR. GOLDBERG: As I sit here and listen to these suggestions, retirement becomes more attractive.

(Laughter)

DR. GOLDBERG: All right. I'm still looking for a constructive suggestion.

MR. DUDLEY: I'll make a constructive suggestion because I haven't heard anyone make it. I
would like to see wording in a recommendation that requests an extension of the deadline to the year 2005, and it should be in the form of an amendment to the Executive Order, in order to enable the Services to use the resources that they have to focus on both quality and quantity.

This was the phrase used earlier. I just heard it used again. I submit it is impractical to use this as a goal, unless we have more time and/or more resources.

DR. GOLDBERG: All right. I'd like to hear reaction to that suggestion. Where did that come from?

MR. HALL: I'm going to echo what I said before, is that -- I'm building on what you said. You said they're looking too soon for extensions and not quick enough for solutions. There's enough brain power here that I think that they'd be coming up with more ideas and approaches instead of how to postpone it.

The Executive Order, its intent was to get rid of the bulk of the declassification activities, and you're still procrastinating, wanting to do it the same old way.

MR. DUDLEY: That's not true.

MR. HALL: Well, I may be a little severe in saying that, but I'm not far from the truth.
MR. DUDLEY: You are far from the truth.

MR. HALL: Well, you have a concern with classified material. I recognize that. But the release of the material is as important as most of it that is still classified. A lot of it doesn't need to be classified. It just stands as such, and that you have to find a way. There's enough brain power. You people ought to be able to come up with something. I'm not trying to dismiss it that easily. You need the resources. You need the manpower. You need the money. I understand that. You ought to be looking for a way to do it instead of more time. You still have a couple of years. Don't look for an extension now. Find a way to do it more efficiently. I know that sounds sarcastic, but it isn't meant to be that way. This is just the way I see it.

DR. GOLDBERG: Gerhard, you had some thoughts on this, didn't you?

DR. WEINBERG: Well, my concern is that while I think that more time is going to be needed, I don't see this as a very good point in time to make that. It seems to me that we ought to make that point at a time when one can demonstrate substantially more progress than has been demonstrated up to now, and when one can show, if you will, a kind of a -- a
progression and an effort to do the things and to
comply with the Executive Order, and to show that at
this pace, which, after a slow start, seems now to be
adequate, then under those circumstances, at that
point, the judgment is made an additional three years,
four years, five years.

I'm not wedded to a number of years, and I
don't quite see how we can tell them now what that
number should be, but until one can point to not just
an initiation and a good faith beginning, that a
substantial effort and substantial progress, which
however substantial, is clearly not going to meet the
final target, okay, then we can say, it seems to me,
this is going in the right direction. A good faith
effort is underway after a slow start. It will lead
into this, that and the other productivity, whatever we
can say. At this rate, it is reasonable to assume that
the progress -- that the project can be completed in
the year, and at that point, we'll say 2003 or 2004.
We'll say it when the time comes, when we can in fact
point to it.

To suggest now when the thing is really just
going underway, and when there are still major
differences as to how it is to go and where it's going,
to say, well, we can now tell there's not enough time,
there's not enough money, there should be another five years, that to me is -- is -- is, Number 1, not likely to accomplish its purpose because it's much too soon and therefore sounds defeatist, and -- and, Number 2, is not founded on a sufficiently close analysis of experience, with a running operation, its experience within initiation of an operation, but when we can say this is the way it's going, it looks like this, at this particular rate, and with these problems and resources, it cannot be accomplished by the year 2000, but we think it's reasonable that it can be accomplished in the year whatever we think at that point.

Then at that point, I think I'd certainly be prepared to support the extension notion because I think we're going to have to have it.

DR. GOLDBERG: I would like to have the sense of the panel on this particular issue. Do you want to speak to this?

DR. WAMPLER: Yes. Okay. We've heard a lot from the Services. We haven't heard from OSD, which is where the bulk of these materials are located.

The sense that I got, which makes me sort of concerned about the approach you take, is that under current funding they will spend the next four years looking at the non-exempt material only. They won't
even look at anything that's exempt until after the
year 2000, and who knows when after that. They just
don't have the resources and the manpower to do it,
which means there is no leeway at all in there for them
to even look at one thing we recommend that falls
within their exempt materials between now and the year
2000. So, there will be no progress.

DR. GOLDBERG: You're speaking of OSD?

DR. WAMPLER: OSD, yes.

