

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

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

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CYNTHIA KLOSS

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P R O C E E D I N G S

9:00 a.m.

1
2
3 DR. GOLDBERG: This is the third meeting of
4 this panel. I see that we have completed the arrival
5 of the coffee phase. This is the first item on the
6 agenda.

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

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

Administrative Announcements

14
15 MS. KLOSS: Good morning. On behalf of the
16 Secretary of Defense for Command, Control,
17 Communications and Intelligence, Mr. Pate, welcome to
18 the Third Meeting of the Third Historical Records
19 Declassification Advisory Panel.

20 Administrative announcements include the fact
21 that you are being taped. The proceedings will result
22 in a verbatim transcript. All of the panel members
23 will be identified by name in the transcript.

24 Observers in the audience, if you wish to be identified
25 by name for the record, please state your name when you

1 address the panel and speak loudly, since we don't have
2 any mikes. Otherwise, you'll be referred to as panel
3 observer or audience observer.

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

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

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

17 There is a telephone in the back of the room.
18 You are able to use that only during breaks, please.
19 If you need a pay phone, go all the way down to the
20 basement. Right outside of the elevator, there is a
21 pay phone for you.

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

24 I do believe that that's all I have for
25 Administrative Announcements.

1 I do have the copies of the verbatim
2 transcript in the rear of the room, if you would like
3 to take a look at the transcripts from the first and
4 second iteration of the HRDAP.

5 Thank you.

6 Opening Comments

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

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

21 So, it's understandable why the Secretary
22 himself has not been able to pay attention to this.
23 These reports have gone to the Deputy Secretary.

24 The last report we made included six
25 recommendations from this panel. These were the ones

1 that I had distilled out of the discussion that we held
2 here, which I thought was a very thorough discussion of
3 the issues which finally resulted in these
4 recommendations.

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

10 He forwarded the report to the Deputy
11 Secretary, and the Deputy then requested a revised copy
12 of the policy statement, of a revised policy statement,
13 which is being prepared by the Assistant Secretary C-
14 3I. He wanted to see this before reacting to the
15 report that we have made.

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

23 It's approaching final form, I have been
24 informed. I've also been informed that it's been
25 through three drafts thus far. It has been reviewed by

1 the Military Services and other agencies, and it's
2 undergone language changes in response to criticisms.

3 All of this is perfectly normal. This is the
4 way that the policy statements and directives and even
5 memoranda are often prepared, often evolved, and
6 finally issued within the Department of Defense, and I
7 would guess most other departments, too.

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

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

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

24 As you know, they all have their own
25 programs, their own plans and approaches. It is likely

1 it probably will be included in the policy statement
2 most likely as a strong recommendation. I suspect that
3 this is how it will emerge finally, and I would guess
4 that it will have a mixed reception.

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

8 The second recommendation, having to do with
9 request for pilot projects, was not happily received
10 either by the Services, and they're not completed yet.

11 The Army in fact is not yet in the position
12 to respond to the request for pilot program. It is
13 still engaged in organizing its program. It has a lot
14 of difficulties, but it appears -- something appears to
15 be happening there, and there may be hope that within a
16 matter of months, the Army may have a going program.
17 At least they've assigned the responsibility for the
18 program to the Adjutant General.

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

25 A recommendation on inter-agency agreement on

1 declassification was not considered necessary as of
2 yet. There are some mechanisms already in existence
3 which are providing exchanges for this purpose. It is
4 possible for agencies and Services to get in touch,
5 with OSD and JCS, to get in touch with each other in
6 order to be able to carry out declassification of the
7 records of other agencies.

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

11 (No response)

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

19 The disposition schedules, which we
20 recommended, that is the speeding up of the disposition
21 schedules in order to achieve faster transfer of
22 records to the -- to NAR as the approval of the
23 Services, and I think we can see probably a more rapid
24 movement of records into Suitland and perhaps into the
25 Archives, whether -- the latter depends on what the

1 Archives is able to do, the resources it will have, and
2 you've been hearing the term "resources" now at every
3 meeting we've held, and I'm afraid you're going to
4 continue to hear it. It's all a matter of what they
5 can actually accomplish in the time available.

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

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

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

23 I do want to say a few words about the effect
24 of the reports and recommendations of this panel. I
25 know that it may seem to some members that we're not

1 having the desired effect, but this is nothing new. It
2 happens inside. It happens all of the time in large
3 bureaucracies. You don't make progress as fast as we'd
4 like to make it. You don't get everything that you
5 want. You often have to settle for less than you asked
6 for.

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

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

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

1 and their efforts are not wasted.

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

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

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

23 Now, we did ask the Director of Information
24 Security Oversight Office, he's Garfinkel, to give us
25 an overview of the progress of Executive Order 12958 to

1 date, and we hope that this will -- I hope at any rate
2 that this would reinforce the note of cautious optimism
3 with which I've tried to inoculate you.

4 Unfortunately, I don't see Steve Garfinkel.

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

6 DR. GOLDBERG: Beg pardon?

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

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

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

12 DR. GOLDBERG: Yes.

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

15 DR. GOLDBERG: All right.

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

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

25 The second item is the inter-agency

1 agreements. The example that Dr. Weinberg referred to
2 at the Presidential Libraries, I wanted to tie that to
3 your first meeting.

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

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

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

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

1 We are only one.

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

13 Do you know?

14 MS. KLOSS: The Information Security --

15 DR. GOLDBERG: Yeah.

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

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

24 So, we're part of a much larger program, and
25 they do affect us. I mean a lot of Energy records are

1 Defense records, and a lot of Defense records are
2 Energy records, and the same thing with the
3 intelligence community, of course.

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

11 Any questions? Dave?

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

14 DR. GOLDBERG: Yes.

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

19 MS. KLOSS: Scanning, indexing.

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

23 You know, the mechanics are very simple, but
24 how rapidly they do it and how much material they
25 actually choose to let out, I think, is what -- what

1 interests me as a historian. I really don't -- I'm
2 interested, but not vitally, in all the computer stuff.
3 That just means they have money. That's all.

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

8 MR. SCHMIDT: I can tell you from our
9 perspective. The OMI team spent a substantial amount
10 of money to send people down to help with the scanning.
11 So, we did invest heavily in the effort. We received
12 for those thousands and thousands and thousands of
13 dollars 225+ documents which belonged to the SNCPAC.
14 Because of the special arrangements with SNCPAC, Navy
15 is responsible or can assume responsibility, got their
16 verbal permission, to take them on and declassify them
17 within a couple of weeks, and those have been returned.

18 I think for something like a 100,000 pages
19 during that six weeks, they were done at the Johnson
20 Library, and I think something like 90 percent have
21 been released of those that were completed.

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

25 BG. GEN. ARMSTRONG: So, I guess two

1 questions on that. A, do you think it's cost
2 effective, and, B, does it really speed up the process?

3 MR. SCHMIDT: It's an effective way of doing.
4 To say whether it's cost effective remains to be seen
5 because nobody really knows whose equities in any
6 quantity are at the Library, but that's a good
7 question.

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

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

17 I think we would perhaps overwhelm the
18 Presidential Libraries. That's my personal opinion.
19 When you consider how many different agencies have
20 equities in the Presidential Libraries, it's over-
21 whelming. But Jean can address that better than I can.

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

24 MR. SCHMIDT: Well, in the case of my team,
25 it came out of Admiral Crane's budget. I don't think

1 it's a very cost effective return to him yet. This was
2 a good faith payment in order to get some value out of
3 it, and I don't think that 225 documents is a good
4 return for his dollars.

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

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

10 BG. GEN. ARMSTRONG: Oh.

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

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

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

22 MS. SCHABEL: Well, I understand, and I'm
23 not directly involved in this myself, so all I can add
24 is kind of secondhand information, it went a little
25 slower at first than they expected because, of course,

1 this is the pilot, and it is a learning experience, but
2 also because until we could test standards with an
3 automatic feed, we had to insist at first that it be
4 manual standards.

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

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

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

21 DR. GOLDBERG: Jim David?

22 MR. DAVID: Are the documents that are being
23 released being redacted or what I'll call traditional
24 systematic review? The documents released in its
25 entirety or not released at all?

1 MS. SCHABEL: That's up to each agency to
2 decide. Some have redacted. Some will do a pass/fail.

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

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

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

23 DR. GOLDBERG: So, you don't really have any
24 estimate of the volume that you might be faced with
25 doing --

1 MR. SCHMIDT: 78 pages is the number that
2 Nancy sent to me several months ago.

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

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

15 I mean we have --

16 DR. GOLDBERG: It sounds like a familiar
17 theme.

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

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

25 MR. GARFINKEL: Wherever you would like.

1 DR. GOLDBERG: Well, whichever would be
2 better for you. I think perhaps --

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

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

7 MR. GARFINKEL: Well, not precise ones.

8 DR. GOLDBERG: All right.

9 MR. GARFINKEL: As estimated, precise
10 estimates.

11 EO 12958, Progress to Date

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

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

22 Now, when I say from our perception, I'm
23 talking about the Information Security Oversight
24 Office. For those of you who are unfamiliar with our
25 office, we are a very small oversight and, I would say

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1 in that sense, largely a policy oversight office, that
2 has existed since the Carter Administration and was
3 created by the same Executive Order under which
4 President Carter issued his security classification
5 system.

