



Mr. William Burr
Senior Analyst
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, D.C. 20037

July 1, 2009

Dear Mr. Burr:


Thank you for your letter of April 29, 2009, regarding the impact of the Kyl-Lott Amendment as it affects your research. I am responding to your request to ask the Navy Declassification Program Manager to authorize a "review on demand" for expedited review of specific files relating to background material on Admiral Elmo R. Zumwalt contained in the Operational Archives at the Naval History and Heritage Command (NHHC).

I regret to inform you that the Navy is unable to support your request at this time due to previously established government declassification priorities. A Kyl-Lott review of the NHHC holdings may start in 2012 barring any change in, or additions to, government priorities.

If you have questions regarding our ongoing declassification review efforts, please contact Ms. Mary Anderson, the Department of the Navy Declassification Program Manager. You can reach Ms. Anderson at (202) 433-3207 or e-mail mary.a.anderson@navy.mil.

A similar letter has been sent to Mr. Larry Berman. If I can be of further assistance, please let me know.

Sincerely,


J. C. HARVEY, JR.
Vice Admiral, U.S. Navy
Director, Navy Staff

The National Security Archive

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29 April 2009

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Vice Admiral John C. Harvey, Jr.
Director, Navy Staff
2000 Navy Pentagon
Washington, D.C. 20350-2000

Dear Admiral Harvey:

We are historical researchers working on projects involving Navy records from the 1960s and 1970s. One of us, Larry Berman, a Professor of Political Science at the University of California, Davis and Director of the University's Washington Program, is doing a biography of Admiral Elmo R. Zumwalt. The other signer, William Burr, is a senior analyst at the National Security Archive (George Washington University), where he does research on U.S. nuclear weapons policy during the Cold War.

Our research projects have taken us to the Operational Archives at the Naval Historical Center, where we have met a significant obstacle. Because of the requirements of the National Defense Authorization Act for FY 1999 (PL 105-261) (Kyl-Lott Amendment), Navy contractors are presently reviewing formerly open files at the Operational Archives to identify any inadvertent releases of restricted or formerly restricted data. As a result, almost all files from the 1960s forward are completely unavailable to researchers. We also understand that the Navy has made significant cuts in the budget for the Kyl-Lott review; therefore, what would have been a lengthy process promises to be an interminable one. We realize that the Navy must comply with legislative requirements, but we also believe that observance of the law can and should be consistent with meeting the needs of historical researchers (we are sure that others have encountered the same problem).

When the National Archives went through the Kyl-Lott review process, it accepted requests from researchers ("review on demand") for expedited review of specific files that were then unavailable. We believe it should be possible for the Operational Archives to establish a similar procedure so that it can meet both legislative and researcher needs. We would be grateful if you would direct the Operational Archives and the Navy's declassification managers to find a way to do this. Certainly, keeping the situation as it is, with researchers having no hope for access to important historical records, would be wholly inconsistent with the spirit of the new presidential administration, which encourages maximum openness in government. Thank you for considering this.

Sincerely,

Larry Berman
Director, UC Davis
Washington Program
1608 Rhode Island Avenue NW
Washington, D.C. 20036

William Burr
Senior Analyst
National Security Archive

Cc: Rear Admiral Jay A. DeLoach, USN (Ret.), Director, Naval History & Heritage Command