

# Can We Finally See Those Records? An Update on the Automatic/Systematic Declassification Review Program

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## ABSTRACT

Executive Order (E.O.) 12958, signed by President William Clinton in April 1995, established an unprecedented declassification procedure designed to release quickly massive numbers of executive branch records dating back to World War II. The program encountered numerous problems, however, and subsequent executive orders pushed back deadlines and created new grounds to exempt records from its operation. Relatively few high-level records have been released and made available to the public. However, modifications to the program made by E.O. 13526 in 2009 and changes proposed by the Public Interest Declassification Board in 2012 will make important progress in reversing this situation.

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## KEY WORDS

Archival Records, Public Policy, Records Management

This article updates the progress and problems in the automatic/systematic declassification review program since my examination of it in the Fall/Winter 2007 issue of *The American Archivist*. It initially gives a brief overview of the program created in 1995 and the reasons why it did not result in the review of all the subject materials or the release of many high-level records by the original or subsequent deadlines. The article then focuses on the developments since 2007, beginning with E.O. 13526 signed in late 2009. Although pushing back one of the deadlines again, this directive made some significant improvements, including the establishment of the National Declassification Center at the National Archives in College Park, Maryland. This interagency operation has made important strides in completing the processing of the huge backlog of subject records at that key facility. The article next evaluates the current state of the program, including the confusion surrounding the exact number of records declassified, the relatively few high-level materials that have been placed on the public shelves, the delays in transferring agency records to the National Archives, and the need for accurate and timely scheduling of agency records. Finally, it examines the recent recommendations of the Public Interest Declassification Board for improving the program.

Americans have long recognized the value of openness in government and of keeping official secrecy to an absolute minimum. The Public Interest Declassification Board recently described its importance as follows:

A democratic society is grounded in the informed participation of the citizenry, and their informed participation requires access to Government information. An open record of official decisions is essential to educate and inform the public and enable it to assess the policies of its elected leaders. If officials are to be accountable for their actions and decisions, secrecy must be kept to the minimum required to meet legitimate national security considerations. To maintain democratic values, Government must act to ensure openness and should have to justify any resort to secrecy. Better access to government records and internal history will help both policy-makers and the American public meet their mutual responsibilities to address national security and foreign policy challenges consistent with democratic values.<sup>2</sup>

A robust program to release government records as soon as they are no longer sensitive is critical to achieving these goals. Whether they concern arms control negotiations, covert operations, military assistance to other nations, or international trade agreements, it is imperative that government officials and the public gain access to the records as quickly as possible to learn what the government has done and develop the knowledge and understanding upon which to make informed decisions on national security and foreign policy issues.

## The Need for an Automatic Declassification Program

The White House and agencies generated many billions of pages of classified records and a huge quantity of classified nontextual records beginning during World War II.<sup>3</sup> Most remained classified indefinitely prior to President Clinton signing E.O. 12958 on April 17, 1995. (A summary of this and other executive orders and statutes is found in Table 1.) Downgrading or declassification provisions in prior executive orders, declassifications mandated by statutes, voluntary declassifications by agencies, and the Freedom of Information Act (FOIA) and Mandatory Declassification Review (MDR) procedures released some important records but only in small quantities. The only means of reducing the growing mountain of classified materials was adoption of an unprecedented automatic declassification procedure, under which the records would be declassified with or without review by a specified date unless they fell under narrow exceptions.<sup>4</sup>

**Table 1. Executive Orders and Statutes on the Automatic/Systematic Declassification Program**

Authority	Year	Key Provisions
<b>E.O. 12958</b>	1995	Established program and mandated that all permanent pre-1975 classified agency records and all pre-1975 classified presidential library records would be automatically declassified in April 2000 whether or not reviewed. More recent subject records would be automatically declassified when they became 25 years old. Created three grounds for delay beyond 25 years—records containing one or more of nine categories of information, records containing information in additional categories set forth in approved declassification guides, and records in file series exempted by the White House.
<b>Kyl-Lott Amendment to the 1999 National Defense Authorization Act</b>	1998	Mandated that agencies evaluate every file series subject to automatic declassification to determine whether they are “highly unlikely” to contain Restricted Data or Formerly Restricted Data. If not certified as “highly unlikely,” the file series must undergo a page-by-page review by a specially trained reviewer.
<b>E.O. 13142</b>	1999	Postponed automatic declassification date from April 2000 to October 2001 for records with the equity of a single agency and from April 2000 to April 2003 for records with the equities of two or more agencies.
<b>E.O. 13292</b>	2003	Postponed automatic declassification date of all permanent pre-1982 classified agency records and pre-1982 classified presidential library records to the end of December 2006. More recent subject records would be automatically declassified when they became 25 years old. Retained the three grounds for additional delay set forth in E.O. 12958 and created four new grounds for additional delay.

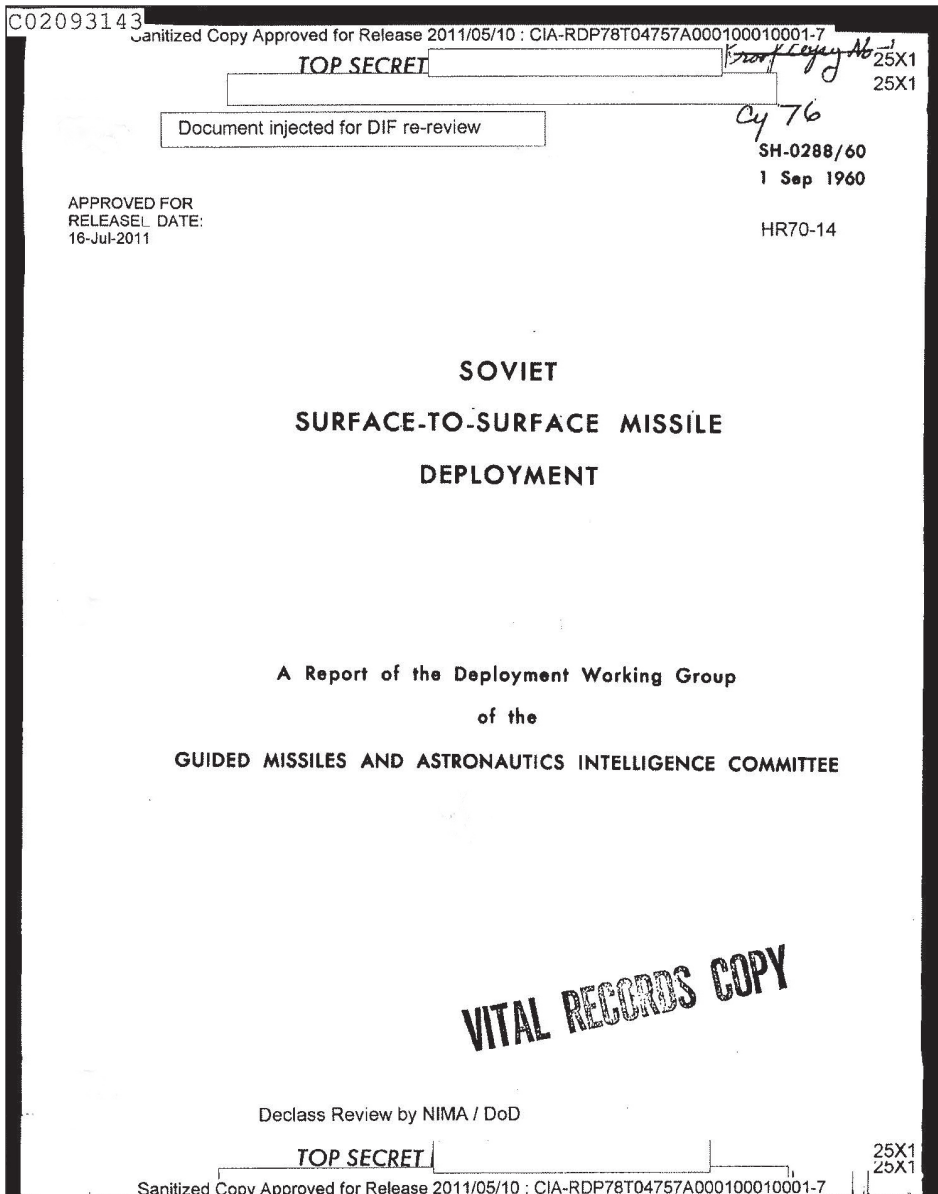
Authority	Year	Key Provisions
E.O. 13526	2009	Retained mandate that all permanent classified agency records and classified presidential library records would be automatically declassified when they became 25 years old. Retained the three grounds for additional delay originally set forth in E.O. 12958. Modified in part the four additional grounds for delay first provided for in E.O. 13292. Created the National Declassification Center at the National Archives in College Park to complete by the end of 2013 the processing of the backlog of 400 million pages of classified records there.