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

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

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

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

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

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

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

23 Another good thing is that there is -- and I
24 think this is a good thing because we didn't realize
25 how bad it was before, and that is that there is much

1 greater internal communication between the security
2 staffs or the staffs responsible for the classified
3 information program and the records management staffs
4 of the agencies.

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

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

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

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

23 The hopes are that it will function
24 effectively, and by that, I mean that it will not only
25 make good judgments but that it will establish in

1 effect the parameters or the cutting edge between what
2 should be classified and what can be declassified.

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

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

18 That is especially true for older classified
19 information because it is within older classified
20 information that we essentially run into only two or
21 three reasons why it continues to be classified after
22 25 or 30 years. Those reasons essentially are a
23 foreign government information situation or
24 intelligence sources or methods.

25 If you -- if you can deal with those two

1 issues effectively, I would say that you can deal with
2 the classification decisions with respect to 80 or 90
3 percent of the older classified information that you
4 run into.

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

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

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

24 It is not, however, in my view, nearly --
25 ultimately, it is not nearly as expensive as some of

1 the exorbitant estimates would have it be because, as I
2 said earlier, I really do believe that once certain
3 decisions are made, and you establish the cutting edge,
4 a lot of that can be applied much more efficiently in
5 future decisions.

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

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

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

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1 information.

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

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

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

23 We -- we came to the conclusion that
24 systematic review was not working, and therefore we
25 needed to go to an automatic system, but when we

1 lowered the automatic system to the 25-year time frame,
2 what in effect we created was enforced systematic
3 review.

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

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

21 In the long term, it is critically important
22 that we have good declassification guidance, and it
23 would be very worthwhile in the short term. So, that's
24 another area that -- that we would love to see
25 improvement in. At the same time, I think we recognize

1 that there are priorities grabbing the agencies from
2 every direction.

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

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

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

24 MS. KLOSS: Unfunded.

25 MR. GARFINKEL: Unfunded mandate. And

1 therefore needs a line item, and as soon as you create
2 a line item, it gets cut.

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

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

17 In 1995, given the President's Executive
18 Order on the older NAR documents and given the
19 systematic review programs, we declassified 70 million
20 pages of material. We've never done that before,
21 unless -- unless we could -- it's possible way back in
22 the early '70s, when the -- when the systematic review
23 program was first introduced that we had years where we
24 were able to declassify enough rooms in the National
25 Archives to come out with those numbers, but I don't

1 think so, and this year, the rate of declassification
2 has proceeded and actually increased.

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

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

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

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

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

22 So, the kinds of documents that we've dealt
23 with already, we had one document that was an old
24 report of aircraft and aeronautical technology. We've
25 had a number of cases involving communications between

1 other heads of state and one of our presidents.

2 Those of you who may have been familiar with
3 how this has worked in the past, our president would
4 meet with, let's say, the British Prime Minister, and
5 15 years later, there would be a request, and every-
6 thing Eisenhower or Johnson said is declassified.
7 Everything Anthony Eden said remains classified. So,
8 you'd have a conversation with the president. "Good
9 morning, Mr. Prime Minister." The prime minister
10 blanked out. "How are you today?" Blanked out and
11 that sort of thing.

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

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

23 BG. GEN. ARMSTRONG: Did you vote on this?
24 The majority rules?

25 MR. GARFINKEL: The by-laws provide that the

1 majority rules. It has to be a majority of the
2 agencies represented. Essentially, a quorum is five of
3 the six agencies. I expect that we will get all six
4 agencies at each of our meetings. So, it essentially
5 means four votes to overrule an agency head.

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

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

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

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

20 When I say I had hopes and fears about --
21 about this panel, I didn't get to the fears. Well,
22 there are two fears. One fear is that it won't work.
23 Historically, there was the inter-agency -- the ICRC,
24 the inter-agency classification review committee, which
25 was like this panel in its function back in the '70s,

1 and the ICRC had some initial success, but then totally
2 bogged down in, you know, I'll back you if you back me,
3 and as a result, nothing in the last couple of years of
4 its existence, almost nothing got out of it.

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

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

21 MR. GARFINKEL: The oldest originated from
22 1943, taken from the Roosevelt Library, and of the
23 current appeals, the newest dated from the Nixon
24 Project. So, we're talking about the early '70s.

25 DR. WAMPLER: Can you tell me what success

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

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

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

18 Now -- now, the big difference is that we
19 have told them that we are going from a system that
20 essentially says we won't declassify your stuff unless
21 you tell us we can declassify it to a system where
22 we're going to use judgment and not necessarily ask for
23 their permission, and -- and that was at least in one
24 of the cases that we dealt with in the first ISCAP
25 meeting, actually in several of them, we essentially

1 are saying we will alert the foreign government that we
2 have declassified this very old and, in those cases,
3 very innocuous information.

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

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

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

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

1 The President's going to have to approve these.

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

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

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

25 DR. WAMPLER: Just one quick follow-up. Once

1 - you accept one, you go through the process, is there
2 any mechanism for trying to put a deadline on the
3 review of the materials that are actually exempted?

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

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

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

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

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

22 So, I know that --

23 MR. SCHMIDT: Slight exaggeration.

24 MR. GARFINKEL: I know that -- I know that
25 there are agencies that are overwhelmed, and I wish

1 that it could be otherwise, but this is a radical
2 change from anything we've ever done in the past.

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

6 MR. GARFINKEL: Oh, yeah.

7 DR. WAMPLER: I mean --

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

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

17 DR. WAMPLER: Yeah.

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

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

25 DR. GOLDBERG: You're not really in the

1 position to police successfully all of these agencies,
2 are you?

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

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

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

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

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

23 I fully suspect that some time between now
24 and -- and when that happens, we're going to have all
25 kinds of people coming in crying to the President for

1 relief, and I -- and I -- I don't know whether that's
2 going to happen after this election or whether it's
3 going to happen as we approach 2000, but I fully
4 suspect that -- that even those who are accomplishing a
5 great deal are going to come in and ask for some
6 relief, and those who aren't accomplishing are clearly
7 going to come in and ask for some kind of relief.

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

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

17 MR. GARFINKEL: Right now, I don't know.
18 We're going to have to negotiate that. I think a lot
19 of that is going to depend on how well we are able to
20 narrow these file series exemptions. If we're able to
21 narrow them considerably, then I think the agencies can
22 have a fair amount of leeway because these things are
23 always susceptible to access demands anyway, and, so,
24 it doesn't mean necessarily that every file is
25 classified for a large number of years.

1 However, if we're not able to achieve that,
2 then -- then we're going to have to -- we're going to
3 have to come up with some kind of time table. If -- if
4 the file series are -- are still broad, then we're
5 going to have to come up with some kind of time tables
6 for their review or some kind of specific date that is
7 not way off in the future.

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

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

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

22 If it can be done really virtually
23 automatically, it seems that the costs wouldn't be all
24 that great, and you said that there were a couple of
25 red flags that would rise even in that system, which

1 was some question of foreign governments.

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

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

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

17 DR. TRACHTENBERG: How do you feel about
18 that?

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

25 So, that statement kind of intrigues me. I

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

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

11 People in different agencies will have their
12 points of contact that they can go to in order to get
13 the decision they want about whether their information
14 can be declassified or not, and one of the things that
15 I hope we do and we've talked about in -- in the ISCAP
16 is having one point of contact through the embassy, the
17 U.K. Embassy, so that we don't have this kind of forum
18 shopping that we've had, that we've experienced in the
19 past, where you can -- if you want an answer to --
20 we've had some documents, for example, that were dated
21 from the 1920s, and it was outrageous that there should
22 be any delay in declassifying these documents, but
23 someone in an agency that will go unnamed knew the
24 right person to go to, his counterpart in that
25 government, and came back with that person's

1 declaration that this information should remain
2 classified, and it required a lot of extra effort as a
3 result of that to ultimately get that information
4 declassified.

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

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

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

25 What I keep -- when -- when I get an American

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

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

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

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

17 MR. GARFINKEL: I -- let me -- you're
18 essentially -- and -- and you should know this. We
19 have been reviewing older documents for a lot of years,
20 from the Presidential libraries, essentially, and it
21 had been our experience working with the NSC and with
22 the folks in the Archives, it had been our experience
23 that when we looked at material that was 40 years old
24 or older, we were ending up declassifying just about
25 every bit of it, far more than 99 percent of it.

1 Historically, with the application of 30-year
2 systematic review, the rate of declassification has
3 been somewhere between 90 and 95 percent.

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

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

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

24 What we didn't anticipate when the -- when
25 the first draft was leaked with the 40-year period, the

1 folks in the National Security Archive wrote an op-ed
2 piece for the New York Times and for the Washington
3 Post that totally distorted what the provision
4 provided.

5 Instead, they -- they talked about it as if
6 it were systematic review at 40 years rather than
7 automatic declassification at 40 years, and,
8 unfortunately, I believe unfortunately, the very first
9 thing that the President ever saw about this effort to
10 revise the security classification system were these
11 op-ed pieces, and they were very clear in the op-ed
12 piece to say Clinton is worse than Richard Nixon.
13 Richard Nixon had a 30-year rule, Bill Clinton has a
14 40-year rule.