DR. GOLDBERG: I don't think that's correct.

DR. WAMPLER: I mean that's what I was told.

DR. GOLDBERG: By whom?

DR. WAMPLER: Do you really want names?

DR. GOLDBERG: Yes.

DR. WAMPLER: I'm not trying to cast
aspersions. I'm just trying to say this is what I was
told. Someone in the office there. Okay.

DR. GOLDBERG: But, you know, in fact, they
have had the systematic review program underway for
years. They are well into the '60s. They have
declassified most of the records of that whole period
into the mid-'60s, and they're continuing that same
approach.

DR. WAMPLER: Well, what I was told was that
they were going to spend all of their resources looking
at the non-exempt material to make sure nothing filtered in there that should have been kept out.

DR. GOLDBERG: That's -- that's the cautious conservatism that I was speaking --

DR. WAMPLER: Yes.

DR. GOLDBERG: -- of before.

MR. DAVID: You're talking about an issue that has been raised in previous editions, and it's also raised in this letter, that is, which one or which ones of these statutes and the various record groups of WNRC have systematically reviewed or reviewed for declassification, and some other procedure in the most recent decade, and if there have been suggestions made previously, and it's made again in this particular letter, that those accessions be sent over to --

DR. GOLDBERG: Archives has most of this material through the '50s and into the early '60s.

MR. DAVID: For example, all the documents from 1954, the Secretary of Defense correspondence and subject files are all out at WNRC. Virtually all the assistant secretary of Defense is there and their files about '52 or '53.

DR. GOLDBERG: That doesn't mean that they've not been reviewed and declassified.

MR. DAVID: Well, what I'm saying is if they...
have been reviewed under systematic review or any other
review, and they're still at WNRC, what has been
suggested previously and is suggested again is that
those accessions be moved to College Park.

DR. GOLDBERG: Well, is that because OSD has
not done it or because Archives is not prepared to
accession them yet?

MR. DAVID: Well, I -- I assume before
Archives II was built, the Archives didn't have the
room, but they certainly have the room now, and even if
they've been reviewed for declassification, of course,
they're inaccessible. Declassified materials have not
been pulled, so on and so forth.

DR. WAMPLER: And the question was raised
again by someone in the office about whether they had
to go back and rereview it under the new guidelines.
Rereview the material they reviewed under the old
guidelines --

DR. GOLDBERG: A very special problem there,
which I hope to deal with some time soon.

Did you want to say something?

MS. SCHABBEL: Just let me comment on that.
The Archives did put off the accessioning of a lot of
records while they were in the process of building
Archives II.
Everything that was scheduled to be accessioned in the Archives through 1995 has now been moved in to Archives II, with the exception of some Air Force records, which the Air Force and I agreed would be better left in centers so they could deal with declassification.

Anything that is scheduled that is still in the center was scheduled for accessioning at dates later than 1995. If, for some reason, to accelerate the accessioning of those records, that has to be a matter of agreement between the agency concerned and the Archives.

Some agencies have approached us about early transfer of records once they have been reviewed for declassification, but that's not something the Archives is going to initiate. It has to be a suggestion that comes from the agencies.

DR. GOLDBERG: I am still interested in getting the sense of this panel on this particular recommendation that has been made. I'd like to know if the panel supports the recommendation to extend the deadline for declassification to the year 2005. If necessary, I'll poll you.

MR. HEIMDAHL: My only concern -- I agree with Bill that I think the year 2000 was a non-
realistic date to set to begin with.

My only feeling, though, if we do it so soon, and Professor Weinberg has alluded to this, I think some parts of the Defense Department simply will fail to step up to what's being required of them. Some of them are not doing it already.

So, if we give them a five-year extension, not that we're giving it, but we recommend it, I think some will just take that as further excuse to delay.

DR. GOLDBERG: I think the real question is should we make this kind of recommendation now or later?

MR. HEIMDAHL: Wait.

DR. GOLDBERG: Now, this is what I'd like to get some -- some sense from you.

DR. TRACHTENBERG: Wait.

DR. GOLDBERG: Wait.

DR. MAY: That is my view, too.

DR. GOLDBERG: Wait. Dave?

BG. GEN. ARMSTRONG: First of all, before I give you an answer on that, I'd like to say something. The fact the -- the fundamental thing we're trying to address here is a conflict between the lack of resources or limited resources and desires for specific information.
If we don't take this suggestion, you still haven't addressed that conflict, and I -- I frankly -- Professor Weinberg, I think, is quite correct in his analysis of when we ought to make a recommendation concerning extending the time period. So, I agree with these gentlemen.