Executive Order 12958 instituted this radically new procedure. It provided that all permanent pre-1975 classified agency records and all pre-1975 classified presidential library records would be automatically declassified in April 2000, whether or not the records had been reviewed. Post-1974 permanent classified agency records and post-1974 classified presidential library records would be automatically declassified twenty-five years after their creation.<sup>5</sup>

Three exemptions permitted materials to remain classified beyond twenty-five years. The first comprised records examined and found to contain information that fell within one or more of nine grounds set forth in the executive order. Second, agencies could also exempt materials after review that contained information in one or more additional categories set forth in declassification guides submitted to and approved by an Interagency Security Classification Appeals Panel. Third, the president could grant exemptions from automatic declassification for designated file series that contained information “almost invariably” falling within one or more of the above nine grounds. Agencies were to apply for the file series exemptions no later than October 1995.<sup>6</sup>

Executive Order 12958 also required that all agencies and the National Archives and Records Administration (NARA) conduct systematic declassification review of their permanent classified records twenty-five years old and older and of their classified records twenty-five years old and older in presidential libraries that were exempted from automatic declassification. As the Information Security Oversight Office (ISOO) has frequently noted, automatic declassification and systematic declassification are so interrelated that each agency and NARA have essentially operated a single program.<sup>7</sup> The order also included a requirement that “To the extent practicable, agencies shall adopt a system of records management that will facilitate the public release of documents at the time such documents are declassified pursuant to the provisions for automatic declassification.” This provision was designed to encourage the transfer of agency records to the National Archives shortly after their declassification and thus ensure public access to them as quickly as possible.<sup>8</sup>

Several points are critical to understanding the automatic/systematic declassification review program under E.O. 12958 and its successors. First, it



**FIGURE 1.** This is the cover page of a September 1960 report by the U.S. Intelligence Board's Guided Missiles and Astronautics Intelligence Committee. The CIA released the report in 2011. It contains both NSI and SCI, both of which are subject to the automatic/systematic declassification review program. The codewords indicating the categories of SCI in the report are still classified and are redacted at the top and bottom of each page.

only applies to two of the three types of classified information—National Security Information (NSI) and Sensitive Compartmented Information (SCI) and not to Restricted Data (RD) or Formerly Restricted Data (FRD).<sup>9</sup> NSI has been defined by a series of executive orders dating back to World War II, the latest of which is E.O. 13526 from 2009. It mandates that newly generated information in eight broad categories (from “military plans, weapons systems, or operations” to “foreign government information”) be classified and marked as Confidential, Secret, or Top Secret depending on the damage that would result to national security from its unauthorized disclosure.<sup>10</sup> Records may also contain a second type of classified information denominated and marked as RD or FRD under the Atomic Energy Act of 1954. The former primarily concerns the design or manufacture of atomic weapons and the latter the military utilization of atomic weapons.<sup>11</sup> The third and last type of classified information that records may contain is SCI, which has been created under directives of the National Security Council, the director of Central Intelligence, the director of National Intelligence, and the Department of Defense. It is information “concerning or derived from intelligence sources, methods, or analytical processes.” SCI is handled in formal access control systems, each of which has its own code word and is marked on the records.<sup>12</sup> Every classified record contains NSI but not every classified record contains SCI, RD, or FRD. If a record that is otherwise subject to the program contains RD or FRD, it is not declassified and the public must file a FOIA or MDR to try to access it.

Second, the program only applies to agency records that have been appraised as permanent under a records retention and disposition schedule approved by NARA. Federal law requires that each agency preserve and dispose of its records pursuant to such schedules. Records that are unappraised, appraised as temporary (eligible for destruction after a set period of time under an approved records schedule), or once appraised as temporary or permanent but are now pending reappraisal are not subject to the program.<sup>13</sup> No inventory exists of the total quantity of classified materials held by the executive branch, much less the quantities in each of the four appraisal categories. However, there are far more unappraised, temporary, and pending reappraisal classified records because only about 8 percent of all classified records are appraised as permanent.<sup>14</sup>

Third, NARA and the agencies (with one exception) are reviewing their subject records on a “pass-fail” basis.<sup>15</sup> This means that the entire document is withheld even if only a single word still merits classification under current guidelines, and the public has to file a FOIA or MDR request to try to access it. More materials are withheld under “pass-fail,” but the review is faster. Only the Central Intelligence Agency is redacting, that is, blacking out information that merits continued classification, and releasing the remainder. FOIA and MDR require this to be done.

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GENERAL - P. (H)CES ADMIN.  
FPMR (41 CFR) 101-11.4

**RECORDS TRANSMITTAL AND RECEIPT**

TO BE COMPLETED AT FEDERAL RECORDS CENTER

PAGE 1 OF 1 PAGES

ACCESSION NO. 326-76-6  
RECORD GROUP NO. 326

INSTRUCTIONS  
Send original and two copies to appropriate Federal Records Center.

SIGNATURE  
TITLE

DATE RECORDS RECEIVED

FROM: (Name and address of Agency transferring records)  
U.S. Energy Research and Development Admin.  
Washington, D.C. 20545

TO: Federal Records Center, GSA  
Accessions Section  
Suitland, Maryland 20409

1. CITE SECURITY CLASSIFICATION AND/OR RESTRICTION ON USE OF RECORDS, IF ANY  
SECRET/ RESTRICTED DATA ERDA Personnel Only

2. SQUARE FEET OF SPACE CLEARED  
A. OFFICE  
B. STORAGE

3. FILING EQUIPMENT EMPTIED  
A. FILE CABINETS (No.)  
B. TRANS. FILES (No.)  
C. SHELVING (Lin. Ft.)

4. L-BIC PIECE OF RECORDS TRANSFERRED  
250

5. NAME OF AGENCY CUSTODIAN OF RECORDS  
Loren L. Rademacher

6. BUILDING AND ROOM NO.  
Germantown, Maryland

7. TELEPHONE NO.  
353-4151

8. MAY THE RECORDS BE DESTROYED AS SCHEDULED WITHOUT FURTHER AGENCY CONCURRENCE? ☐ YES ☒ NO

9. AGENCY OFFICIAL (Signature)  
Loren L. Rademacher

10. TITLE  
Chief, Records Management Branch, OC

11. DATE  
3/10/76

12. BOX NUMBERS  
FRC ONLY AGENCY

DESCRIPTION OF RECORDS WITH INCLUSIVE DATES  
(Show organizational component creating records)

13. DISPOSAL AUTHORITY  
(Schedule and Item No.)

OFFICE OF PUBLIC AFFAIRS, HISTORIAN  
Chairman Seaborg's Files 1961-71

JOB BOX

1 6988 1

T H R U

250 250

Hold pending completion of Agency History

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135-105

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RECORDS ADMINSTRY  
36 CFR 121

2/82:33-6-1  
Brooks 3/6/76  
Denton 15-11-76  
Shelton

**FIGURE 2.** This large accession of unappraised files of the chairman of the Atomic Energy Commission from 1961–1971 is in Record Group 326 at the Federal Records Center in Suitland, Maryland. Although at Suitland since 1976, they are ineligible for transfer to the National Archives because they are not permanent records. Only those records that are finally appraised as permanent and that contain solely NSI are subject to the automatic/systematic declassification review program. The public must file a FOIA or MDR to try to access any with RD.