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

24 The NSC folks then decided it should either
25 be 30 years or 25 years. That decision was actually

1 brought before the President, and the President checked
2 off 25 years.

3 Yes, sir?

4 MR. HALL: Good morning. I'm Roger Hall.
5 I'd like to know with respect to foreign government
6 material, are there any exceptions for governments,
7 like South Vietnam or former communist countries like
8 Czechoslovakia, and this includes not only classified
9 material from those countries, but any material we may
10 have collected on them.

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

13 MR. HALL: These countries no longer exist.

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

21 So, -- so, I think naturally that comes into
22 play. It's probably a lot easier to declassify, and it
23 is a lot easier to declassify, a record from the old
24 Soviet Union than it is from the U.K. because, you
25 know, first of all, I guess it's easier to declassify

1 the record of an adversary than it is of a friend, and,
2 second of all, they don't exist.

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

8 MR. HALL: Thank you.

9 DR. GOLDBERG: Jim David?

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

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

22 Now, these were the initial plans. We had
23 not gone back and said, okay, agency, now update where
24 are you right now, and this has kind of been a
25 balancing act because we very much would like to get

1 such reports, but if we go out and say now give ISOO a
2 report on where you are, that diverts their resources
3 from working on their program to responding to our
4 reports, which we already imposed demands on them for
5 data and statistics and other things.

6 So, we're kind of doing a balancing act here.
7 We're -- one of the things we are going to do is we're
8 going to do our first inspections, if you want to call
9 them inspections, of agencies in the next month or two.

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

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

21 DR. GOLDBERG: Ernest?

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

25 MR. GARFINKEL: You mean keeping the physical

1 costs? We haven't. We've gotten some numbers in the
2 past that are kind of unreliable. We were told once
3 that -- and -- and then when I tried to get the agency
4 that gave me this number to give it to me formally,
5 they refused to do it.

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

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

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

23 It would be -- you know, it's kind of like
24 the question we're always asked, what is the total
25 universe of classified information? We'd love to be

1 able to know the answer to that because we're asked it
2 so often, but in order to find out even a reasonable
3 estimate, we would devote millions of dollars to the
4 exercise that we feel we could probably devote
5 elsewhere.

6 DR. GOLDBERG: Thank you very much.

7 MR. GARFINKEL: You're welcome.

8 DR. GOLDBERG: You've got your questions.

9 Let's take a five-minute break now and resume as
10 quickly as possible.

11 (Whereupon, a recess was taken.)

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

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

1 think that's fair to say.

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

13 I have a feeling once we send them over, the
14 White House Personnel Office will find it not numerous
15 enough or not complete enough, and they will -- however
16 they might do it, solicit more names or what have you.

17 So, that's what the status is. It's largely
18 been our fault for not getting them over there.

19 DR. GOLDBERG: Thank you.

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

25 So, I think there will be and already is some

1 level of duplication in terms of the advisory panels,
2 although I think it is important that the one called
3 for in the Executive Order be fulfilled.

4 DR. GOLDBERG: Just call them interlocking
5 directors.

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

13 DR. GOLDBERG: Thank you.

14 Panel Discussion - Wampler/David Proposal

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

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

23 They recommended DoD components proceed with
24 systematic review of exempt files series concurrently
25 with the series of non-exempt files and other things.

1 I'm going to ask Bob Wampler to speak to this
2 for just a few minutes, so that those of you who have
3 not had an opportunity to see the communication and the
4 listing will be aware of it.

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

8 DR. WAMPLER: That's no problem.

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

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

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

1 that we can get down to specifics.

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

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

19 We took the principle which you say is
20 encountering some opposition, earliest first, top down,
21 although there is an interest which makes sense to me
22 of at least trying to proceed somewhat in parallel to
23 get, say, 1955, if you can get OSD but then also you
24 have ASD, AE, if you could try to have a bow way rather
25 than going forward, going back, going forward, but

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1 that's a coordination problem. As you say, it's always
2 resources.

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

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

16 MR. DAVID: No.

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

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

21 DR. WEINBERG: Well, if I've read this
22 proposal correctly, it is a means of making specific
23 the concept of oldest first, top down, and it's an area
24 on which at least my reading of the last meeting of
25 this group is there is rather general agreement, and,

1 so, I don't want to continue with the arguments in
2 favor of it, but I want to go at it from two other
3 aspects.

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

21 What I'd like to suggest is that we think of
22 this in a double track quite literally. The current
23 plan calls for percentages in volume. The percentages
24 in my judgment can be met only by the approach the
25 committee has been recommending. You start with the

1 oldest records, go from the top down. That's where you
2 have large quantities of records that could in fact be
3 safely, speedily, and, for reasons I'll come to in a
4 minute, blocked declassified.

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

10 I think perhaps we ought to therefore
11 consider doing this sort of the way the trans-
12 continental railroad was built, start at both ends.

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

18 If a serious effort has been made to meet
19 what I would call the bulk, that is to say, the
20 percentage of total records, and that can only be done
21 if one starts with the earliest records, and if, at the
22 same time, that a good faith effort to meet the
23 quantities is made, a determined effort is made
24 starting at the other end, so to speak, chronologically
25 with the most recent ones that would be affected by the

1 automatic declassification in the year 2000, a process
2 that's obviously going to be much more laborious, much
3 more slow and which is going to produce in terms of
4 volume of declassified records very much less.

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

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

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

24 The best place to hide a tree is in a forest.
25 If there are any earlier records, items which might on

1 careful examination require classification, the only
2 way that they're going to be protected is by being
3 declassified in a very, very large bulk.

4 If in a group of 10 or 20 million pages,
5 there are 10 that are perhaps still in need of
6 classification, if they are declassified in bulk among
7 the five, 10 or 20 million pages because that's the
8 bulk we're talking about to judge by the information
9 we've been given, you can be certain they will not be
10 found, at least not for 10 or 20 years, and after 10 or
11 20 years, they don't need protection anymore, and if
12 you ask me why do I say this with such a degree of
13 assurance, it is because of my own experience.

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

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

25 Now, there is an aspect of this that none of

1 you will want to think about, but I suggest you give
2 enormous thought to anyway, if not today then after
3 you've gotten over the initial negative reaction.

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

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

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

22 The more we attempted to keep closed, the
23 more successful those who wanted to penetrate the
24 screen for this, that or the other document, the more
25 successful they were.

1 It suggests, in other words, that for those
2 who are in fact concerned about the security files, the
3 notion that keeping everything classified protects
4 security turns out on the experience of the last 45
5 years to be mistaken.

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

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

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

21 That's it.

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

1 in great quantity?

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

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

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

19 The others are all two and three and five and
20 six. They're very important, but they're not going to
21 take very much time. If they're accompanied by bulk
22 declassification of the lower levels from that earlier
23 period, then within a very short period of time, the
24 agencies can meet their percentage targets and get some
25 high level stuff declassified.

1 I'm looking at this purely from a very
2 practical point of view, and if at the same time,
3 they've started some people on the stuff that's going
4 to be most sensitive when the axe falls, that is to
5 say, which is now 21 and 22 and 23 years old, then they
6 will be in a position in order to make a fair case if
7 they need more time.

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

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

20 They're going to want to look at them most
21 likely because of that, so that they may take a much
22 longer time than you think. That's all right. I just
23 want to caution you on this, that it's not necessarily
24 as simple or as easy as it may look to you at this
25 point.

1 What you regard as a practical approach, this
2 will not cease practical. The people are going to have
3 to do it. Well, see, a lot of things that we don't see
4 are standard.

5 MR. SMITH: Michael Smith.

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

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

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

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

23 DR. GOLDBERG: Jim David?

24 MR. DAVID: My concern about working
25 backwards is that I don't think at any time, any DoD

1 component is going to consider multi-classifying, for
2 example, Secretary of the Services' records, Chief of
3 Staff records, etc., and if DoD components haven't
4 applied for exemption of these files from automatic
5 declassification at this point, they certainly will at
6 some point before the year 2000.

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

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

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

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

21 MR. SMITH: As long as --

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

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

25 MR. DUDLEY: I'd like to ask this question.

1 You sound like you're talking about a file of folders
2 rather than individual pages. I would be very
3 concerned myself that individual documents which are
4 far more classified hiding in the forest of the trees,
5 as Dr. Weinberg says, may in fact be released.

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

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

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

19 DR. GOLDBERG: Everything's mixed. I think
20 that in connection with what Bill just said and what he
21 has said does account for much of the cautious and
22 conservative attitude of the declassifiers. A lot of
23 them genuinely fear making mistakes that will be
24 brought home to them and that will cause them some kind
25 of grief and actual penalties.

1 So, whether they're justified in being as
2 cautious and conservative as they are and not to
3 question the fact is, I think, that that is the case
4 and accounts for their resistance to the kind of
5 flexibility and change that we would like to see occur.