However, you then get yourself back to the fact that Wampler has given you a list of things that he wants done, and the people who have to do it have said, hey, given the structure of the Executive Order and resources we have, we can't do that. We're not going to do that, and you then have to go back and address what Wampler has laid out in front of us.

DR. WAMPLER: But is it useful to take this to the process where we make the recommendation, and it elicits a more detailed response on the other side as to why we can't do it, which then gives you more --

BG. GEN. ARMSTRONG: Just carry that recommendation forward and say this is what we've received, and we would like an in writing response from the various agencies as to what their assessment of that really is.

DR. WAMPLER: How do you do it, and if you can't, you know, you explain why, and you get on the record then, okay, here, we have the details. Here's
the crunch. Here's why it can't be done.

BG. GEN. ARMSTRONG: Bill's -- Bill's proposal about time, I think everybody agrees, it's probably going to be the way you have to go.

DR. GOLDBERG: It's going to happen regardless at some point or other, perhaps not until the year 2000. Everybody's going to say, well, we're fairly close, we're getting close, and we hope to finish, but we need more time.

BG. GEN. ARMSTRONG: Would it be fair to -- to say to the -- to say to Mr. Paige, you're not saying this to the Secretary, you say it to Mr. Paige, that all of our discussion has basically illuminated the fact that given current resources, we expect that at the closure of this five-year process, we will be coming back to the Secretary and asking for an extension of time or, if we -- if that is not going to happen, then we need more resources now to get -- you've made the resource pitch once, but I think you basically could get away with going back and saying, all right, boss, we told you once there are not enough resources, now let us tell you what we think is going to happen at the end of this five-year period, if we don't get more resources. You're either going to have to go back and say I haven't done the job, and I need
more time --

DR. GOLDBERG: Of course, that was implicit in the original statement and request for resources.

DR. MAY: Really, it's not just those two. That is, you could either vary the time or you could vary the -- the percentages and say no, you're not going to release the kinds of documents that are there, but your goal is to try to achieve the quantitative targets, and I think you can say certainly very clearly that within the resources visibly available, the two targets of this, which are percentage -- in terms of percentage of documents that are declassified and in terms of supplying material illustrated here which is required for plugging in accountabilities for the Defense Department, you're not going to get those.

So, one of those three. You either have to have more resources or you have to give on the percentage target, which is a way of -- you might not get it in that time, or you're going to give them a qualitative --

DR. WAMPLER: Well, there was the fourth one, which was to say based on an assessment of the file descriptors, plus the risks that there's material hidden in seemingly innocuous files, you seek and receive a file exemption for everything, and then you
develop a systematic review schedule, either for the
percentages or the year 2000.

BG. GEN. ARMSTRONG: Basically saying we're
not going to do what the Executive Order requires,
which I don't think people here want to say.

DR. GOLDBERG: I -- I sense from gathering
the sense of the panel that we should not make this
specific recommendation but make it perhaps in some way
in which that thought will be implicit and may be
inferrred.

PANEL OBSERVER: I mean I like the idea of
saying these are our recommended priorities. What do
you need to do this? Or in essence, you're trying to
establish a different set of requirements that you want
to co-exist with the Executive Order requirements, and
then that underscores the way in which what you need
isn't there.

BG. GEN. ARMSTRONG: Has Mr. Paige ever come
back and given a response to the recommendation for
increased resources?

MS. KLOSS: Yes, and the response far and way
-- if this goes all the way forward to Dr. Wright, so
please understand it doesn't stop at C-3I, and the
response was Mr. Paige applied resources to developing
some extensive issue papers to get into the PRG.
DR. GOLDBERG: Explain the PRG.

MS. KLOSS: The Program Review.

BG. GEN. ARMSTRONG: Oh, it's gotten into the budget process?

MS. KLOSS: Absolutely in the budget process.

BG. GEN. ARMSTRONG: Five years from now, we may see it.


DR. GOLDBERG: Realistic estimate of the possibilities in the budget process.

MS. KLOSS: Well, based on my phone calls from offices that have competing interests, it doesn't look good, and they're very articulate on their needs for funding for their priority projects. It's a tough one to swallow. You're not getting a new plane out of this. You're getting documents, and it is very difficult to generate a lot of support. It's in the system. It is forwarded to the PRG from Mr. Paige.