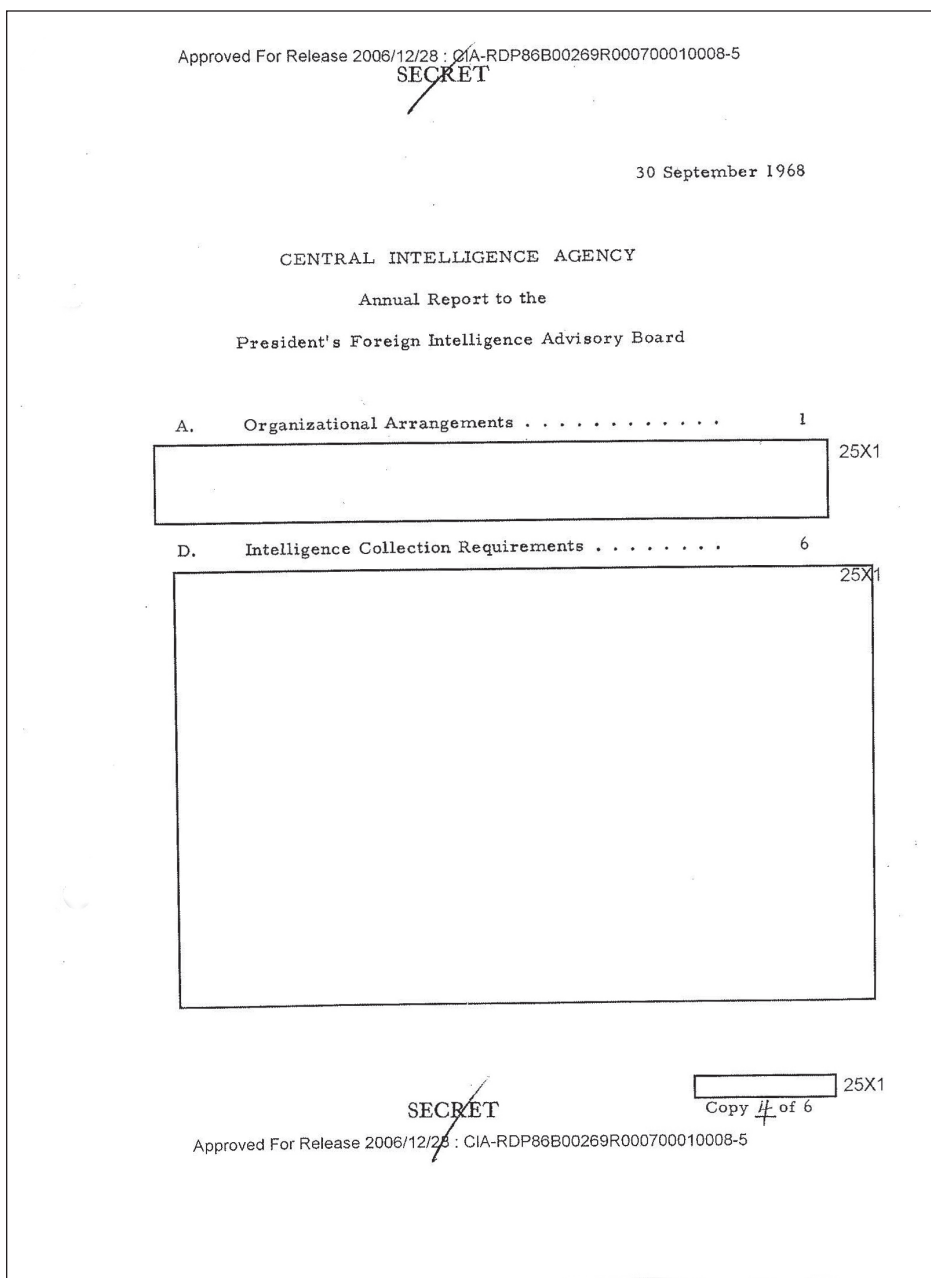
## Initial Progress and Problems under Executive Order 12958

Based on data supplied by NARA and the agencies, ISOO initially estimated that over 1.5 billion pages of pre-1975 classified materials were subject to automatic declassification in April 2000.<sup>16</sup> Almost all were agency records stored at the National Archives, federal records centers, or the agencies themselves. Unfortunately, the review process moved slowly.

While the Air Force and several other agencies established active programs, many of the remaining forty-six agencies with subject records took several years to create their programs.<sup>17</sup> Contrary to expectations, virtually no agency conducted any bulk declassification (i.e., performing little or no review) of even older, lower-level materials and instead employed lengthier review procedures. Reviewers occasionally did not identify the equities of other agencies in records and thus did not refer them to these agencies for the review of information that only they could declassify.<sup>18</sup> *Equities* is the term used to describe information originated or classified by another government agency or that concerns its operations and that only it can declassify. Similarly, at times, reviewers did not identify RD or FRD (which are not subject to the automatic/systematic declassification review program) in materials and mistakenly declassified them. The inadvertent public release of some records led Senators John Kyl and Trent Lott to sponsor an amendment to the 1999 National Defense Authorization Act (commonly referred to as the Kyl-Lott amendment), which requires that each agency evaluate every file series subject to automatic declassification to determine whether it is highly unlikely to contain RD or FRD. Any file series evaluated as “highly unlikely” to contain RD or FRD can be processed under regular practices. Any file series not so assessed must undergo a page-by-page review. Agency personnel who perform these evaluations and reviews must attend Department of Energy training. Not surprisingly, all the evidence indicates that very few file series have been certified as “highly unlikely” to contain RD or FRD.<sup>19</sup>

In 1998, the White House approved file series exemptions for the U.S. Army, the Central Intelligence Agency, the Defense Intelligence Agency, the Joint Chiefs of Staff, the National Reconnaissance Office, the National Security Agency, the National Security Council, the Office of the Secretary of Defense, the President’s Foreign Intelligence Advisory Board, and the State Department. The number of pages exempted ranged from a low of 65,000 for the National Security Council (15 percent of its subject records) to a high of 94.5 million for the Central Intelligence Agency (60 percent of its subject records).<sup>20</sup> However, specific file series exempted are known only for the Defense Intelligence Agency, the National Security Agency, the Joint Chiefs of Staff, the State Department, and the National Reconnaissance Office.<sup>21</sup> Most of the file series in these five





**FIGURE 3.** This is part of the table of contents of the CIA's 1968 annual report to the President's Foreign Intelligence Advisory Board. The CIA released the report in 2006. Portions of the table of contents and the corresponding sections in the report are redacted. To its credit, the CIA is the only agency redacting under the automatic/systematic declassification review program. All other agencies are conducting "pass-fail," which means that even if a single word in a document still merits classification the entire document is not released and the public has to file a FOIA or MDR to try to access it.

