

13 October 1981

MEMORANDUM FOR THE RECORD

FROM: [redacted] Chief, Classification Review Division

[redacted] Information and Privacy Division

SUBJECT: Declassification Review Conference, Gerald R. Ford Library, 11-12 August 1981

1. The annual gathering of representatives of the Presidential Libraries and the National Archives and Records Service (NARS) and of certain agencies in the Intelligence Community by invitation, was held this year at the Gerald R. Ford Library, Ann Arbor, Michigan, on 11-12 August. A list of those in attendance is provided in Attachment 1.

2. The sessions opened with the presentation by Steve Garfinkel, Director ISOO (see Attachment 2), who provided some background on ISOO, then launched into the origin of Executive Order 12065 and subsequently into coverage of meetings held to date which have sought changes in the Executive Order. (It was interesting to note that Mr. Garfinkel said 12065 was started by President Ford and was not really President Carter's. [redacted] NSA, took exception to this by stating that it was all Carter's in keeping a campaign promise for more openness in government.) He noted that the individual agencies in the Intelligence Community had not responded to ISOO's original call for comments on a 12065 revision because of the Community's desire to draft and submit a coordinated response. He questioned the optimism of those involved in this effort, especially of this Agency's OGC in its declaration that it would have a version ready for the President's signature within 30 days. He expressed serious doubts that the drafting committee would be able to make that timetable, noting that the product of that committee would then have to be coordinated with all other agencies involved in the handling of classified material. He advised of the general shift in philosophy being made; i.e., 12065 stressed openness first and security second, whereas current drafts were reversing that order. There had also been cries initially for doing away with systematic review (SR), but these had subsided, and he felt that there would be some form of SR, probably resting in the processing of records accomplished at NARS. He also felt that there would perhaps be a change in the requirement for review at the end of 20 years, changing it to 30 years. ISOO, he advised, feels that a "floating period" would be more appropriate; i.e., some formula accounting for the age of

State Dept. review completed

NLC Review Completed.

the document plus indications of public interest. Also any arbitrary declassification date such as the six-year term, the General Declassification Schedule term, etc., would be dropped. While speaking of the 6-year declassification date, he made note of a present danger that exists in considering that the 6-year classification term provided by the current Executive Order allows for a classification review at the end of that term. He stressed that no such classification review exists; at the end of 6 years, the document is automatically declassified and legal approaches to these documents could result in their immediate release. As discussion and questions followed Mr. Garfinkel's presentation, I warned of a hidden pitfall in dropping back to the 30-year review period; i.e., if we were to adhere strictly to the 30th anniversary of these documents before undertaking the review, it would mean that, as far as this Agency is concerned, we would have to close down our current systematic program, and then start up again at the appropriate date, by that time having lost all our momentum, experience, and expertise that we currently have available. Brenda Reger, NSC, noted that there were current attempts to put in the revision of the order directives that would undo previous weaknesses such as the automatic declassification at the end of 6 years, but DOD was taking a position against some of these moves.

3. Brenda Reger then talked about special arrangements which we had set up with the Libraries for handling the review of intelligence material from the White House such as the OCB, PSB, WASAG, and minutes of meetings. Previously these documents had been sent first to NSC and then State Department, etc., but it was found the CIA was consistently the most conservative and the most likely to withhold; therefore, the procedure has been changed to send these documents first to the CIA rather than to NSC or any of the others. If denied by CIA, the document goes back to the Library. She stated they did not handle DOD materials in the same way since they did not involve the same kinds of problems, but she did not clarify that further. She advised that, if there were several requesters for the same document under mandatory review, NSC will record the request under the name of the first requester regardless of the total number of requesters. She indicated that this was the only way they could handle these requests administratively.

4. Alan Thompson then discussed the declassification review of foreign relations information. He commenced with a history of the work accomplished between NARS and State to develop guidance. He made note of the establishment of the Classification/Declassification Center in State and their attempts to write new guidance covering the period 1950-54 based on a review of material pulled for the Foreign Relations of the United States (FRUS) series and developed according to categories and countries rather than international incidents. He noted that the withdrawals by NARS' people on the first tests of this new guidance were very small -- less than one percent in some cases. He thought that, overall, withdrawals might range anywhere from five to twenty percent depending upon the area concerned. He advised that this guidance is very specific, five to ten pages per country, so that the production of the guidance takes a long time and the review process based on the guidance also requires considerable time because that guidance must be referred to page by page for specific names, incidents, etc. They were estimating a review rate of 30-50 pages per hour and thus something on the order of 188 man years to review Record Group 59. They were still trying to devise how to undertake the review -- whether first to review the material of most interest or to confine requesters to