MR. EPLEY: For all the Services or just for the OSD?

MS. KLOSS: DoD-wide.


DR. TRACHTENBERG: Do I take it that the Wampler/David list is going to be somehow appended to this --
DR. GOLDBERG: Oh, I see no reason why it shouldn't be. Certainly.

DR. TRACHTENBERG: Then the question is, how are we going to introduce it in the report.

DR. GOLDBERG: Yeah, and I would assume we would introduce it in the report, yes.

DR. TRACHTENBERG: By saying that this is a concrete representation of what we have in mind by --

DR. GOLDBERG: Yes.

DR. TRACHTENBERG: -- high-quality material, that it will effectively serve as a yardstick for judging --

DR. GOLDBERG: That's -- that's the way I view it, yes. So, it's a much larger pilot project than the one we originally proposed.

DR. TRACHTENBERG: And there was kind of a loose end that was hanging from discussion before which threw me back to square zero, I have to say, because it suggested that this is just a purely technical problem, getting access to these materials.

You said that OSD materials have been reviewed through the early 1960s?

DR. GOLDBERG: Most of the OSD records.

DR. TRACHTENBERG: And all the stuff that we're interested in?
DR. GOLDBERG: Similarly in the Archives.

DR. TRACHTENBERG: They've already been processed. They haven't been sent to the new Archives?

DR. GOLDBERG: Most of them have been processed. I don't know whether they're still at Suitland or not. Jim David says they're still there. Are they still at Suitland, the OSD records?

DR. TRACHTENBERG: The only reason that they haven't been sent to College -- to College Park is that the Archives doesn't want to ask for them, and the OSD doesn't want to call up the Archives and say let's -- why don't you take them? Is it as simple as that? I mean am I -- is this what's going on?

MS. SCHABBE: The appraisal and scheduling process establishes dates when records should be transferred to the Archives. It does not really address the issue of whether we can make those records immediately available or not. The records are -- the schedules are based on categories of information.

For example, the records of the Office of the Secretary of Defense will be transferred to the Archives when they reach a certain age, whether they then are reviewed for declassification or not because that's the way the schedule sets it up.

We don't know whether these records have been...
reviewed for declassification systematically within the agencies, unless somebody tells us. You're -- Dr. Goldberg says they have been reviewed. That does not necessarily mean even if they come to the Archives, that we can make them immediately available because there is other -- typically when records have been reviewed by an agency, first of all, -- and I'm not saying this is true for OSD -- OSD or not because I don't know, but typically they've only been reviewed for their own agency equity, which means the Archives has to go back through and review for any other agency equity that we can declassify using guidelines, and then withdraw everything that can't be released.

So, it is still ordinarily going to be some considerable amount of time even after we bring them into the Archives, given all of the other records we have to review, before we can make the records available.

So, to us, it doesn't make sense to go out looking for records that can't be made immediately available anyway and bringing them in early.

DR. TRACHTENBERG: But to get that process started, to get this stuff in the que, because this is the most important material you're going to get -- I mean this is really a gold mine of material. To get
that started, the work -- OSD's work has already been
done. Why can't -- I mean who's -- who's making the
decision to kind of have the stuff sent over so that we
can get this process in motion? Because it's crazy if
all this work has been done for it to just be hanging
like this.

MS. SCHABBEL: Well, like I say, we don't --
we ordinarily don't know what's being done out in the
agencies. The agency doesn't tell us, hey, these
records have been reviewed. They can be made available
to researchers with a minimal amount of effort on your
part. We don't know that.

DR. TRACHTENBERG: So, it's the OSD --

MS. SCHABBEL: We have -- we have -- well, we
started out with over 450 million pages in our own
possession already that we had to deal with. We didn't
need to go out looking for more, and assuming, you
know, not knowing what records they reviewed and what
they haven't, as I said before, our branch doesn't deal
well at all with policy level records. So, again, I'm
not going to go out casing records that we can't
declassify them ourselves, and then try and get the
agencies to come in and do the work because I certainly
don't have the time to xerox it and send it all back to
them.
MR. HEIMDAHL: I really think it's too soon for us as a committee to start mucking in to specific agency records disposition schedules. We may want to look at that down the line. I'd like to just submit, I think this particular list is a very exhaustive and, I think, well thought-out list. I personally have some druthers about the Air Force section, but I haven't gotten any specific input from our declassifiers as to whether they looked at some of the series or not.