agencies were exempted for fifty years from their date of origin, with a few for shorter periods.<sup>22</sup>

The biggest file series exemption, however, was granted in a little-publicized October 1995 agreement signed by the directors of ISOO and the Federal Bureau of Investigation. It permanently exempted all of that agency's records from automatic declassification on the basis that their release would "almost invariably violate the Privacy Act of 1974." Significantly, the agency stated in November 2006 that it no longer relied on the exemption. This decision was made after a preliminary review of all of its pre-1982 subject records disclosed that a blanket exemption was unnecessary and because it apparently received a much narrower file series exemption in 2006.<sup>23</sup>

### Postponement of Deadlines under Executive Orders 13142 and 13292

Because so much work remained to be done with the approximately 1.3 billion pages not covered by file series exemptions, President Clinton signed E.O. 13142 on November 19, 1999. It extended the original automatic declassification date to October 2001 for records that had the equity of one agency and to April 2003 for records that contained the equities of more than one agency or had information concerning intelligence sources or methods.<sup>24</sup>

Few organizations could meet these new deadlines either, and, as a result, on March 25, 2003, President George Bush signed E.O. 13292. It established December 31, 2006, as the new date for the automatic declassification of all permanent pre-1982 classified agency records and all pre-1982 classified presidential library records. All post-1981 records would be automatically declassified at the end of the year in which they turn twenty-five years old. This executive order retained the three exceptions to automatic declassification at twenty-five years originally established by E.O. 12958 in 1995—records examined and determined to contain exempted information under one or more of the grounds set forth in the executive order or approved declassification guides and records in a file series for which the White House has granted an exemption. Executive Order 13292 also created four new grounds for delay:

1. Records "within an integral file block" were only subject to automatic declassification twenty-five years after the date of the most recent document therein;<sup>25</sup>
2. "Microforms, motion pictures, videotapes, or comparable media" received an additional five years;
3. Records that have the equities of more than one agency got an extra three years; and
4. Records that were "inadvertently not reviewed" before the end of 2006 received an additional three years.<sup>26</sup>

These four new grounds were cumulative. As an example, a roll of army microfilm created in 1962 with equities of both the army and State Department would receive another five years because of its format and an additional three years because of the multiple equities. Thus, it would be subject to automatic declassification at the end of 2014 instead of at the end of 2006.

Executive Order 13292 retained intact the nine grounds for information to be exempted from automatic declassification set forth by President Clinton in E.O. 12958. The order also continued the right of agencies to submit for approval to the Interagency Security Classification Appeals Panel declassification guides identifying information beyond the nine grounds that required exemption, and it gave agencies another opportunity to submit file series proposed for exemption to the White House (at least one unknown agency obtained approval in 2005). It also kept the provision encouraging agencies to employ records management practices that would make declassified records available to the public at the earliest possible time.<sup>27</sup>

### Changes to the Program under Executive Order 13526

NARA and the agencies could not meet all the new deadlines established by E.O. 13292 in 2003. As a result, President Barack Obama signed E.O. 13526 on December 29, 2009. It retains the general rule that all permanent classified agency and classified presidential library records would be automatically declassified twenty-five years after their date of origin. However, it eliminated the deadline of December 31, 2009, for the completion of action on referrals of pre-1982 subject records and instead imposed a maximum limit of three years after the actual referral (if not reviewed before then, the referred equities will be automatically declassified). Special media continue to receive another five years, materials that were inadvertently not reviewed an additional three years, and records within an "integral file block" are not subject to automatic declassification until twenty-five years after the date of the most recent document therein. Significantly, E.O. 13526 does not create any new grounds for delay. It keeps the provision encouraging agencies to employ records management practices that would make declassified records available to the public at the earliest possible time.<sup>28</sup>

The executive order retains the nine grounds for information to be exempted from automatic declassification after actual review. It gives agencies another opportunity to submit for approval to the Interagency Security Classification Appeals Panel declassification guides containing additional categories of classified information that must be exempted from automatic declassification at twenty-five years. The order also provides that agencies can submit new proposed file series exemptions to this panel (instead of the White House as

under the previous orders). File series exemptions approved prior to the end of 2008 remained valid pending review by the panel prior to the end of 2010 or the end of the year that is ten years from the date of previous approval. All that is known in this regard is that, as of 2012, the U.S. Air Force, the Central Intelligence Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the National Security Agency, the Office of the Secretary of Defense, the Federal Bureau of Investigation, the U.S. Navy, the National Security Council, and the State Department have approved file series exemptions. No details are available on the specific file series or total number of pages covered by any of the exemptions. However, it is safe to assume that the records covered by the current file series exemptions for the Central Intelligence Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the National Security Agency, the Office of the Secretary of Defense, the National Security Council, and the State Department are mostly the same as those exempted by the White House in 1998. A new provision in E.O. 13526 is that any information exempted after actual review or in a file series exemption must, with three exceptions, be automatically declassified no later than fifty years from the date of origin. The exceptions are information that reveals the identity of a confidential human source, the identity of a human intelligence source, or key design concepts of weapons of mass destruction. This data can be exempted an additional twenty-five years.<sup>29</sup>

Executive Order 13526 also established the interagency National Declassification Center (NDC) within the National Archives "to streamline declassification processes, facilitate quality-assurance measures, and implement standardized training regarding the declassification of records determined to have permanent historical value." In a separate memorandum accompanying the executive order, the president directed the NDC to complete all the remaining processing steps to make publicly accessible by the end of 2013 all the declassified records within the estimated backlog of four hundred million pages in the classified vaults at College Park.<sup>30</sup> Of course, there have been millions of pages of classified records accessioned into College Park from federal records centers and agencies since 2009. However, they are not subject to the 2013 deadline, regardless of age.

The NDC began operations immediately. It assumed the Interagency Referral Center, which had been established several years earlier to facilitate the review of multiple equities in materials at the National Archives. The NDC also took over the management of the Remote Archives Capture Project, which had been created in 1996 to facilitate the review of multiple equities in presidential library records.<sup>31</sup>

The NDC has made real progress. It determined that the backlog was not 400 million pages but 361 million, almost all textual records. Public input was solicited to create a prioritization plan with four categories. Around 90 percent

are in category 2 (high interest, difficult to process), which includes large numbers of records of the State Department, the Department of Justice, the Federal Bureau of Investigation, the Joint Chiefs of Staff, the Office of the Secretary of Defense, the U.S. Army, the U.S. Air Force, and the U.S. Navy.<sup>32</sup>

An immense challenge was determining what had previously been done with the materials and assigning them to the next stage of declassification processing. By the end of 2012, the NDC had completed this step for all 361 million pages. Almost 94 million had also undergone all the declassification processing steps as of this date, of which 57 million were released in their entirety and made available to the public. The NDC, of course, is utilizing “pass-fail” and not redaction, resulting in a faster review but fewer documents being released. Approximately half of the remaining 265 million pages still required compliance with the Kyl-Lott amendment and/or completion of the identification and review of multiple equities. Significantly, the NDC determined that the backlog of 361 million pages included 4.5 million pages with Sensitive Compartmented Information and that none could be declassified.<sup>33</sup>

The NDC has published five lists identifying the records that have been placed on public shelves from January 2011 through December 2012. They illustrate that most were lower-level materials and that some of them date back to World War II. Very few high-level records in the backlog, such as the Top Secret and below files of the Secretary of Defense and the Deputy Secretary of Defense from the late 1950s into the early 1970s, have undergone all the processing steps, and so the declassified materials therein have not been made available to the public.<sup>34</sup>

The NDC has also started reviewing the small amount of classified special media twenty-five years old and older at College Park. By the end of June 2012, it had examined over 1,300 motion pictures (declassifying almost 700) and more than 230 sound recordings (declassifying a little less than half).<sup>35</sup>

Unfortunately, the NDC states that it will probably not be able to complete the declassification processing of all 361 million pages in the backlog at College Park and place all the materials actually declassified on the public shelves by the deadline of December 30, 2013. The Kyl-Lott requirements are the primary reason for this.<sup>36</sup>

The NDC has also been active with the much smaller backlog at the presidential libraries. Through the Remote Archives Capture project, the NDC assisted in prioritizing for completion of equity referral review over 1.8 million pages within selected collections at the libraries of all presidents from Truman through Carter. About 75 percent of the pages had been examined by the equity-holding agencies by the end of 2012.<sup>37</sup>

Where Does the Program Stand Now?