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

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

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

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

22 Yes?

23 MR. SCHMIDT: Sir, I think that people have
24 characterized the reviewers and those who have the
25 legal responsibility for making a recommendation for

1 declassifying as cautious, conservative, afraid of
2 their shadows, whatever you want to say, and --

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

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

7 DR. GOLDBERG: Yes.

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

9 DR. GOLDBERG: Correct.

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

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

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

25 Ms. McConnell, a few minutes ago, mentioned

1 that she had pointed out that a number of agencies had
2 released or had material in their files that were
3 replete with RD and FRD.

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

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

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

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

1 terms of doing your business?

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

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

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

12 It seems to me that you have to appreciate we
13 have one command, the Naval Sea Systems Command, that
14 has a 100,000 cubic feet, cubic feet, not pages,
15 100,000 cubic feet multiplies -- that's a substantial
16 part of our 500 million pages.

17 Those people are doing the best. They have
18 declassified and will have declassified something on
19 the order of 15 million pages by the end of this year.
20 That's far more than any other agency. I'm sorry that
21 the people aren't here to publicize this, but it may
22 not be the material that you want, but they are looking
23 at all this stuff, and they're following their judgment
24 as to what they can accomplish to do the greatest
25 quantity in the most useful way from their standpoint.

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1 In other words, this is a decision they have
2 to make. There are 14 or 15 other commands in the Navy
3 who have that responsibility. So, they do all the top
4 down stuff they can, but to tell them -- I can't tell
5 them to go the most recent first, and I would like to
6 hear what the DOE and the Marine Corps and other
7 agencies represented here have to say.

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

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

16 I think that goes to the heart of -- of our
17 concerns, at least my own personal concerns, that the
18 system that we're working under stacks the deck in
19 favor of quantitative judgments as opposed to a
20 qualitative judgment about the value of the material,
21 and as I understand the whole point of the
22 Wampler/David effort, what we're trying to do is
23 redress that balance, so that greater store is put on
24 allocating, we all know, with limited resources into
25 the areas that would give us the -- a better result in

1 terms of the kinds of material that's of real
2 historical interest as opposed to simply meeting
3 targets for bulk declassification.

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

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

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

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

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

23 MR. SCHMIDT: Considering the range of
24 subjects and the number of original classification
25 authorities and the number of equities from other

1 commands within the Navy and the other agencies within
2 Government and other countries and international
3 organizations, when you consider what a reviewer or
4 team of reviewers would have to know, the kinds of
5 material that you're asking to have produced first --
6 and I like to read your books about some of these
7 stories that -- that I know are in the file.

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

14 DR. TRACHTENBERG: But in terms of her
15 recommendations as a panel, what are the sorts of
16 things that we should propose in order to get resources
17 channeled into the areas that would enable us to tackle
18 what's admittedly the hardest job, and -- and one of
19 the debates that -- that I really like about this list
20 is it's a way of translating into very concrete
21 language the sense of, you know, the academic
22 historians about what's important, so that in your
23 internal -- your discussions of these issues, people
24 can kind of wave this list and say this is what people
25 are really interested in.

1 We shouldn't be straitjacketed by, you know,
2 the requirements of the Executive Order about, you
3 know, so many, you know, percentage points of documents
4 that would be released in any particular year, but what
5 we have to do is balance, you know, two kind of goals.
6 One, meeting quantitative limits, the other, getting
7 out the material that's of highest historical --
8 historical value, and all we're trying to do, I think,
9 as a panel is -- is to -- to -- to wrap our minds
10 around this problem and say things that are of
11 practical value in terms of pushing the balance more --

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

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

24 DR. GOLDBERG: Haven't you had any experience
25 in declassifying top quality records?

1 MR. SCHMIDT: Have I?

2 DR. GOLDBERG: Has your organization, the
3 Navy?

4 MR. SCHMIDT: Oh, yes.

5 DR. GOLDBERG: Hmm?

6 MR. SCHMIDT: Yes.

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

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

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

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

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

20 PANEL OBSERVER: If I might give an example,
21 we looked through some records on the C&O level, and
22 one of the topics we discovered was plans for the
23 Russian invasion of Europe, and the apparent response.

24 Now, there's no way that I as a lieutenant
25 commander can make the decision of whether that falls

1 within an exemption of the Executive Order. You
2 clearly have to go to a four star and say is this still
3 intact, even though it was a 40-year old/50-year old
4 document. So, I can't make that call to declassify it.

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

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

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

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

25 DR. WEINBERG: Well, let me just make a

1 comment on this. If you don't have the people with the
2 training and experience, you may find that in this
3 area, you've got to do what in every other area every
4 government agency and every private employer in the
5 United States does, and that is, you begin to train
6 people on the job in the areas where they're least
7 likely to make disastrous mistakes.

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

12 If you start the people in those records,
13 then the learning curve hopefully will be great by the
14 time they get into such sensitive periods as the late
15 '50s. We're still way before the Vietnam War here, and
16 as they refer, as they will still have to in the late
17 '40s and early '50s, they will develop patterns and
18 benchmark decision.

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

22 We don't have to take every single document
23 that pertains to the same thing back to the same
24 person. You have benchmark decisions made on specific
25 documents, and as you start in the late '40s and early

1 '50s, the number of benchmark decisions that you need
2 will still be relatively small, but then as the people
3 who are doing this work get them, they learn this kind
4 of document is okay, this kind of document is not.

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

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

24 So, they have people who have this experience
25 and are doing it. I think there may be more of that

1 actually than -- than may appear on the surface. I
2 know that OSD, the Joint Chiefs of Staff, and as far as
3 know now, the Air Force apparently is declassifying a
4 considerable amount of high-level material, and their
5 resources are -- are in each class limited.

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

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

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

25 I found this often. And there's ignorance of

1 what's happening outside, and in the JCS, for instance,
2 within the past year or so, I've informed the
3 declassification people that material which they are
4 still carrying as classified has already been
5 declassified by the Department of Energy.

6 So, this matter of information, of keeping
7 informed of what's happening is fundamental in doing
8 this work.

9 Yes?

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

20 At the same time within the study of
21 intelligence, we have a historical review group led by
22 various experienced historians who has a relatively
23 large group of people, many of whom are new at this,
24 who are high-level agency people, who are being hired
25 with expertise in a lot of different areas, who are

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1 handling that declassification, and I think we're
2 making a lot of progress within the CIA in terms of the
3 kinds of things we're doing.

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

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

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

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

20 DR. GOLDBERG: Yes?

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

24 DR. WAMPLER: It's possible some are,
25 particularly in the case of the Air Force. That's a

1 real moving target. In a lot of cases, they're still
2 in Suitland, so far as we know.

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

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

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

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

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

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

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

3 PANEL OBSERVER: I'm from the Marine Corps.
4 I have some experience in declassifying. I spent three
5 years on the staff of the National Security Council.
6 So, maybe if I could describe the process, you'll
7 understand what the problem is.

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

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

22 So, now you've got not just the declassifier
23 making decisions, you've got a clerk xeroxing these
24 documents, transmitting them in a classified manner to
25 the other agencies, a clerk at the other agencies

1 logging these in, going into que, another declassifier
2 at another agency, who has to review it, has to send it
3 back to my agency, and then in time, two or three
4 years, will have responses from these eight or 10
5 interested agencies, and one of those responses might
6 say subject to the concurrence of yet another agency I
7 never thought of because I didn't know they had
8 equities in the document. I didn't recognize them,
9 and, so, more time passes while I send the document to
10 that agency for its review, and only then, after this
11 long process, the high-level policy documents would be
12 released. That's the problem. That's the resource
13 problem.

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

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

22 I'd like to get back to what Professor
23 Weinberg has proposed, and the Wampler/David letter
24 specifically and ask the people who have to do the
25 work. We're sitting here as historians, and what

1 you've heard the academic historians basically say is,
2 look, we understand that you've got a percentage
3 mandate, and you've gotten an opinion on how to meet
4 the percentage target, which in my personal view would
5 probably make sense.

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

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

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

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

1 these high-level documents.

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

7 So, I think that's what the agencies are
8 afraid of, is that they start working up front and
9 devoting those resources to '75 and earlier, and then
10 go way back, and you switch your assets. If you
11 started only at the bottom and worked your way up, you
12 can say, hey, we gave it our best shot. We only got to
13 1972.

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

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

24 DR. TRACHTENBERG: We understand the
25 constraints that the agencies are working under. But

1 this whole notion that the letter of the Executive
2 Order comes first, it's going to eat up all of the
3 resources, there's going to be nothing left, nothing
4 left at all directed toward declassification of the
5 material that's of real historical interest. That's
6 crazy.

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

11 PANEL OBSERVER: Appeal.

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

24 PANEL OBSERVER: I really don't think anybody
25 has a problem. If they have the expertise to renew

1 that at the same time, I don't think anybody would
2 argue that that's not a good idea to do it that way.
3 That's what you want, and also meet our targets.

4 I don't think anybody has a problem with that
5 approach, except the fact that they don't have the
6 money and the resources to do it.