I think this should go into our report with a recommendation that the Services look at this and give us feedback, hopefully by our next meeting in November, indicating what they've done with some of these series and what they intend to do with some of these series, and we can even say that we would recommend that the agencies, if they have actually examined these series and made determinations, that they look at the records disposition aspect of the series, but I really think we -- we get too buried in -- in -- in the -- as someone said earlier, we -- we get buried in the forest, and we can't see the forest for the trees, if we start to say, well, what about the OSD records disposition schedule or what about the Navy records disposition schedule.

I think it's too soon to really consider some of those issues.
DR. GOLDBERG: And that turned around, it's not finding the tree in the forest.

Jim David?

MR. DAVID: Well, first of all, some of the accessions listed in 340 and 341 in my April 15th submission have been deleted from this.

MR. HEIMDAHL: -Right, right, and I've looked at that.

MR. DAVID: Your colleagues have reviewed them, and many of them have been transferred to College Park.

Just a real quick question on what RD-330 records and WNRC have been reviewed. Would that be Mr. Neeley, who has the information on that?

DR. GOLDBERG: Neeley and Brian Kinney.

MR. DAVID: Okay.

DR. GOLDBERG: Kinney, specifically.

MR. DAVID: And the last -- Mr. Kinney.

DR. GOLDBERG: We can ask for that information.

MR. DAVID: Some sort of listing. And the last thing I'd like to throw out is since we're talking about possible modifications of the EO, I would just ask simply dispensing with the automatic declassification requirement and making mandatory
systematic review top down.

BG. GEN. ARMSTRONG: I don't think you'll --
I don't -- personally, I don't think that would work.
I think that the one hammer the thing has in it is at
the end of 25 years, unless you say put an X on this
file group or whatever, it's declassified. That's
what's driving the Services.

MR. DAVID: But -- but, again, none of the
questions or records listed in this letter are ever
going to be subject to automatic declassification. If
they're not exempted now, that application will go in.

BG. GEN. ARMSTRONG: Yeah. But remember,
this is a specific set of concerns, and I recognize
that it's probably for scholars the most important
group of records. But as Professor Weinberg has said
several times, there's an enormous amount of other
stuff that's being looked at and declassified as a
result of that hammer, and I got to tell you, the --

MR. DAVID: I'm not saying that -- that
they're not valuable, but they're not nearly as
valuable as these particular records.

BG. GEN. ARMSTRONG: Well, what I would like
to see is a system that addresses both concerns, that
doesn't do away with automatic declassification, but
gets at some of the more difficult to declassify
MR. DAVID: Well, the latter asks for systematic and automatic at the same time, which you realize is like, you know, asking for, you know, a great big Christmas tree full of stuff. It ain't going to happen, but still you've to find some way to have both these going if you're going to have both of them mandated.

MR. DOOLITTLE: Mandatory systematic review was already in the Navy guidelines prior to the Executive Order. It just wasn't being done.

(Multiple conversations)

MS. SCHABBEL: The Executive Order for the Archives to do it.

MR. DAVID: Under the Reagan Order, and it had all agencies under the Carter Order.

MS. SCHABBEL: And it still wasn't getting done.

DR. WAMPLER: Would you consider it getting down and mucking too much with disposition schedules to make a recommendation that each component make timely notification that they've done their bit?

MR. HEIMDAHL: I don't see any problem with that.

DR. WAMPLER: I mean as you say, it doesn't
MR. HEIMDAHL: Agency -- agency schedules obviously vary considerably.

DR. GOLDBERG: We've already asked that. We had that recommendation last time, to speed up these disposition schedules.

DR. WAMPLER: I'm curious. When you get them, we don't do anything until you've finished your coordination in terms of making them available? I mean you say you get them in, but there's material in there which the Navy didn't declassify because there were other agency equities involved, and then you have to coordinate those or else you have to act on your own guidelines.

MS. SCHABBEL: We act on our own guidelines.

DR. WAMPLER: Can't you make what you can make available with full carts and then put the stuff in as you review it?

MS. SCHABBEL: That's what we do, but there's no -- we're trying to do this very efficiently. We don't want to look at these records two or three or four times. So, we want to go through, look at -- the agencies that say they can't, declassify it ourselves, if the guidelines allow us to do so and put full carts in as we are going through and doing that process.
DR. GOLDBERG: Let me summon you to recapitulation of a possible recommendation. First, it is recommended that we ask the Secretary to make clear to the components the high priority that he attaches, and that they should -- to this program, to declassification, and his request that they allocate resources for this unfunded mandate.