The most important measure of progress is, of course, the number and types of records that have been completely declassified and made available to the public. Unfortunately, considerable confusion surrounds the exact number of records that have been fully declassified, and few high-level materials have been placed on the public shelves yet.

Based on data supplied by NARA and the agencies, ISOO reported that from 1995 through 2011, approximately 1.3 billion pages were declassified.<sup>38</sup> ISOO did not give the total number of records subject to automatic declassification during this period (i.e., permanent pre-1987 classified agency records and pre-1987 classified presidential library records). However, based on ISOO’s estimate of roughly 2.2 billion pages of subject records in 2005, the total subject records was probably around 2.5 billion pages in 2011.<sup>39</sup>

It is doubtful that the annual and cumulative totals of “declassified pages” reported are in fact accurate. For some unknown percentage, it certainly means that all the equities have been completely declassified, they have undergone all the Kyl-Lott reviews and were determined not to contain RD or FRD, they were found not to have any unclassified protected information, and thus were eligible for public release. However, it is doubtful that this was true for all. In some cases, “declassified” pages probably include both the number of unclassified and classified pages examined (files of some agencies contain both classified and unclassified documents). At other times, reporting of a single document with multiple equities as being “declassified” was likely duplicated by all the agencies that reviewed their equities in it.

Table 2 lists the known quantities of records reviewed and declassified by individual agencies for the years 1995 through 2011 (unless otherwise indicated) and whether the agency currently has a file series exemption.<sup>40</sup> As discussed previously, the number of pages covered by any of the ten current file series exemptions is not known.

Table 2. Summary of Declassification Actions by Agencies, 1995–2011

Agency	Pages of Subject Records Reviewed	Pages Declassified	Approved File Series Exemption?
CIA	170 million	37 million	Yes
U.S. Air Force	108 million	44 million	Yes
U.S. Army	295 million	188 million	No
U.S. Navy	592 million	371 million	Yes
Department of Justice	100 million	20 million	Yes
Department of Energy	15 million	1 million	No

Agency	Pages of Subject Records Reviewed	Pages Declassified	Approved File Series Exemption?
Department of State	102 million	86 million	Yes
Agency for International Development	7.2 million	1 million	No
National Aeronautics and Space Administration	8.2 million	5.5 million	No
Office of the Secretary of Defense (1995–2006)	111 million	60 million	Yes
Joint Chiefs of Staff (1995–2006)	15 million	5.5 million	Yes
National Reconnaissance Office (1995–2006)	1.5 million	71,000	Yes
National Security Agency (1995–2006)	48 million	38 million	Yes

Regardless of the accuracy of the numbers of declassified pages, it is difficult to determine how many have been placed on the public shelves at the National Archives and presidential libraries since 1995. ISOO reported that 460 million pages declassified from 1995 to 2006 had also been made available to the public during that period. This appears to be high, but in any event, only a small percentage at the National Archives are high-level records from World War II into the 1960s of the State Department, the Central Intelligence Agency, the Office of the Secretary of Defense, the U.S. Air Force, the U.S. Army, and the U.S. Navy. The vast majority are lower-level records of numerous agencies from that period. The libraries of presidents Truman through Carter make available to the public small numbers of high-level materials.

Only a small quantity of records has been placed on the public shelves at the National Archives since 2006. As discussed above, the NDC has made 57 million pages publicly accessible, but almost all are older lower-level documents. The pre-Reagan presidential libraries have made a limited numbers of high-level materials publicly available. This is not the case with the Reagan Library, although almost all of its classified records (8 million pages at that facility and 500,000 pages of records of Vice President Bush at the George H. W. Bush Library) are now twenty-five years old and older. Four million of these pages remain to be scanned into the Remote Archives Capture project by the end of 2014, but at the current rate this will not be completed.<sup>41</sup> Moreover, the Reagan Library has insufficient resources to complete the processing once they are returned. Incredibly, archivists at this facility informed the Public Interest Declassification Board in 2007 that with the resources the library had then it would be a hundred years before all the unclassified and classified records would be processed for release.<sup>42</sup>



The automatic/systematic declassification review program has several other major problems. First, a large number of permanent classified agency records twenty-five years old and older are still not at the National Archives for several reasons. One is that the retention periods in NARA-approved records schedules govern when a collection is first eligible for transfer to the National Archives (they begin to run from the date of the most recent document in a collection). Although many records schedules have retention periods of thirty years, even these delay the transfer of records past the twenty-five-year threshold for automatic declassification. The problem is greatly compounded when a collection spans many decades or the retention period is longer than thirty years.<sup>43</sup> In this regard, for example, the Office of the Secretary of Defense schedule has a forty-year retention period for materials of high-level individuals and advisory groups, the Federal Bureau of Investigation has a fifty-year period for many records, and the Central Intelligence Agency and the National Security Agency have fifty-year periods for all of their materials. Although all four executive orders contain the provision that encourages agencies to transfer their records to the National Archives as soon as they are declassified, this is voluntary and not mandatory. Only the Central Intelligence Agency is known to have complied with this provision. It has placed some declassified records less than fifty years old on its CREST electronic database at College Park. Another reason why large numbers of twenty-five-year-old and older permanent classified agency records are not at the National Archives is that some agencies have not taken the steps to transfer them even though their retention periods have run.<sup>44</sup> Unfortunately, the National Archives has no authority to compel agencies to act.

A second problem is that there undoubtedly are some unappraised and pending reappraisal records at federal records centers that eventually will be appraised as permanent and thus be subject to automatic declassification twenty-five years after their creation or five years after they are appraised as permanent, whichever is later. At the Federal Records Center in Suitland, for example, the total classified holdings as of 2007 were approximately 1.6 billion pages, of which 61 million were unappraised and 164 million were pending reappraisal.<sup>45</sup>

This may be an even bigger issue for the agencies that store few, if any, classified records at federal records centers and instead hold them at their own facilities. These include the Central Intelligence Agency, the Defense Intelligence Agency, the Federal Bureau of Investigation, the Department of Energy, the Joint Chiefs of Staff, the Missile Defense Agency, the National Reconnaissance Office, and the National Security Agency. Unfortunately, very little information is available on quantities of records still held at any agency or their classification and appraisal status. However, it is known that, as of 1986 (the last year an agency-wide records inventory was conducted), the Central Intelligence Agency held

almost 912 million pages and 30,000 cubic feet of nontextual records at its Agency Archives and Records Center, headquarters offices, and field stations. The report containing this data does not provide a breakdown of their classification or appraisal status.<sup>46</sup> In 2002, the Agency Archives and Records Center held more than 275 million pages, of which 35 million pages were unappraised or pending reappraisal.<sup>47</sup> Four years later, it reported that the Office of the Director of the Central Intelligence Agency and the Directorate of Intelligence were then using an unspecified quantity of pre-1982 unappraised records in their current business.<sup>48</sup> The Federal Bureau of Investigation in 1998 had custody of the staggering total of about 16 billion pages (of which at least 4 billion were permanent) and a huge but unknown quantity of nontextual records. No information on their classification or appraisal status was available.<sup>49</sup> The Department of Energy estimated in 1995 that it held approximately 8 billion pages and a large but unknown quantity of nontextual records. It did not provide a breakdown of their classification or appraisal status.<sup>50</sup>

### Recent Recommendations of the Public Interest Declassification Board

In its November 2012 report, the Public Interest Declassification Board made several recommendations for improving the declassification process to better meet current and future challenges. It described the present system and the challenges facing it as follows:

Declassification is a complex and time-consuming process, typically performed in a culture of caution without much attention to efficiency and risk management. Sequential referral of classified records for review by each agency that claims an "equity" in the record takes a great deal of time. Agencies are reluctant to share their declassification guidelines, impeding efficiency that could be realized from greater interagency coordination and collaboration. Because declassification is not seen as a way to serve the national security mission, the public's right to know what its government does is not well-served.