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so many pages per request, and indeed there was a major question of whether they could take on the review at all considering the manpower expenditures indicated above and the cuts they were facing. There was also a question about who would undertake FOIA responses while the material is undergoing review; i.e., State before the official accessioning of the material or NARS after the accessioning, which decision depended upon whether the processing would take place before or after the accessioning. They had also considered the possibility of holding all the material from release to the public until a certain date, perhaps 1 January 1985, which would then give them three years to review the material. Mr. Thompson noted that it would take excellent people to accomplish this review, really an elite group, at no more compensation than the regular reviewers which, of course, would be an administrative problem.

5. Steve Garfinkel then asked Alan: Considering State's claimed inability to develop classification guidelines, couldn't it develop such guidelines out of the declassification guidance that it was working on. Mr. Thompson replied that he thought they could. I added that I thought so as well and described briefly some of our efforts at developing classification guidelines. [redacted] NSA, noted STAT that they have 11 guidelines in general on cryptology and 52 guidelines on specific subjects. The suggestion then was made that perhaps ~~that~~ the libraries could benefit from having in their possession the classified guidelines developed by the various agencies to help them in their review of minutes of meetings, notes, etc, which obviously contain sensitive information but which are not stamped with any classification. There ensued a discussion of the determination of the length of time for classification as opposed to the level, which lead me to try to explain to them why that is often difficult to determine; for example, a document which describes a source may not cease to be classified on the death of the source since we have to be concerned about possible reprisals against his family should the fact of his role be published.

STAT 6. [redacted] and I were then called upon to discuss the declassification review of CIA-originated information. [redacted] commenced with a description of the STAT mandatory review process and the problems attendant thereto. He discussed the computer logging and tracking system employed by IPD, and followed with a description of the DECAL system whereby IPD maintains an index of previously released documents both to save time and to be consistent on re-reviews. He explained that delays were caused by the overwhelming number of FOIA/PA and EO requests received by the Agency. He stated how important it was to be sure that all information is properly received and coordinated with other agencies that may have an interest and noted that sometimes when we refer to another agency, they will in turn refer to still another agency. He concluded by giving the number of outstanding requests from each library. The library representatives seemed to be impressed with the fact that we were on top of the requests even though we were slow in responding. I followed by raising the issue of sending teams of CRD reviewers to the libraries to assist them on the spot with any questions or review problems they might have. The response to that suggestion was generally favorable. Following that discussion, both of us fielded general questions on the handling of intelligence materials.

7. Following lunch and a brief tour of the Ford Library, [redacted] NSA, STAT talked about the declassification review and handling of cryptologic information.

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[redacted] noted that they have developed specific guidelines for the declassification of cryptologic information in line with overall policy published in January 1980. They have fairly well completed guidelines for WW II material and are now working on the pre-WW II period. He finds that they are usually able to handle the few mandatory review requests they receive in a few weeks' time since they have not yet gained the notoriety of some other agencies.

8. Alan Thompson followed with a discussion of the declassification review of NATO (including SEATO, CENTO), SHAPE, and Joint Command-originated information. He said that there was, no doubt, some question about where to go for guidance on disbanded organizations. He advised that the referral should be based on the kind of material at hand; e.g., for intelligence material, refer to CIA and for military information, to DOD. He told the story about NATO in which plans were being developed for a declassification program when a member of NATO (specific function not recalled) indicated to the assembly that declassification had been going on for years and presented the assembly with a one-to-two-inch list of documents which had been declassified. No one in the assembly was aware of the program. The list indicated that these documents were to be declassified by January 1974 if there were no response from the several governments, and since no one had ever seen the list, there is a serious question about what documents might have slipped by. The problem is compounded by the fact that they seem to be unable to match the documents on the list with the records system in Brussels. In closing his presentation, he advised that Joint Command material is strictly U.S. material and it should be referred to the Joint Chiefs of Staff. STAT

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10. The second day opened with a general discussion of the progress of the libraries in mandatory review (MR) (see attachment 3). In their verbal reports, the representatives of the libraries also cited statistics on systematic review (SR) activities in those cases in which the library had entered into that activity.

11. The Truman Library (NLT) reported 33 MR cases from August 1980 to August 1981, totaling 901 pages. Mr. Clark noted that they had also reviewed 9600 pages from the White House central files under SR (mostly 1945-49 material) using the various agencies' guidelines and FRUS, and were able to declassify approximately 80 percent. They will next review the confidential records from the central files of which they estimate they can declassify about 25 percent. CIA has less than 5 percent of the classified records in NLT.