Is there any objection to that as a recommendation? It's a rather general statement, but I think it conveys the sense of the panel.

BG. GEN. ARMSTRONG: Request that they allocate additional resources because they're already giving resources. The problem is they're not giving enough.

DR. GOLDBERG: How about adequate resources?

BG. GEN. ARMSTRONG: Well, because they -- they'll look at you and say the resources are adequate.

DR. GOLDBERG: All right. Well, we don't know what they allocated already. So, we don't know about the additional either.

BG. GEN. ARMSTRONG: No. Well, if you're not happy with the resource level that currently exists, then you ought to just say that. Additional resources above those that the Services are --

DR. GOLDBERG: All right.
BG. GEN. ARMSTRONG: -- currently allocating should be given.

DR. GOLDBERG: How does that sound?

BG. GEN. ARMSTRONG: The historians when they come back.

DR. GOLDBERG: Exactly.

(Multiple conversations)

DR. GOLDBERG: Some statement stressing the importance of giving additional weight to quality in reviewing the records, that quantity is important, it's understood, but quality is also important, and some additional weight should be given by the declassifiers to reviewing records of the kind that we are listing in this annex to the report.

BG. GEN. ARMSTRONG: I wouldn't say of the kind. I would say specifically list.

DR. GOLDBERG: Specifically these -- these records as a start. Hmm?

MR. DAVID: As a start.

DR. GOLDBERG: Yeah. All right. As a beginning, and the suggestion was made concerning streamlining of the system, which is a rather vague way of putting it. We have to be a little bit more specific.

The matter of training of declassifiers and
the pooling of equities. I've been pondering that a little bit to try to see where I could --

BG. GEN. ARMSTRONG: I think you're mixing apples and oranges. If you -- you know, training is one issue, and, frankly, the -- some sort of a centralized or consolidated way to look at equities is another issue.

I mean in terms of getting this across to the departments, because I think it's been brought up here, I think we'll get no action if we infer that there should be a centralized kind of a group that has to be specially trained to handle all DoD records. I just think it will get ignored like some of our other recommendations in earlier sessions.

I think we may have to stress training, don't get me wrong, to train declassifiers who are essential, but I don't think we should tie it into the fact that we need some sort of a clearinghouse for the agency interests or the equities.

I think you tie it to the fact that additional resources are required for the specific reason that the trestle of this kind of material requires people with specific training. It cannot be done by a GS-7.

DR. WAMPLER: You're saying in essence a
linkage between the first general reiteration of the resources recommendation, saying we're driven to reiterate and stress this because we now have more details on the extent and the --

BG. GEN. ARMSTRONG: We can advise the declassification community that in -- that to address the specific materials that have been identified by the scholars, they require people with training, special training to get at that material.

DR. TRACHTENBERG: Can I make a suggestion? I think that there's a lot of stuff here we could talk about. It's a whole complex of issues, streamlining, professionalization, centralization and so on, and I think we should talk about it more in another meeting before we agree to anything.

It's in a sense -- it doesn't quite go with the main thrust of what we're doing here because it's like a level of specificity down. I think that we can keep this report limited to the sorts of things that you are laying out, adding to -- to the list the report about more attention to work quality as opposed to quantity, and a very weak explanation of how the existing procedure tends to step in the opposite direction.

DR. GOLDBERG: I like that suggestion. Is
there any objection to following this up and trying to
clarify exactly what it is -- more exactly what it is
that we have in mind in this matter?

I don't think it is entirely clear at this
point, and I would have trouble wording it in the way
that would satisfy everybody, I think.

All right. The suggestion was made to have
-- that the agencies might find it desirable to combine
declassification teams in areas where equities are
mixed. This has to do once again with the centralizing
in some form or other of a procedure to make
declassification available across the board or more --
more across the board than it is now.

Is there any reaction to that? Is that
satisfactory? Is that an appropriate recommendation
for us to make?

MR. HEIMDAHL: I think we'd get farther if we
recommended that guidance be some way centralized so
teams like, say, for instance, in Navy can apply
guidance that's been given by the Air Force, by the
Army, by OSD. If we -- my -- my gut feeling is if we
recommend combined teams, I just don't think it's going
to get very far.