The problem is growing. Agencies are currently creating petabytes of classified information annually, which quickly outpaces the amount of information the Government has declassified in total in the previous seventeen years since Executive Order 12958 established the policy of automatic declassification for 25 year old records. Without dramatic improvement in the declassification process, the rate at which classified records are being created will drive an exponential growth in the archival backlog of classified records awaiting declassification, and public access to the nation's history will deteriorate further.<sup>51</sup>

One of the most important recommendations is to extend the NDC's authority beyond the holdings at the National Archives and achieve a government-wide declassification strategy. This includes eliminating the additional three years

RECORDS TRANSMITTAL AND RECEIPT				Complete and send original and two copies of this form to the appropriate Federal Records Center for approval prior to shipment of records. See specific instructions on reverse.				PAGE	OF	PAGE		
1. TO (Complete the address for the appropriate records center serving your area as shown in 36 CFR 1225.150)				5. FROM (Enter the name and complete mailing address of the office retiring the records. The signed receipt of this form will be sent to this address)								
Federal Archives and Records Center General Services Administration WASHINGTON NATIONAL RECORDS CENTER WASHINGTON, D.C. 20409				DEPARTMENT OF STATE A/IM/IPS/CR/RSC RM. 1512 21ST & VIRGINIA AVE. N.W. WASHINGTON D.C. 20520 ATTN: MELVIN CHARK								
2. AGENCY TRANSFER AUTHORIZATION		TRANSFERRING AGENCY OFFICIAL (Signature and title) <i>Melvin Chark</i> SUPVR. RECORDS SERVICE CENTER 703 274-0024		DATE 3/3/99								
3. AGENCY CONTACT		TRANSFERRING AGENCY LIAISON OFFICIAL (Name, office and telephone No.) MARGARET P. GRAFELD, RECORDS OFFICER 202 647-6620										
4. RECORDS CENTER RECEIPT		RECORDS RECEIVED BY (Signature and title) Chief Accession & Disposal Branch		DATE								
6. RECORDS DATA												
ACCESSION NUMBER			VOLUME	AGENCY	SERIES DESCRIPTION	RESTRICTED	DISPOSAL	DISPOSAL	COMPLETED BY RECORDS			
RG	FY	NUMBER	(cu. ft.)	BOX	(With inclusive dates of records)	(g)	AUTHORITY	DATE	LOCATION	SERIAL	CONT.	AUTO.
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)
59	99	0190	5		86D258 L/EX	S	NI-59-95-11/1A	PERM	2/02-07-5-1-6-3			
				1-5	1922-83 SUBJECT FILES.			2014				
NOTE: RESTRICTED TO STATE DEPT. OFFICIALS AND/OR OTHER APPROVED BY STATE.												
NSN 7540-00-834-4093						35-107						
						MAR 05 1999						
						Standard Form 135 (Rev. 7-86) Prescribed by NARA						

**FIGURE 4.** This accession of permanent classified Department of State Office of the Legal Adviser files from 1922–1983 is in Record Group 59 at the Federal Records Center in Suitland, Maryland. Under the applicable records schedule, these records are first eligible for transfer to the National Archives 30 years after the date of the last document therein (2014). Procedures must be adopted to break up accessions such as this to accelerate their transfer to the National Archives and ensure quicker public access.

given in E.O. 13526 from 2009 for the review of multiple equities and increasing the sharing of agency declassification guides to speed up the identification and review of multiple equities and reduce the number of unnecessary referrals. It also calls for the president to direct agencies to consult with the NDC before prioritizing records for declassification and transfer to the National Archives. Historical significance and other factors would determine when records are reviewed and transferred to the National Archives, thus eliminating many of the current delays in public access to high-level records due to the lengthy retention periods in records schedules. The recommendation also encourages public representation on the Interagency National Declassification Center Advisory Panel and Program Management Team to “improve transparency of NDC actions, provide important new perspectives to government members and allow for greater public confidence.” Lastly, it calls for the development of new declassification review processes to be coordinated by the NDC and based on a risk management approach. Among other things, these new processes are necessary to review efficiently the massive volume of digital records that will soon be twenty-five years

RECORDS TRANSMITTAL AND RECEIPT				Complete and send original and two copies of this form to the appropriate Federal Records Center for approval prior to shipment of records. See specific instructions on reverse.				PAGE	OF	
1. TO (Complete the address for the records center serving your area as shown in 3B CFR 1228.152)				5. FROM (Enter the name and complete mailing address of the office retiring the records. The signed receipt of this form will be sent to this address)				1	1	
<b>Federal Records Center</b> Washington National Records Center Washington, D.C. 20409				Department of Defense Washington Headquarters Services Room 5C315 The Pentagon Washington, D.C. 20301						
2. AGENCY TRANSFER AUTHORIZATION		TRANSFERRING AGENCY OFFICIAL (Signature and title) H. D. Neeley <i>H. D. Neeley</i> 3 DEC 1990		DATE						
3. AGENCY CONTACT		TRANSFERRING AGENCY LIAISON OFFICIAL (Name, office and telephone No.) Lt Col James Burke, SDIO (POC: SFC Hauck) Director's Office, Rm 1E8081 697-4040								
4. RECORDS CENTER RECEIPT		RECORDS RECEIVED BY (Signature and title) <i>J. Smith</i> 1/7/91 Chief, Records & Technical Group		DATE						
6. RECORDS DATA										
ACCESSION NUMBER	RG	FY	NUMBER	VOLUME (of N)	AGENCY BOX NUMBERS	SERIES DESCRIPTION (With inclusive dates of records)	RETENTION	DISPOSAL AUTHORITY (Schedule and item number)	DISPOSAL DATE	COMPLETED BY RECORDS CENTER
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k) (l) (m)
330	91	0032	4			Director, SDIO Chronological Reading Files, 1984 - 1987	S	OSD AI 15 Para 102-16.2 NCI-330-77-4	Perm Offer to National Archives When 40 Yrs Old	02/51/52-53 2.6
					1	Chronological Reading Files (January-July 1987)				
					2	Chronological Reading Files (August-December 1987)				
					3	Chronological Reading Files (January-October 1986)				
					4	Chronological Reading Files (November-December 1986) (October-December 1985) (June-December 1984)				
NOTE: ACCESS TO THESE RECORDS IS RESTRICTED TO SDIO, OSD OFFICIALS ONLY										
NSN 7540-00-634-4093				135-107				Standard Form 135 (Rev. 7-85) Prescribed by NARA 26 CFR 1228.152		
05 DEC 1990										