12. The Eisenhower Library (NLE) has an MR backlog of about 40-50 cases. The level of research against their files is high, especially on national security topics. They are also undertaking SR, excluding State and NSC documents for which they have no guidelines. They have reviewed and declassified about 500 documents consisting of 2500 pages and have tabbed about 300 documents of 4,000 pages. They claim to have a difficulty in reviewing for declassification materials concerning missiles and nuclear subjects. They are also having difficulty determining the classification of unmarked documents.

13. Kennedy Library (NLK) reported that, in their MR activities, they are adhering fairly tightly to the 25-items or 100-pages limit per requester. Last year they received approximately 26 requests; this year there have been in excess of 50. They find they are able to keep up with the requests so there is no backlog and they are able to submit a response within 20 days. There followed a discussion of the 25/100 limit mentioned above. Mr. Garfinkel commented that it seemed to be an equitable rule even though it was not established by the Executive Order and, therefore, he figured it would stand up to judicial scrutiny. NLK noted that it had a 12 year backlog before putting that limitation into effect and that the system seems to be working with only very minor complaints. They noted, however, that there is a problem with requesters resubmitting a request for clearance of the document after the lapse of a year, which is allowable under current rules. They estimated that perhaps 35 percent of the requests are resubmissions, some for the third time. It was felt by some that one year was too soon to allow for resubmission, it just tended to clog the system, and the question was raised as to what would be a reasonable time. NSA suggested ten years. Five years was also proposed, but objections were found to that length of time. Most seemed to agree on a term of three years, if the document is less than 20 years old, with any denial in that case being appealable to the Library Director. An adjunct of this problem was then discussed and the suggestion was made that the name of the second and subsequent requesters for a given document should be recorded along with the first requester to provide the former with a basis for future appeals should the document be denied to the first requester. There is a plan to write up this proposal and submit it to the various agencies for their views. NLK also noted that it has about 500 FOIA cases outstanding. They commented that the JCS returns its decision within 60 days while others take longer. State and Defense are applying the B5 exemption to the documents and, since the libraries cannot apply that exemption, they are coming back to the agencies for another basis for exemption. There have been some complaints from DOD that the libraries are releasing documents without consulting with that

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agency. It was emphasized that following the final review of a document by all agencies concerned, the principal or custodial agency should be advised of the final action taken by the library. The biggest problem to NLK is the special access requests (Congressional Select Committees, DOD historians, and other agencies requests) which are drawing heavily on their manpower. They noted in closing that they are not doing any systematic review as yet.

14. Johnson Library (NLJ) reported that it has 500 MR cases outstanding and has submitted about 1300 pages to various agencies for review. They are finding a modest difference in the responses of the agencies now: last year 50 percent of the documents were being declassified and 30 percent sanitized; now 30 percent are being declassified and 50 percent are being sanitized. They don't know the reason for this turnabout. They feel they would sink under the weight of the requests if they are not allowed to apply the 25/100 rule. They noted that requesters are particularly unhappy that they are not allowed to request unprocessed material and they also noted that they are heavily burdened by demands of agency historians, primarily DOD.

15. Joan Howard, who is responsible for the Nixon collection, advised that they are still serving the John Erlichman request. Most of it is CIA material and most is being denied. They also have a number of legal firms asking for Cabinet Task Force material. All requests must be submitted to the Nixon lawyers for a review for an invasion of privacy. They are receiving many requests for documents from State Department now that Secretary Haig is there, and also a number of requests from DOJ. Additionally there are a significant number of requests from H. R. Haldeman and Ambassador Bunker. They noted that the Nixon people are still very sensitive about who is getting the documents, especially in the State Department.

16. The Ford Library reported that they have no major MR activity since it doesn't apply to them until 1984, although it is possible now to request documents originated by the various executive agencies.

17. Martin Elzy, who is in charge of the Carter collection, noted that their national security files amount to nearly 1,000 cu. ft. He also noted that, according to the Deed of Gift, if ex-President Carter chooses, he can restrict access to all documents up to 20 years.