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

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

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

25 Now, the way in which CIA is theoretically or

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

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

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

20 What we're talking about here is systematic
21 review, no redactions and no coordination. The bottom
22 line is that none of these records are available to the
23 public now. So, if in the declassification review of,
24 let's say, some SECNAV collection, only 10 percent of
25 the documents are declassified in their entirety and

1 thus are made available to the public, so be it. None
2 of the records are available at this point.

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

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

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

22 On the other hand, there's a more realistic
23 view to be taken, and that is that the Executive Order
24 is not as executive as it sounds. I know. In the
25 military, you're given an order. You salute and you do

1. it, but in fact, you often don't do it. It doesn't
2. happen.

3. (Laughter)

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

16. Many of these high-policy documents that
17. we've been talking about. This is why they would like
18. to see something -- something done about them during
19. these next four years, instead of some time after the
20. year 2000, and it is not only in the interests of these
21. scholars; it is in the public interest that these
22. documents be reviewed and as many of them as possible
23. released for use by the public and not simply by
24. scholars because there are other people in our society
25. who are interested in these records. It's not only the

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1 scholars. They happen to be the point men here in this
2 particular panel.

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

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

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

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

22 MR. DUDLEY: I agree with that. I think
23 that's a good suggestion, and I don't see how you can
24 fail to come to that conclusion, at least in a
25 recommendation from this panel.

1 It's the 15-percent thing which is driving
2 people crazy, and the 2000, year 2000 deadline. If you
3 don't have resources, you do have time. What is so
4 sacred about the year 2000? God knows. Push it down,
5 delay, and then make sure that priorities stay the same
6 because I know people are going to say, well, if you
7 move the deadline, the pressure will go off, and the
8 resources will come anyway.

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

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

18 DR. GOLDBERG: Becomes a what?

19 DR. WAMPLER: A watchdog.

20 MR. DUDLEY: Instead of an advisory group.

21 DR. WAMPLER: I know it's advisory, but I
22 mean that we can publicize -- say you were going to do
23 this, you know, we let you off the hook in response to
24 which -- in return for which you said we're going to
25 now try to adapt our review schedules to meet your

1 scholarly interests, but then if we turn around a year
2 later, and nothing has happened, we -- we say -- you
3 know, we come out and say, hey, look, --

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

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

12 DR. WAMPLER: Yes.

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

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

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

23 (Whereupon, at 11:42 a.m., the meeting was
24 recessed, to reconvene this same day, Friday, August
25 9th, 1996, at 12:30 p.m.)

1 A F T E R N O O N S E S S I O N

2 Panel Discussion Continues

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

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

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

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

1 them off.

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

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

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

22 DR. GOLDBERG: A much larger effort than
23 perhaps some originally assumed would be required, and
24 perhaps an effort that may require more time than had
25 been made available.

1 MR. DAVID: In -- in respect to the sampling
2 or --

3 DR. GOLDBERG: No.

4 MR. DAVID: -- the actual review?

5 DR. GOLDBERG: With respect to the review.
6 The sampling would take time, too, obviously.

7 MR. DAVID: Sure.

8 DR. GOLDBERG: An awful lot of those
9 collections.

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

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

20 MR. DAVID: Right.

21 MS. KLOSS: But then would that not equate to
22 you recommending an exempt record group by mere fact
23 that there's mis-filing or mis-identification as
24 opposed to the classification and nature of
25 classification required for continued protection?

1 MR. DAVID: Well, there's two reasons here.
2 First of all, it's not accurately describing what's in
3 the collection. The second issue is, as has been the
4 case, some documents not even being marked in the first
5 place. For example, the document being marked SI is
6 really SI and RD.

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

9 DR. GOLDBERG: Ben?

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

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

24 But I've always worried, and I've done it now
25 -- I feel certain when you're dealing with more

1 sensitive records, it's not all that easy, and I
2 haven't heard anybody say that.

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

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

6 DR. GOLDBERG: All right. Good.

7 Yes?

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

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

24 It seems to me we've heard that three times
25 now. We've heard it in some detail, and at this point

1 in time, as an advisory panel, I think it would be
2 responsible to go back to General Page and say, look,
3 this is what we've heard. The declassifiers are acting
4 according to the mandate of the Executive Order.
5 They're acting in most cases without sufficient
6 resources. Because of that fact, they are doing their
7 work in ways that they believe are the best way to get
8 the best job done.

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

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

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

25 DR. GOLDBERG: I have heard the view

1 expressed it may be too soon to ask for an extension on
2 the basis of the limited experience. However, it's
3 quite clear that that experience is pointing very
4 clearly in that direction.

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

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

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

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

22 In the meantime, my organization, ONI, has
23 got a group of reservists together. They are running
24 out of time. As best they can to do what little we
25 think they'll do, and we've accomplished quite a bit of

1 the stuff. The CIA spoke earlier. They got \$25
2 million.

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

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

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

15 MS. KLOSS: That's right.

16 DR. GOLDBERG: Precisely that.

17 Yes?

18 MR. HALL: It appears to me that in the
19 tendency to err on the side of caution, and not
20 following through on security resources, the
21 departments aren't appropriating the money from
22 Congress. They're not making the request. The only
23 way to get the money from Congress is to demand it from
24 them. They're passing legislation to have material
25 declassified from the FOIA as is the Executive Order,

1 but they're also cutting your budget.

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

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

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

22 You have people that fought in Laos who CIA
23 and NSA pulled those records, and they will not release
24 them under their special privileges, but this has to do
25 with personnel that fought in certain areas, and their

1 records are still being maintained as exceptions, and
2 if they would identify this to you, and if they still
3 won't declassify it, at least they'll be able to make
4 mandatory declassification review at a later date, but
5 right now, we don't even know where they are, and the
6 branches of Service don't know where they are.

7 So, those agencies could be requested to
8 notify the branches of the Service. It might make
9 future declassification of material easier.

10 DR. TRACHTENBERG: I basically agree a
11 hundred percent with the point that was made before.
12 Yes, we can call for additional resources, but we could
13 also say that within the -- whatever budgetary
14 constraints that there are going to be, there are
15 problems that have to be dealt with.

16 We should outline the problems as they
17 develop. The -- the business of the 1975 documents not
18 being subject to this whole procedure of being
19 exemptible at the time, the necessary distortion
20 resource allocation that's availed by that, the great
21 emphasis placed on -- on getting certain quantities
22 of -- of classified documents declassified during that
23 five-year period, and so on, and how this pulls
24 resources away from the sorts of materials that are of
25 greatest interest to historians, and I also agree

1 getting them declassified is --

2 DR. GOLDBERG: Speak up.

3 DR. TRACHTENBERG: And -- and -- and that
4 what we should do is not call for an extension of
5 deadlines but refer specifically to what Mr. Garfinkel
6 said before about how the process is working de facto,
7 how in effect it's negotiated process, and that we ask
8 that in that process, a much greater weight be given to
9 issues of quality than is natural, given the kind of
10 bureaucratic imperatives that have been released by --
11 by the Executive Order in the ways that we've all been
12 talking about.

13 The other point that we should maybe discuss
14 a bit is given those constraints on resources, are
15 there any other things that we can suggest of a
16 constructive positive nature that might be helpful?

17 I think one thing has to do with this whole
18 business of the training of the people who do
19 declassification, the structure within the Pentagon of
20 that training process and of the declassification
21 process, and a number of thoughts came -- came -- came
22 to mind here.

23 One thing is the material that is really old,
24 40 years old, 50 years old, maybe something could be
25 done on an all-DoD basis for the pooling of equities,

1 subject to guidelines written by the different
2 agencies, but where people can be trained on a DoD-wide
3 basis as professionals who would be able to deal with
4 this process much more efficiently.

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

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

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

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

24 So, let me give you an example of this
25 because this came up before with the whole issue of --

1 of who's to judge whether a war plan should be
2 declassified.

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

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

23 If the people who were in charge of
24 declassification had a sense what historians already
25 knew, what I could have learned through British

1 sources, for example, which is quite considerable, with
2 -- with what could be learned from all these other
3 sources, their whole attitude towards declassification
4 would have been very different.

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

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

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

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

25 But there's -- I guess what I'm saying is

1 there's too much of a gap between these two worlds.
2 It's as though we're not in the same business, when in
3 fact basically it should be the same business, you
4 know. It's not like historians can't see things
5 through the eyes of people who do declassification work
6 or vice versa.

7 So, we need institutional structures to pull
8 these two worlds together.

9 DR. GOLDBERG: Well, this is such an enormous
10 and such a complex area, that agencies don't know what
11 other agencies are declassifying, and they maintain in
12 their own records as declassified -- as classified
13 records that have been declassified years ago.

14 Now, it's -- part of it is really the sheer
15 size and scope of this thing, and how can one penetrate
16 all this and set up a rational scheme that will serve
17 the purposes that we would like to see served, and
18 that's -- it's a big job, and a difficult one to do.

19 DR. TRACHTENBERG: We can make certain
20 specific --

21 DR. GOLDBERG: Yes, things can be done.

22 PANEL OBSERVER: I think the issue of
23 recommendations is an important one. For several
24 meetings, we have asked the public historians to give
25 us, the military services, their recommendations about

1 what we should do.