DR. GOLDBERG: He's having a lot of trouble,
isn't he?
MR. HEIMDAHL: It is, it is, because while as we speak, the Air Force's declassification team is receiving the Vice President's Hammer Award for the efficiency and effectiveness that's being presented by the Secretary of the Air Force at this very moment.

We have had some experience in this, and I'm just saying that, you know, this is based on our experience. Perhaps I shouldn't say gut feeling. Our experience.

DR. GOLDBERG: All right. Well, the guidance point is important. There's no question about that. This is one of the problems of how do you really create meaningful, useful guidance for people to use, especially people who may not be particularly experienced as declassifiers to begin with, and there is a lack of such guidance, and there's a lack of exchange of such guidance.

So, I think we may be able to construct something useful along those lines, and I'll make that effort.

DR. WEINBERG: Well, and when you do so, I still think that in the phraseology, reference should be specifically made to the coverage of the records. We may find the components more willing to cooperate if they know that the records that are being looked at
under these combined guidelines, if you prefer that, are ones which antedate 1955, in other words, which are 40 years old or over.

DR. GOLDBERG: All right. And, finally, some thought about the relationship between lack of resources and the time constraints built into the Executive Order and all that comes -- should we address this?

It's been suggested that it's become fairly clear that given current resources, at the end of five years, it might well be necessary to come back and ask for more time, more resources or whatever. Simply a general remark to that effect.

It might not even have to be a recommendation. I'd like to be able to say something to that effect in the preliminary paragraphs to the recommendations.

DR. WAMPLER: You could just say given current information and assumptions, no one will be in compliance by the year 2000.

DR. WEINBERG: You have to say at least that because that's probably what's going to happen.

BG. GEN. ARMSTRONG: I think Professor Weinberg made a very good point in that we will be able over time as additional work is done, as more
experience is gained, to -- to make -- we will be able to make more specific recommendations concerning the amount of additional time and so forth and so on.

DR. WEINBERG: And if we do that down the track, it is entirely possible that that would be the framework within which we might suggest one or two other amendments or changes in the Executive Order.

In other words, that on the basis of several years' experience, this is the series of recommendations. The time limit needs to be pushed to whatever. This or that other provision does not appear to have worked out quite as well as people expected, etc., etc., and phrase this not in terms of, oh, it can't be done, we've got to have another five years, but rather on the basis of the experience, here are two or three or four, whatever the number is at that time, recommendations which experience suggests are called for, that it's in that kind of a framework, it seems to me, we can be both more helpful and likely to be slightly more effective because, after all, that kind of change is going to come from the White House and not from the Secretary of Defense, and that means it would be advisable to have a very strong case, it seems to me.

DR. GOLDBERG: All right. It seems to me
that my cup overfloweth on that.

Are there any other suggestions, any other thoughts about what might be included here?

MR. HEIMDAHL: Just one question. You had mentioned earlier, Dr. Goldberg, at the very beginning of the meeting that our request on pilot projects had been sort of put off. Do we have any idea when any of the Services may be able to come forward and talk to us about their experiences?

MS. KLOSS: We have results from a couple of the pilot projects. We are pending results on another one. As we stated, the Army was not in a position to participate in the pilot program.

If it is all right with you, what I would propose to do is a recap assessment, combining the results of all of the pilot projects in a memorandum to you, if that's sufficient.

MR. HEIMDAHL: I think a memorandum would be helpful, but I also think that it might help us if indeed we could get some of the personnel who have worked the pilot projects to come talk with us so we can ask them questions about some of the difficulties that they may have experienced, the problem with equities and the various agencies.

So, certainly we should have at your
convenience something in writing, but I would think --
and it may not be the November meeting, perhaps a later
meeting, we -- we really, I think, should talk, because
then we've got something concrete to start asking
questions about what needs to be done to improve the
process, not that we're great experts, but at least we
may be able to make some suggestions that can be
brought forward up the line.

BG. GEN. ARMSTRONG: Bill makes a point that
I think is very good. We've talked to the fact that as
this thing goes on, we are going to get more experience
with how the process is working, and I think it would
be good to think about how we get that experience.

Unless we go out asking people on a sort of
periodic basis how things are going and try to define --
- I don't know. Some way of judging how things are
going because different agencies are going to go at
different rates.

The one at the Air Force is going very fast.

Various Army --

MR. HEIMDAHL: By the seat of the pants.