**FIGURE 5.** This accession of permanent classified files of the Director of the Strategic Defense Initiative Organization is in Record Group 330 at the Federal Records Center in Suitland, Maryland. Under the applicable records schedule, they are first eligible for transfer to the National Archives 40 years after the date of the last document therein (2028). To speed up the transfer of records and allow faster public access, retention periods longer than 30 years should not be permitted.

old and “will allow a greater volume of records to be reviewed for public access, conserve limited resources, facilitate cultural changes needed for acceptance by the declassification experts and ensure agency resources are focused on their most sensitive information.”<sup>52</sup>

The board also recommended that the Departments of Energy and Defense implement a process to convert FRD (information concerning the military utilization of atomic weapons, such as storage locations and the size of the stockpile) either to NSI (and thus subject them to the automatic/systematic declassification review program) or RD (and thus they remain not subject to it). The board noted that although FRD is of high interest to many historians of Cold War nuclear policy and is often obsolete, it is extremely difficult to get anything declassified through other declassification processes. Another recommendation is for agencies to comply with the November 2011 Presidential Memorandum, *Managing Government Records*, and its August 2012 implementing directive. Among many other things, the latter set a deadline of the end of 2013 for agencies to identify and report to NARA all permanent records thirty years old and older that have

not yet been transferred to the National Archives. It also established the same deadline for agencies to report to NARA on all unappraised records held at federal records centers and at the agencies themselves and a deadline at the end of 2016 for agencies to submit to NARA proposed records schedules covering all existing paper and other nonelectronic records. The implementing directive also contains numerous provisions to improve the management, disposition, and transfer of electronic records.<sup>53</sup> These records management measures will go a long way toward eliminating the delays in transferring permanent records to the National Archives and the backlog of unappraised and pending reappraisal records.

Implementing these recommendations would result in a more robust and efficient automatic/systematic declassification review program; the White House, Congress, NARA, and the agencies should implement them quickly.

## Conclusion

Without the automatic/systematic declassification program created by E.O. 12958 in 1995, the mountain of classified materials would simply have grown much larger. However, automatic/systematic declassification has enjoyed mixed success. Deadlines have been pushed back, and, for the most part, only lower-level records have been released to date. The NDC is changing this dynamic for the backlog at College Park, and large numbers of high-level records should be made available there in the next few years. Several long-standing problems remain, but changes recently recommended by the Public Interest Declassification Board would eliminate many of them and greatly improve the program.

Public understanding of and involvement in the process must increase. There are numerous opportunities to participate, from providing input to the Public Interest Declassification Board to submitting comments for the NDC blog to contacting the White House and Congress. Active and informed citizens are critical to resolving the many challenges of opening up the records documenting the nation's history.

## NOTES

<sup>1</sup> It must be noted that the various declassification review procedures—the automatic/systematic declassification review program under E.O. 12958 and its successors, the Freedom of Information Act established under statute, and Mandatory Declassification Review under executive orders—apply only to executive branch records. No formal procedures exist for declassification review of legislative or judicial branch records.

<sup>2</sup> *Transforming the Security Classification System, Report to the President from the Public Interest Declassification Board* (November 2012), 1, <http://www.archives.gov/declassification/pidb/recommendations/transforming-classification.pdf>. The board was created by a 2000 statute, but did not begin operations

until several years later. Among other things, its responsibilities include advising the president and other executive branch officials "on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials . . . that are of archival value, including records and materials of extraordinary public interest."

- <sup>3</sup> There have never been any accurate estimates prepared of the total amount of records, unclassified and classified, held by the government. Nontextual records include maps, charts, photographs, films, audio recordings, and electronic records. The recent executive orders designate these as "special media." For the sake of simplicity, the article will use pages to describe the quantities of both textual and nontextual records. The standard NARA conversion formula for nontextual holdings is one roll of microfilm equals 2,600 pages, one minute of audio tape equals 2.5 pages, and one linear foot of film equals one page. *Report to the President: An Assessment of Declassification in the Executive Branch* (September 21, 2005), <http://archives.gov/isoo/reports/2005-declassification-report.pdf>.
- <sup>4</sup> James David, "Two Steps Forward, One Step Back: Mixed Progress under the Automatic/Systematic Declassification Review Program," *The American Archivist* 70 (Fall/Winter 2007): 219–51.
- <sup>5</sup> Section 3.4(a), E.O. 12958.
- <sup>6</sup> Section 3.4(a)–(d), E.O. 12958.
- <sup>7</sup> See, for example, *2005 Report to the President*, Information Security Oversight Office, 14, <http://www.archives.gov/isoo/reports/2005-annual-report.pdf>. In 2010, however, agencies began separately reporting to ISOO the number of pages reviewed and declassified under systematic declassification review, and thus ISOO began including them in its annual reports to the president.
- <sup>8</sup> Sections 3.4 and 3.5, E.O. 12958. To its great credit, the Central Intelligence Agency is the only agency known to be complying with this provision. It is placing some of the declassified materials on its CREST (CIA Records Search Tool) electronic database at the National Archives in College Park instead of waiting years to transfer them pursuant to the fifty-year retention periods in its records retention and disposition schedules.
- <sup>9</sup> Section 6.1(a), E.O. 12958.
- <sup>10</sup> Sections 1.2 and 1.4, E.O. 13526.
- <sup>11</sup> *A Review of the Department of Energy Classification Policy and Practice* (Washington, D.C.: National Academy Press, 1995), 23–29.
- <sup>12</sup> *Director of Central Intelligence Directive 1/19—Security Policy for Sensitive Compartmented Information* (March 1, 1995), <http://www.fas.org/irp/offdocs/dcid1-19.html>. A few code words, such as TALENT-KEYHOLE and BYEMAN, have been declassified beginning in the 1990s.
- <sup>13</sup> Section 3.4(a), E.O. 12958. 44 United States Code, Chapters 29 and 31. 36 Code of Federal Regulations, Parts 1220–1229.
- <sup>14</sup> *Improving Declassification, A Report to the President from the Public Interest Declassification Board* (December 2007), 16, <http://www.archives.gov/declassification/pidb/improvingdeclassification.pdf>.
- <sup>15</sup> 32 Code of Federal Regulations, Part 2001.30(n) provided that "Agencies are encouraged but are not required to redact documents that contain information that is exempt from automatic declassification. . . ." This language is now set forth in Part 2001.30(o).
- <sup>16</sup> Information Security Oversight Office, *1998 Report to the President*, 12, <http://www.archives.gov/isoo/reports/1998-annual-report.pdf>.
- <sup>17</sup> *Report to the President: An Assessment of Declassification in the Executive Branch*, 3.
- <sup>18</sup> Information Security Oversight Office, *1996 Report to the President*, 7, <http://www.archives.gov/isoo/reports/annual-report-archive.html>; *Improving Declassification, A Report to the President from the Public Interest Declassification Board* (December 2007), 22; William C. Carpenter, Charlene Nichols, Sarah A. Polirer, and Judith A. Weiner, "Exploring the Evolution of Access: Classified, Privacy, and Proprietary Restrictions," *The American Archivist Online Supplement to Volume 74* (2011), Session 602: 7.
- <sup>19</sup> *Special Historical Records Review Plan (Supplement) (Public Laws 105-261 and 106-25)*, <https://www.osti.gov/opennet/reports/historical.pdf>; *Bi-Annual Report on Operations of the National Declassification Center* (July 1, 2011–December 31, 2011), <http://www.archives.gov/declassification/ndc/reports/2011-biannual-july-december.pdf>; Carpenter et al., "Exploring the Evolution of Access: Classified, Privacy, and Proprietary Restrictions."