2 DR. GOLDBERG: About what?

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

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

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

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

22 MR. EPLEY: Not without a lot of pain.

23 PANEL OBSERVER: A lot of pain. A lot of
24 effort. But if you want to get the resources, the
25 money has to be reprogrammed. Somebody at a very high

1 level -- and -- telling the military services, get this
2 done, and get it done by this date, and if the
3 Secretary of Defense, the Deputy Secretary of Defense
4 will instruct the Secretaries of the Army, Navy and Air
5 Force to get it done. The resources simply will be
6 found.

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

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

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

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

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

1 already declassified, and --

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

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

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

22 I mean on the other suggestion that Fred just
23 made, on training, on training, I agree with Fred. You
24 don't -- you simply can't tell the agencies how to suck
25 eggs, you know. You can't -- the agency knows how to

1 train its people. It does.

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

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

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

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

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

23 PANEL OBSERVER: So, all of a sudden, the
24 accusations started flowing. The CIA said you
25 shouldn't have declassified that, and a whole bunch of

1 people now are worried about getting their heads
2 chopped off, and it took the intervention of the DCI to
3 say, no, no, it's okay, that's what we wanted to have
4 done, and a whole bunch of people then breathed a sight
5 of relief.

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

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

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

23 PANEL OBSERVER: That's the problem. He
24 didn't know what he was doing. He went beyond what he
25 was allowed to do.

1 DR. TRACHTENBERG: I wouldn't defend that,
2 and I'm sure there are people even within DoD who are
3 incompetent and would do things like this.

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

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

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

24 Why not set something like that up?

25 DR. WEINBERG: Well, this gets to a point

1 which makes it in my judgment very unwise to draw in
2 the Gulf declassification because there by definition
3 we're dealing with events a few years in the past.
4 We're dealing with events which are partly currently
5 sensitive. We're dealing with matters that involve
6 real or alleged use of weapons of mass destruction, a
7 whole host of issues.

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

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

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

25 I am not as convinced as a number here in the

1 room that the percentage inclusion is necessarily such
2 a bad thing. Okay? It was obviously designed to
3 provide an incentive or enforcement mechanism built
4 into the Executive Order to begin with, and while it
5 may well have as a by-product for scholars the less
6 desirable effect of putting a premium on doing lower
7 level materials in order to meet bulk -- bulk targets,
8 I would be very, very leery about dropping them or
9 encouraging that they be removed.

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

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

22 Having spent many months doing just that, I
23 -- I think occasionally I came up with something. So,
24 I would be frankly very leery of recommending either an
25 abandonment or substantial attenuation of the

1 percentage requirements that they give the Services a
2 push, and part of that push, I will agree, is not quite
3 in the direction we might want them to go, but I think
4 an effective push, which the quantitative requirements,
5 the percentage requirements necessarily involve, has a
6 lot to be said for it.

7 DR. GOLDBERG: Yes?

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

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

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

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

25 One is that your point is certainly it's true

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

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

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

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

12 DR. GOLDBERG: Absolutely.

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

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

22 (Multiple conversations)

23 DR. MAY: Surely the first World War
24 reference, they can't assert equities in those matters.
25 There must be some cut-off point at which it could be

1 transferred --

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

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

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

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

25 But that's -- that's something that could be

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

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

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

16 DR. TRACHTENBERG: They don't feel that way.
17 I mean --

18 MR. SCHMIDT: If I could add something to
19 what I hope is the growing awareness of what is going
20 on, it's hard even for those of us who are involved in
21 this to keep current, and I must admit that this -- I
22 have a real job. This is not my primary
23 responsibility, although I spend half of my time, most
24 of it after hours, on this, and I would ask Cynthia
25 Kloss and Jean Schabbel to correct anything that I say,

1 but the external referral working group started out in
2 the intelligence community effort initiated by the
3 Central Intelligence Agency -- am I correct so far,
4 Cynthia?

5 MS. KLOSS: Correct.

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

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

25 I mean this is all stolen from other people,

1 and we have -- as Tony Pastarelli said, well, you know,
2 you understand it's the State Department, the National
3 Security Council, the DOE, FBI, CIA and the other IAS
4 around town, we have equities that we cannot address.
5 They will never transfer authority to us.

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

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

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

24 MR. DOOLITTLE: This is practical as well.
25 The stuff that hasn't been reviewed, we don't know what

1 it is. So, you have an accounting file with tons of
2 boxes of stuff that we don't know what's in the boxes.

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

14 DR. GOLDBERG: Is this pretty much what
15 happened?

16 MR. DOOLITTLE: Yes.

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

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

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

25 You do surveys to determine whether there are

1 good prospects or bad, is that correct?

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

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

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

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

25 MS. SCHABEL: Presumably.

1 DR. GOLDBERG: Only a small percentage of the
2 total are actually accessioned by the Archives?

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

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

13 DR. GOLDBERG: Of all records that are what?

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

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

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

22 MR. DAVID: In fact, there are a couple of
23 sections and a couple of records at WNRC that are
24 unscheduled, that are listed, but there's no question
25 that they're in fact permanent records. They just

1 haven't been appraised as such.

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

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

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

19 DR. WAMPLER: I'd like to come back to the
20 box General Armstrong was talking about in terms of
21 this list, and I think I take a different tack from
22 Professor Weinberg because I'm not quite sure we're
23 going to -- I mean if you've got a box that's being
24 framed by the dictates and the incentives of the
25 Executive Order, and the way in which your resources

1 are allocated, one of the two has got to give or else
2 they don't have a lot of room, it seems, to be able to
3 adapt to anything we recommend.

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

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

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

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

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

25 Tony's a classifier/declassifier. He's not a

1 historian, and I understand why he feels that way, but
2 it's not true to say that there's nothing being done.

3 What it is true to say is that the particular
4 things that you want done are not being done in the way
5 you want them.

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

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

23 The Gulf War thing has been cited. The Gulf
24 War thing is a red herring because there is enormous --
25 was enormous political pressure to get that done, and

1 it wasn't DCI, it wasn't Mr. Deutch, he wrote the
2 order, but the -- his impetus to give the order came
3 from a much higher authority than he.

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

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

20 This means that it is likely we will not make
21 our 15 percent the way you define it, but is this an
22 equitable trade-off between quantitative criterion and
23 qualitative criterion, like Mark was talking about, and
24 do you in some way then, you know, make use of this
25 panel to help get that cover, and perhaps other

1 agencies will pick up on it to the degree that you get
2 other panels giving you advice to do things and try to
3 make the Executive Order work in the way that some
4 people thought it would work.

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

8 DR. WAMPLER: These are not extensions.
9 These are ways of reallocating what you do within the
10 15 percent.

11 MR. HALL: Well, you have to -- you have to
12 find the resources you need, and if you don't go
13 through the OSD or through the executive office and ask
14 for them, we'll get somebody through your departments
15 to go to Congress and get the money, you won't get done
16 what we need to get done, and if they don't hear from
17 you through a panel or through DoD that you don't have
18 the resources to do the job, they won't hear about it,
19 but I've mentioned it to more than one congressman, and
20 they said they haven't heard anything from anybody.
21 They don't know you people are having a problem about
22 declassifying anything.

23 Congressman Dornan raised hell about it. I
24 mentioned it to his staffers, and they hadn't heard
25 anything from anybody. So, I suggest you do a bottom

1 up complaint.

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

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

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

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

16 MS. KLOSS: Mr. Smith?

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

1 to what Bob was suggesting.

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

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

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

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

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

19 DR. WEINBERG: Well, I would think that what
20 we could say is phrase this in a somewhat different
21 plan, and that is to say that by this time, on the
22 basis of what we have been hearing, we are more
23 convinced than before that the Secretary of Defense
24 must make clear to the components of the department the
25 high priority that he attaches to this in terms of

1 their internal allocations of resources to it, and the
2 reason I phrase it that way rather than suggest that he
3 go to the Congress is that the most recent experience
4 with the Congress in this regard is in the opposite
5 direction.

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

14 DR. GOLDBERG: That's a possibility.

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

22 First of all, Wampler's list. That's the
23 concrete concern. Now, it may be a concrete concern to
24 the guys, I don't know, but that's what we ask for, and
25 that's what we got.

1 DR. GOLDBERG: There's more people than just
2 two guys.

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

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

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

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

22 BG. GEN. ARMSTRONG: And speaking from a DoD
23 bureaucrat's point of view, I have some concern that we
24 go to the Secretary and say, resource allocation is not
25 adequate, the Secretary or his 37th-ranked minion turns

1 around and says, all right, historian, I want one of
2 your people or whatever, you know. That -- in a
3 situation where you don't get additional funding or
4 something, something has to give, and recent experience
5 within the DoD historical community indicates that one
6 of the places they look for resources are the
7 historians. CMH is facing that right now.

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

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

17 DR. GOLDBERG: Well, then --

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

24 DR. GOLDBERG: How do you feel about taking
25 things out of his hide?

1 BG. GEN. ARMSTRONG: Fortunately, they can't.

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

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

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

20 Our concern is that in these negotiations,
21 setting up what amounts to be the real declassification
22 system, adequate weight is given to the priorities
23 about quality, not -- as -- as translated into weight
24 -- kind of a precise agenda kind of by the Wampler and
25 David letter, which I -- I have to say that -- that it

1 should be understood that that letter does reflect, I
2 think, what has to be viewed as a consensus of the
3 academic historians working within.