18. The program then turned to a discussion of inventorying Top Secret documents. Laura Kimberly, ISOO, advised that the GSA recommended Top Secret control procedure is that the libraries should first get a handle on accountability, i.e., identify the collections which contain Top Secret or specially sensitive material, particularly that which may be unmarked, then, as the second step, to inventory the documents themselves. NLE noted that by the end of Fiscal 1982 they should have all but 1,000 pages inventoried, NLK on the other hand estimates that it would take 10 man-years to inventory their Top Secret documents, and NLJ estimates 8 man-years for them. A question was raised at that point: would the agencies want to review the withdrawal sheets (pink slips) listing these TS, SCI, and other documents before the sheets were published to insure that nothing was being revealed in the titles of documents listed? These withdrawal sheets would include information from all agencies in the same list. Both we and NSA indicated that we wanted very much to see these

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withdrawal lists before they are made public. (We will need to determine who will review the list -- IPD or CRD.)

19. John Fawcett then lead the discussion of access by agency historians to unprocessed records. Reciprocal agreements for access to their material exists between various agencies. (It was noted that this Agency has not been a party to such agreements.) This access has unquestionably presented a terrible burden to the libraries. Granting access to the unprocessed material requires the libraries to go through the requested files ahead of the researcher to identify and remove all material that is not covered by these agreements, that involves special clearances, or that is restricted by the Deed of Gift. Then, after the researcher is through, all these materials must be refiled. Letting the researcher have access before the material has been processed, without first removing restricted material, is a violation of security and the Deed of Gift. Restricting access to the collections until the Top Secret material is inventoried and the donor restrictions have been removed is the desirable procedure, but the researchers would probably object strenuously to the delay. I expressed my concern regarding access by the DOD historians and, in reference to their comment about access "by others," I asked who these "others" were. They replied that this included some of the "old boys" such as Ambassador Bunker, oversight and executive agency representatives who are checking to ensure that procedures are being followed in controlling and processing material, congressional investigators, etc. There is such intense concern among the libraries about access to unprocessed material, the potential violation of the Deed of Gift, and particularly the burden that the access by agency researchers presents, that it was proposed that a meeting should be held with the various agency historians to advise them that, if they want to continue this research, the current availability of and potential reduction in the libraries' resources (see below) is such that the agencies may have to pay for the resources necessary to service the material, or access may have to be restricted to processed material only. This proposal would first have to be cleared with the Deputy Assistant Archivist for Presidential Libraries. Dr. O'Neill.

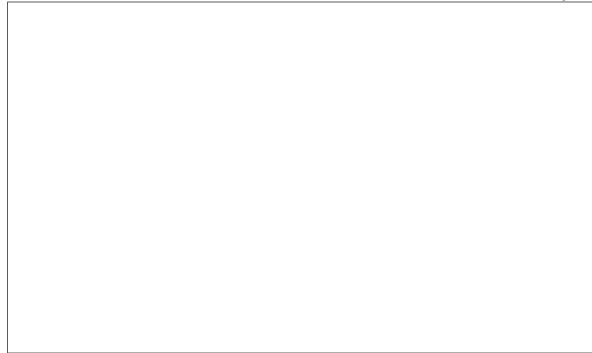
20. As the program wound down, Alan Thompson noted that NLE and NLT are moving ahead with their systematic review, but were hampered by lack of guidance. He felt that they should be able to do more when the State Department's 1950-54 guidelines are completely published. He then turned to the bad news -- the administration of their classification review programs and the impact of the potential cuts they are suffering. He noted that they have cut 21 slots this year out of the central program at NARS without touching the libraries, but this reduced the central office's capability to provide them with support; that they will probably be requested to cut 10 more slots in the next fiscal year, most of which will come out of the central office again but perhaps one may come out of the libraries; and that 10 more must be cut in the next fiscal year, of which almost certainly one will come out of the libraries.

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21. Mr. Thompson then turned to Mr. Garfinkel to address the last item on the agenda -- NARS-executive agency cooperation in declassifying materials -- but time had almost run out and Mr. Garfinkel felt that most of that which he had intended to discuss had already been covered, and so the program was brought to a close.