- <sup>20</sup> Information Security Oversight Office, *1998 Report to the President*.
- <sup>21</sup> In late 2004, the author filed FOIAs with eight agencies for the file series exemptions (the National Security Council and the President's Foreign Intelligence Advisory Board do not accept FOIAs). The Central Intelligence Agency refused to declassify any part of its exempted file series, and the Department of the Army and Office of the Secretary of Defense never responded.
- <sup>22</sup> See, e.g., NRO File Series Exemption Strategy and Plan, January 1998.
- <sup>23</sup> George Lardner, "The FBI Won Exception to Presidential Order Declassifying Secrets," *The Washington Post*, July 19, 1998. Federal Bureau of Investigation presentation at the November 13, 2006, Public Interest Declassification Board meeting.
- <sup>24</sup> Section 2, E.O. 13142.
- <sup>25</sup> The following illustrates how the "integral file block" extension works. Record Group 330 (Office of the Secretary of Defense) at the Federal Records Center in Suitland, Maryland, contains a collection of permanent classified records on negotiations and agreements on foreign military bases dating from 1944 to 1991. They are not subject to automatic declassification until 2016.
- <sup>26</sup> Sections 3.3 and 3.4, E.O. 13292.
- <sup>27</sup> Section 3.3, E.O. 13292; Information Security Oversight Office, *2005 Report to the President*, 14.
- <sup>28</sup> Section 3.3, E.O. 13526.
- <sup>29</sup> Section 3.3, E.O. 13526. The identities of the agencies that currently have approved file series exemptions comes from the author's communications with National Declassification Center staff.
- <sup>30</sup> Section 3.7, E.O. 13526; Presidential Memorandum—Implementation of the Executive Order, "Classified National Security Information," December 29, 2009.
- <sup>31</sup> 36 Code of Federal Regulations, Part 1260.
- <sup>32</sup> *Bi-Annual Report on Operations of the National Declassification Center* (July 1, 2011–December 31, 2011); National Declassification Center Prioritization Plan, <http://www.archives.gov/declassification/ndc/final-prioritization-plan.pdf>. To its great credit, the NDC is operating in an open and transparent manner. It holds public forums, actively solicits public input on various issues, and publishes a number of reports.
- <sup>33</sup> *Bi-Annual Report on Operations of the National Declassification Center* (July 1, 2012–December 30, 2012), <http://www.archives.gov/declassification/ndc/reports/2012-biannual-july-december.pdf>. The information on the Sensitive Compartmented Information materials comes from the author's communications with National Declassification Center staff. The fact that not one page of the 4.5 million pages with Sensitive Compartmented Information could be declassified illustrates the shortcomings of "pass-fail."
- <sup>34</sup> The lists are available on the NDC website at <http://www.archives.gov/declassification/releases.html>.
- <sup>35</sup> *Bi-Annual Report on Operations of the National Declassification Center* (January 1, 2012–June 30, 2012).
- <sup>36</sup> *Bi-Annual Report on Operations of the National Declassification Center* (January 1, 2012–June 30, 2012).
- <sup>37</sup> *Bi-Annual Report on Operations of the National Declassification Center* (July 1, 2012–December 30, 2012).
- <sup>38</sup> Information Security Oversight Office, *2011 Report to the President*, 11, <http://www.archives.gov/isoo/reports/2011-annual-report.pdf>.
- <sup>39</sup> Information Security Oversight Office, *2005 Report to the President*, 14. The 2.2 billion includes the 309 million pages covered by approved file series exemptions, a figure that had been reported several years earlier.
- <sup>40</sup> The information in the table comes from agency declassification plans obtained by the author at Public Interest Declassification Board meetings in 2005 and 2006, as well as 2007 through 2011 Information Security Oversight Office annual reports to the president, <http://www.archives.gov/isoo/reports/annualreportarchive.html>. Agency declassification plans were obtained by the author at Public Interest Declassification Board meetings in 2005 and 2006; 2007 through 2011 Information Security Oversight Office annual reports to the president, <http://www.archives.gov/isoo/reports/annual-report-archive.html>.
- <sup>41</sup> *Fiscal Year 2013 Annual Performance Plan*, APP-19—APP-20, <http://www.archives.gov/about/plans-reports/performance-plan/2013/2013-performance-plan.pdf>.



- <sup>42</sup> *Improving Declassification, A Report to the President from the Public Interest Declassification Board* (December 2007), 18.
- <sup>43</sup> For example, Record Group 59 (General Records of the Department of State) at the Federal Records Center in Suitland has a collection of Secret files of the Office of the Legal Adviser from 1922 to 1983. Most were subject to automatic declassification in 2006, but since the collection is subject to a thirty-year retention period, they are only first eligible for transfer to College Park in 2014. As another example, Record Group 330 (Office of the Secretary of Defense) at the Federal Records Center in Suitland has a collection of Secretary of Defense Melvin Laird's Top Secret chronological files from 1969 to 1973. They were subject to automatic declassification at the end of 2006, but since the collection is subject to a forty-year retention period, they are only first eligible for transfer to College Park in 2014.
- <sup>44</sup> As an example, a recent NARA report states that only 51 percent of the agencies that had non-electronic records eligible for transfer to NARA in 2011 actually transferred any, and only 31 percent of those that had electronic records eligible for transfer actually transferred any. *2011 Records Management Self-Assessment Report*, 18–19, <http://www.archives.gov/records-mgmt/resources/self-assessment.pdf>.
- <sup>45</sup> 32 Code of Federal Regulations, Part 2001.30 (g). Author's review of the O-1 list in 2006. The O-1 list is a computer-generated printout with information on every accession in every record group at a federal records center. Among other things, it sets forth a brief description of the contents, the size (in cubic feet), the appraisal status, and the date it is eligible for destruction (if appraised as temporary) or eligible for transfer to the National Archives (if appraised as permanent). For unknown reasons, the public no longer has access to the O-1 list, and thus these numbers cannot be updated.
- <sup>46</sup> "Annual Report of Record Holdings for 1986," May 26, 1987. The Central Intelligence Agency provided this to the author pursuant to a Mandatory Declassification Review request.
- <sup>47</sup> "AARC Statistics," April 1 2002–April 30, 2002. The Central Intelligence Agency provided this to the author pursuant to a Mandatory Declassification Review request.
- <sup>48</sup> CIA FY 2006 Declassification Plan Required Under Executive Order 12958, "Classified National Security Information," as Amended, April 15, 2006.
- <sup>49</sup> Author's conversation with the Federal Bureau of Investigation's records management office in 1998.
- <sup>50</sup> *Human Radiation Experiments: The Department of Energy Roadmap to the Story and the Records* (U.S. Department of Energy, February 1995), 7.
- <sup>51</sup> *Transforming the Security Classification System, Report to the President from the Public Interest Declassification Board* (November 2012), 3.
- <sup>52</sup> *Transforming the Security Classification System, Report to the President from the Public Interest Declassification Board*, 20–23.
- <sup>53</sup> *Transforming the Security Classification System, Report to the President from the Public Interest Declassification Board*, 24. Memorandum for the Heads of Executive Departments and Agencies and Independent Agencies, August 24, 2012, <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf>.

## ABOUT THE AUTHOR



James David is a curator in the Space History Division at the Smithsonian National Air and Space Museum, with collection and exhibit responsibilities in the national security space field. His articles have appeared in *Quest: The History of Spaceflight*, *Space Policy*, *Astropolitics*, *Cryptologia*, *The American Archivist*, and the *Journal of Government Information*. Greenwood Press published his *Conducting Post-World War II National Security Research in Executive Branch Records: A Comprehensive Guide* in 2001.