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

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

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

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

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

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

24 DR. TRACHTENBERG: Meaning the pooling of
25 equities for very old material, historical material

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

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

23 Now, is it possible to get all of these
24 Services and agencies together to work on this, to
25 streamline the system, set up some kind of a central

1 apparatus? It's an extremely difficult thing to do.

2 It hasn't worked in a lot of other areas
3 where it's been attempted.

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

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

16 It's not just simply the outsider who has
17 some interest in having this done, and if some of the
18 agencies are prepared to experiment with this, and if
19 they can, get everybody to agree. That's not a
20 problem. They can at least get some increased
21 efficiency of the operation, and then for those that
22 insist on still being consulted, then they just have a
23 little less correspondence than they used to have, that
24 they have under the present system, and make clear in
25 our recommendation that we're suggesting this, not for

1 things as recent as the Gulf project, which I think is
2 inappropriate, as I said before, but, rather, at the
3 other end chronologically of the whole period.

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

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

17 On the other hand, historically, the Services
18 are usually reluctant to commit people and resources to
19 joint efforts of this kind, despite all the jointness
20 that we hear about, because they would much rather do
21 their own internal business and take care of that.
22 That takes priority. Service, your own organization,
23 your own agency, takes priority over almost everything
24 else here in the military services, and to a certain
25 extent in the agencies.

1 DR. WAMPLER: Joint Operations is a new
2 mantra now. They were leaning toward joint operations,
3 I thought. That's --

4 BG. GEN. ARMSTRONG: The law specifically
5 tells the Services to do that. If you look at Title
6 10, that's what they're mandated to do. Approve,
7 train, equip, blah-blah, and that's the administration
8 which is what we're talking about, is definitely their
9 function.

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

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

21 (Laughter)

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

24 MR. DUDLEY: I'll make a constructive
25 suggestion because I haven't heard anyone make it. I

1 would like to see wording in a recommendation that
2 requests an extension of the deadline to the year 2005,
3 and it should be in the form of an amendment to the
4 Executive Order, in order to enable the Services to use
5 the resources that they have to focus on both quality
6 and quantity.

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

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

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

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

23 MR. DUDLEY: That's not true.

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

1 MR. DUDLEY: You are far from the truth.

2 MR. HALL: Well, you have a concern with
3 classified material. I recognize that. But the
4 release of the material is as important as most of it
5 that is still classified. A lot of it doesn't need to
6 be classified. It just stands as such, and that you
7 have to find a way. There's enough brain power. You
8 people ought to be able to come up with something.

9 I'm not trying to dismiss it that easily.
10 You need the resources. You need the manpower. You
11 need the money. I understand that. You ought to be
12 looking for a way to do it instead of more time. You
13 still have a couple of years. Don't look for an
14 extension now. Find a way to do it more efficiently.
15 I know that sounds sarcastic, but it isn't meant to be
16 that way. This is just the way I see it.

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

19 DR. WEINBERG: Well, my concern is that while
20 I think that more time is going to be needed, I don't
21 see this as a very good point in time to make that.

22 It seems to me that we ought to make that
23 point at a time when one can demonstrate substantially
24 more progress than has been demonstrated up to now, and
25 when one can show, if you will, a kind of a -- a

1 progression and an effort to do the things and to
2 comply with the Executive Order, and to show that at
3 this pace, which, after a slow start, seems now to be
4 adequate, then under those circumstances, at that
5 point, the judgment is made an additional three years,
6 four years, five years.

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

22 To suggest now when the thing is really just
23 getting underway, and when there are still major
24 differences as to how it is to go and where it's going,
25 to say, well, we can now tell there's not enough time,

1 there's not enough money, there should be another five
2 years, that to me is -- is -- is, Number 1, not likely
3 to accomplish its purpose because it's much too soon
4 and therefore sounds defeatist, and -- and, Number 2,
5 is not founded on a sufficiently close analysis of
6 experience, with a running operation, its experience
7 within initiation of an operation, but when we can say
8 this is the way it's going, it looks like this, at this
9 particular rate, and with these problems and resources,
10 it cannot be accomplished by the year 2000, but we
11 think it's reasonable that it can be accomplished in
12 the year whatever we think at that point.

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

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

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

22 The sense that I got, which makes me sort of
23 concerned about the approach you take, is that under
24 current funding they will spend the next four years
25 looking at the non-exempt material only. They won't

1 even look at anything that's exempt until after the
2 year 2000, and who knows when after that. They just
3 don't have the resources and the manpower to do it,
4 which means there is no leeway at all in there for them
5 to even look at one thing we recommend that falls
6 within their exempt materials between now and the year
7 2000. So, there will be no progress.

8 DR. GOLDBERG: You're speaking of OSD?

9 DR. WAMPLER: OSD, yes.

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

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

12 DR. GOLDBERG: By whom?

13 DR. WAMPLER: Do you really want names?

14 DR. GOLDBERG: Yes.

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

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

24 DR. WAMPLER: Well, what I was told was that
25 they were going to spend all of their resources looking

1 at the non-exempt material to make sure nothing
2 filtered in there that should have been kept out.

3 DR. GOLDBERG: That's -- that's the cautious
4 conservativism that I was speaking --

5 DR. WAMPLER: Yes.

6 DR. GOLDBERG: -- of before.

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

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

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

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

25 MR. DAVID: Well, what I'm saying is if they

1 have been reviewed under systematic review or any other
2 review, and they're still at WNRC, what has been
3 suggested previously and is suggested again is that
4 those accessions be moved to College Park.

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

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

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

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

21 Did you want to say something?

22 MS. SCHABEL: Just let me comment on that.
23 The Archives did put off the accessioning of a lot of
24 records while they were in the process of building
25 Archives II.

1 Everything that was scheduled to be
2 accessioned in the Archives through 1995 has now been
3 moved in to Archives II, with the exception of some Air
4 Force records, which the Air Force and I agreed would
5 be better left in centers so they could deal with
6 declassification.

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

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

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

24 MR. HEIMDAHL: My only concern -- I agree
25 with Bill that I think the year 2000 was a non-

1 realistic date to set to begin with.

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

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

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

13 MR. HEIMDAHL: Wait.

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

16 DR. TRACHTENBERG: Wait.

17 DR. GOLDBERG: Wait.

18 DR. MAY: That is my view, too.

19 DR. GOLDBERG: Wait. Dave?

20 BG. GEN. ARMSTRONG: First of all, before I
21 give you an answer on that, I'd like to say something.

22 The fact the -- the fundamental thing we're
23 trying to address here is a conflict between the lack
24 of resources or limited resources and desires for
25 specific information.

1 If we don't take this suggestion, you still
2 haven't addressed that conflict, and I -- I frankly --
3 Professor Weinberg, I think, is quite correct in his
4 analysis of when we ought to make a recommendation
5 concerning extending the time period. So, I agree
6 with these gentlemen.

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

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

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

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

1 the crunch. Here's why it can't be done.

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

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

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

1 more time --

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

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

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

21 DR. WAMPLER: Well, there was the fourth one,
22 which was to say based on an assessment of the file
23 descriptors, plus the risks that there's material
24 hidden in seemingly innocuous files, you seek and
25 receive a file exemption for everything, and then you

1 develop a systematic review schedule, either for the
2 percentages or the year 2000.

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

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

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

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

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

1 DR. GOLDBERG: Explain the PRG.

2 MS. KLOSS: The Program Review.

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

5 MS. KLOSS: Absolutely in the budget process.

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

8 MR. SCHMIDT: 2005.

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

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

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

21 MS. KLOSS: DoD-wide.

22 MR. EPLEY: DoD-wide. Okay.

23 DR. TRACHTENBERG: Do I take it that the
24 Wampler/David list is going to be somehow appended to
25 this --

1 DR. GOLDBERG: Oh, I see no reason why it
2 shouldn't be. Certainly.

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

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

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

9 DR. GOLDBERG: Yes.

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

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

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

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

23 DR. GOLDBERG: Most of the OSD records.

24 DR. TRACHTENBERG: And all the stuff that
25 we're interested in?

1 DR. GOLDBERG: Similarly in the Archives.

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

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

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

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

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

25 We don't know whether these records have been

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

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

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

22 DR. TRACHTENBERG: But to get that process
23 started, to get this stuff in the que, because this is
24 the most important material you're going to get -- I
25 mean this is really a gold mine of material. To get

1 that started, the work -- OSD's work has already been
2 done. Why can't -- I mean who's -- who's making the
3 decision to kind of have the stuff sent over so that we
4 can get this process in motion? Because it's crazy if
5 all this work has been done for it to just be hanging
6 like this.

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

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

14 MS. SCHABELL: We have -- we have -- well, we
15 started out with over 450 million pages in our own
16 possession already that we had to deal with. We didn't
17 need to go out looking for more, and assuming, you
18 know, not knowing what records they reviewed and what
19 they haven't, as I said before, our branch doesn't deal
20 well at all with policy level records. So, again, I'm
21 not going to go out casing records that we can't
22 declassify them ourselves, and then try and get the
23 agencies to come in and do the work because I certainly
24 don't have the time to xerox it and send it all back to
25 them.