BG. GEN. ARMSTRONG: These kinds of things, I
think, if -- if we seek that information and try to --
try to assemble it in a -- in a useful way, will enable
the panel two years, three years from now, be able to
go back and say, look, this is what's up, and not only leverage with OSD but leverage with the scholarly community because I think that's so far a function that has not -- that the panel has that has not really started out yet, and that is, when things get done, I think it's important to tell the scholarly community what's been done, and where things stand.

DR. GOLDBERG: Let us review these pilot projects before deciding to have a briefing because I think that we probably did not get a lot of what we asked for from these pilot projects.

Beg your pardon?

MR. HEIMDAHL: That in itself may be a telling situation, and that's why we want to ask the people working them what happened. Why did it --

MS. KLOSS: If I could --

MR. HEIMDAHL: Why was it successful, why did it go wrong.

MS. KLOSS: If I could suggest that November is not a good time. As Steve Garfinkel mentioned, he's going to be doing an inspection of guess who, all the military departments. Certainly calendared for the first meeting of the next iteration is appropriate with us owing you a written assessment recapping the results. If that's okay, we can live with that.
DR. GOLDBERG: That's fine.

MR. HEIMDAHL: I think the written assessment is very good. It's just that I -- I -- for instance, I found out things today with Ray Smith talking from the audience, informed me of some things I wasn't aware of, and, so, I just think that if we can down the line speak with -- are able to speak with the people who are --

DR. GOLDBERG: Well, of course, you must realize this is our third meeting, and we have heard a lot of these things repeated.

MR. HEIMDAHL: Right.

DR. GOLDBERG: So, a lot of this is not new. We're hearing again what we've heard before, which maybe perhaps brings it home to us even more forcefully than otherwise.

So, we have covered a lot of this ground already. I was hopeful that the pilot projects would get us some specifics about costs and time and that sort of thing, but I don't think that we have. It takes something bigger. This is -- these are microcosms.

MR. HEIMDAHL: Sure.

DR. GOLDBERG: Is there anything else?

(No response)
DR. GOLDBERG: All right.

MS. KLOSS: Could I --

DR. GOLDBERG: Yes.

MS. KLOSS: I just have an admin announcement. Next meeting will not be held here. We would like to delay the meeting by one week to Friday, November 15th, because of a conflict within the historian community. Location to be determined, but I will try to keep it at a Metro stop. Wherever there is a Metro, I will look for space there.

The second comment, if I could piggyback on Professor Weinberg's statement on making recommendations for changes of Executive Orders, there are several historical panels currently in existence, and I'm observing a lot of them, and you all are going toward the same trail.

Would you be open to extending invitations for the other panels to address you and see if there is consensus within the advisory -- historical advisory channels for broad recommendations to the Executive Order? That would be the intell community, the State Department, the Department of Energy, probably half a dozen panels I don't know about, but there's that many historical panels.

BG. GEN. ARMSTRONG: Sure. They deal with --
my take is the same basic scholarly community.


DR. GOLDBERG: Considering our talk about centralizing this process and inter-agency, etc., etc., I don't see how we can say no. So, we say yes.

MS. KLOSS: Okay. Well, that's good.

DR. WAMPLER: Would this essentially go up to that agency which hasn't been named yet, the one that Garfinkel is still putting the numbers together?

DR. TRACHTENBERG: That's just the DoD.

MS. KLOSS: No.

DR. WAMPLER: A higher one.

MS. KLOSS: I understand what you're saying.

This is certainly an attempt to consolidate recommendations on changes to the Executive Order, so we can see if DoD is an anomaly. If we're coming up with recommendations that are similar to problems and challenges that DOE is facing or at the Department of State, and we can couch our recommendations, your recommendations, as members of the historian population, both civilian and government historians, have looked at your Executive Order for several months now, and we see a certain trend occurring. It is our recommendation. Keep it away from the DoD and make it to the ISOO via National Security Council and so forth.
ISCAP may not be in place yet.

DR. GOLDBERG: Yeah. The -- having a
government-wide advisory committee recommendation, I
think, would carry a lot more weight than an individual
one, unless you're familiar with the others. It's a
step in the right direction.

MS. KLOSS: I will notify you then on the
November meeting location.

DR. GOLDBERG: We stand adjourned.

(Whereupon, at 2:29 p.m., the meeting was
adjourned.)
REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before: DEPT. OF DEFENSE

In the Matter of: ADVISORY PANEL

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Official Reporter.

Dated: AUGUST 9, 1996