1 MR. HEIMDAHL: I really think it's too soon
2 for us as a committee to start mucking in to specific
3 agency records disposition schedules. We may want to
4 look at that down the line. I'd like to just submit, I
5 think this particular list is a very exhaustive and, I
6 think, well thought-out list. I personally have some
7 druthers about the Air Force section, but I haven't
8 gotten any specific input from our declassifiers as to
9 whether they looked at some of the series or not.

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

24 I think it's too soon to really consider some
25 of those issues.

1 DR. GOLDBERG: And that turned around, it's
2 not finding the tree in the forest.

3 Jim David?

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

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

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

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

15 DR. GOLDBERG: Neeley and Brian Kinney.

16 MR. DAVID: Okay.

17 DR. GOLDBERG: Kinney, specifically.

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

19 DR. GOLDBERG: We can ask for that
20 information.

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

1 systematic review top down.

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

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

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

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

22 BG. GEN. ARMSTRONG: Well, what I would like
23 to see is a system that addresses both concerns, that
24 doesn't do away with automatic declassification, but
25 gets at some of the more difficult to declassify

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1 materials.

2 MR. DAVID: Well, the latter asks for
3 systematic and automatic at the same time, which you
4 realize is like, you know, asking for, you know, a
5 great big Christmas tree full of stuff. It ain't going
6 to happen, but still you've to find some way to have
7 both these going if you're going to have both of them
8 mandated.

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

12 (Multiple conversations)

13 MS. SCHABEL: The Executive Order for the
14 Archives to do it.

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

17 MS. SCHABEL: And it still wasn't getting
18 done.

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

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

25 DR. WAMPLER: I mean as you say, it doesn't

1 hurt.

2 MR. HEIMDAHL: Agency -- agency schedules
3 obviously vary considerably.

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

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

15 MS. SCHABEL: We act on our own guidelines.

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

19 MS. SCHABEL: That's what we do, but there's
20 no -- we're trying to do this very efficiently. We
21 don't want to look at these records two or three or
22 four times. So, we want to go through, look at -- the
23 agencies that say they can't, declassify it ourselves,
24 if the guidelines allow us to do so and put full carts
25 in as we are going through and doing that process.

1 DR. GOLDBERG: Let me summon you to
2 recapitulation of a possible recommendation. First, it
3 is recommended that we ask the Secretary to make clear
4 to the components the high priority that he attaches,
5 and that they should -- to this program, to
6 declassification, and his request that they allocate
7 resources for this unfunded mandate.

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

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

15 DR. GOLDBERG: How about adequate resources?

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

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

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

25 DR. GOLDBERG: All right.

1 BG. GEN. ARMSTRONG: -- currently allocating
2 should be given.

3 DR. GOLDBERG: How does that sound?

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

6 DR. GOLDBERG: Exactly.

7 (Multiple conversations)

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

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

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

19 MR. DAVID: As a start.

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

25 The matter of training of declassifiers and

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1 the pooling of equities. I've been pondering that a
2 little bit to try to see where I could --

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

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

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

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

25 DR. WAMPLER: You're saying in essence a

1 linkage between the first general reiteration of the
2 resources recommendation, saying we're driven to
3 reiterate and stress this because we now have more
4 details on the extent and the --

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

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

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

25 DR. GOLDBERG: I like that suggestion. Is

1 there any objection to following this up and trying to
2 clarify exactly what it is -- more exactly what it is
3 that we have in mind in this matter?

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

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

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

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

24 DR. GOLDBERG: He's having a lot of trouble,
25 isn't he?

1 MR. HEIMDAHL: It is, it is, because while as
2 we speak, the Air Force's declassification team is
3 receiving the Vice President's Hammer Award for the
4 efficiency and effectiveness that's being presented by
5 the Secretary of the Air Force at this very moment.

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

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

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

21 DR. WEINBERG: Well, and when you do so, I
22 still think that in the phraseology, reference should
23 be specifically made to the coverage of the records.
24 We may find the components more willing to cooperate if
25 they know that the records that are being looked at

1 under these combined guidelines, if you prefer that,
2 are ones which antedate 1955, in other words, which are
3 40 years old or over.

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

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

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

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

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

23 BG. GEN. ARMSTRONG: I think Professor
24 Weinberg made a very good point in that we will be able
25 over time as additional work is done, as more

1 experience is gained, to -- to make -- we will be able
2 to make more specific recommendations concerning the
3 amount of additional time and so forth and so on.

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

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

25 DR. GOLDBERG: All right. It seems to me

1 that my cup overfloweth on that.

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

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

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

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

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

25 So, certainly we should have at your

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

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

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

19 The one at the Air Force is going very fast.
20 Various Army --

21 MR. HEIMDAHL: By the seat of the pants.

22 BG. GEN. ARMSTRONG: These kinds of things, I
23 think, if -- if we seek that information and try to --
24 try to assemble it in a -- in a useful way, will enable
25 the panel two years, three years from now, be able to

1 go back and say, look, this is what's up, and not only
2 leverage with OSD but leverage with the scholarly
3 community because I think that's so far a function that
4 has not -- that the panel has that has not really
5 started out yet, and that is, when things get done, I
6 think it's important to tell the scholarly community
7 what's been done, and where things stand.

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

12 Beg your pardon?

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

16 MS. KLOSS: If I could --

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

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

1 DR. GOLDBERG: That's fine.

2 MR. HEIMDAHL: I think the written assessment
3 is very good. It's just that I -- I -- for instance, I
4 found out things today with Ray Smith talking from the
5 audience, informed me of some things I wasn't aware of,
6 and, so, I just think that if we can down the line
7 speak with -- are able to speak with the people who are
8 --

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

12 MR. HEIMDAHL: Right.

13 DR. GOLDBERG: So, a lot of this is not new.
14 We're hearing again what we've heard before, which
15 maybe perhaps brings it home to us even more forcefully
16 than otherwise.

17 So, we have covered a lot of this ground
18 already. I was hopeful that the pilot projects would
19 get us some specifics about costs and time and that
20 sort of thing, but I don't think that we have. It
21 takes something bigger. This is -- these are
22 microcosms.

23 MR. HEIMDAHL: Sure.

24 DR. GOLDBERG: Is there anything else?

25 (No response)

1 DR. GOLDBERG: All right.

2 MS. KLOSS: Could I --

3 DR. GOLDBERG: Yes.

4 MS. KLOSS: I just have an admin
5 announcement. Next meeting will not be held here. We
6 would like to delay the meeting by one week to Friday,
7 November 15th, because of a conflict within the
8 historian community. Location to be determined, but I
9 will try to keep it at a Metro stop. Wherever there is
10 a Metro, I will look for space there.

11 The second comment, if I could piggyback on
12 Professor Weinberg's statement on making
13 recommendations for changes of Executive Orders, there
14 are several historical panels currently in existence,
15 and I'm observing a lot of them, and you all are going
16 toward the same trail.

17 Would you be open to extending invitations
18 for the other panels to address you and see if there is
19 consensus within the advisory -- historical advisory
20 channels for broad recommendations to the Executive
21 Order? That would be the intell community, the State
22 Department, the Department of Energy, probably half a
23 dozen panels I don't know about, but there's that many
24 historical panels.

25 BG. GEN. ARMSTRONG: Sure. They deal with --

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1 my take is the same basic scholarly community.

2 MS. KLOSS: Exactly. Exactly.

3 DR. GOLDBERG: Considering our talk about
4 centralizing this process and inter-agency, etc., etc.,
5 I don't see how we can say no. So, we say yes.

6 MS. KLOSS: Okay. Well, that's good.

7 DR. WAMPLER: Would this essentially go up to
8 that agency which hasn't been named yet, the one that
9 Garfinkel is still putting the numbers together?

10 DR. TRACHTENBERG: That's just the DoD.

11 MS. KLOSS: No.

12 DR. WAMPLER: A higher one.

13 MS. KLOSS: I understand what you're saying.
14 This is certainly an attempt to consolidate
15 recommendations on changes to the Executive Order, so
16 we can see if DoD is an anomaly. If we're coming up
17 with recommendations that are similar to problems and
18 challenges that DOE is facing or at the Department of
19 State, and we can couch our recommendations, your
20 recommendations, as members of the historian
21 population, both civilian and government historians,
22 have looked at your Executive Order for several months
23 now, and we see a certain trend occurring. It is our
24 recommendation. Keep it away from the DoD and make it
25 to the ISOO via National Security Council and so forth.

1 ISCAP may not be in place yet.

2 DR. GOLDBERG: Yeah. The -- having a
3 government-wide advisory committee recommendation, I
4 think, would carry a lot more weight than an individual
5 one, unless you're familiar with the others. It's a
6 step in the right direction.

7 MS. KLOSS: I will notify you then on the
8 November meeting location.

9 DR. GOLDBERG: We stand adjourned.

10 (Whereupon, at 2:29 p.m., the meeting was
11 adjourned.)

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Bonnie Rowman
Official Reporter.

Dated: AUGUST 9, 1996