STAT



Attachments:

- List of conferees
- Agenda
- Mandatory review statistics

Distribution:

- Orig - Liaison w/Presidential Libraries w/atts
- 1 - DIS w/atts
- 1 - C/IPD w/atts
- 1 - History Staff w/atts
- 1 - Chrono w/o atts

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List of Conferees
Annual Presidential Libraries' Mandatory Review Conference
Gerald R. Ford Library, Ann Arbor, Michigan
11-12 August 1981

Ford Library

Jeanne Schauble
Dennis Daellenbach
Paul Conway
Bill McNitt
Sandy Raub
David Horrocks

NARS

A an Thompson (NN)
John Fawcett (NL)
Pat Freedman

ESOO

Steve Garfinkel
Laura Kimberly

Truman Library

Harry Clark

NSC

Eisenhower Library

David Haight
Barbara Constable

Brenda Reger
Ken Sheffer

NSA

Kennedy Library

Suzanne Forbes
Martin McCann

STAT

OS/Security

Jim Calloway

Johnson Library

David Humphrey
Tina Lawson

CSA

STAT

Nixon Collection

Joan Howard

STAT

Carter Library

Martin Elzy

DECLASSIFICATION REVIEW CONFERENCE
 GERALD R. FORD LIBRARY
 August 11 and 12, 1981

AGENDA

Tuesday, August 11.

- 9:00-9:30 Current and Future Status of E.O. 12065. Steven Garfinkel, IS00.
- 9:30-10:00 Implementing the NSC Review Procedures on White House Originated Documents. Brenda S. Reger, NSC.
- 10:00-10:15 Break.
- 10:15-11:00 Declassification Review of Foreign Relations Information. Alan Thompson, NND and Brenda S. Reger, NSC.
- 11:00-12:00 Declassification Review of CIA Originated Information. CIA.
- 12:00-1:00 Lunch.
- 1:00-2:00 Tours of Gerald R. Ford Library or Bentley Library. Library Staffs.
- 2:00-2:30 Declassification Review and Handling of Cryptologic Information. NSA.
- 2:30-2:45 Break.
- 2:45-3:15 Declassification Review of NATO, SHAPE and Joint Command Originated Information. Alan Thompson, NND.
- 3:15-4:00 Identification and Treatment of Foreign Government Information. Alan Thompson, NND.
- 4:00-4:45 Open Discussion of First Day Topics.

Wednesday, August 12.

- 9:00-10:00 Mandatory Review - Results and Trends. Harry Clark - Truman, David Haight - Eisenhower, Suzanne Forbes - Kennedy, David Humphrey - Johnson, Joan Howard - Nixon, Dennis Daellenbach - Ford, Martin Elzy - Carter.
- 10:00-10:15 Break.
- 10:15-10:45 Administration of the Mandatory Review Program - Budget, Personnel, and Reporting. John Fawcett, NL and Alan Thompson, NND.
- 10:45-11:15 Inventory of Top Secret Documents. John Fawcett, NL and Laura Kimberly, IS00.

Wednesday, August 12 (continued)

- 11:15-12:00 Systematic Review of Classified Information in Presidential Libraries, etc. Alan Thompson, NND.
- 12:00-1:30 Lunch.
- 1:30-2:30 Tours of Bentley Library or Gerald R. Ford Library. Library Staffs.
- 2:30-3:00 Access by Agency Historians (and others) to Unprocessed Records. John Fawcett, NL.
- 3:00-4:00 NARS-Agency Cooperation in Declassification Matters. Steven Garfinkel and all.

Mandatory Review Statistics Approved For Release 2008/01/03 : CIA-RDP85B00236R000100110022-8 LT, NLE, NLK, NLJ, NLF

	<u>Oct-Dec 80</u>	<u>Jan-Mar 81</u>	<u>Apr-Jun 81</u>	<u>Total</u>
1. No. of new cases assigned:	246	251	185	682 [591]
2. No. of cases closed:	312	240	151	703 [655]
3. No. of cases pending:	2,162	2,140	2,175	--- [2,096]
4. No. of pp. of classified docs. submitted by Libraries to agencies:	2,431	5,227	6,240	13,898 [12,563]
5. No. of pp. of classified docs. reviewed by agencies and returned to Libraries:	1,775	3,757	4,023	9,555 [9,753]
6. No. of cases at least 1 yr. but less than 2 yrs. overdue in agencies:	311	316	394	--- [737]
7. No. of cases at least 2 yrs. overdue in agencies:	824	838	850	--- [865]
8. Workhours devoted to MR activities:	2,234	2,607	2,782	7,623 [6,278]
9. Backlog in estimated no. of pp.:	5,252	8,772	8,530	--- [14,622]
10. Hrs. required to eliminate backlog:	7/12	1 1/3	1 1/2	--- [270]
11. No. of telephone inquiries relating to MR:	99	124	105	328 [209]

RESULTS OF MANDATORY REVIEW DURING THREE QUARTERS OF FY 1981

1. No. of pp. of classified docs. declassified in full; percentage of total pp. processed:	1,701 (42%)	2,311 (48%)	1,679 (33%)	5,691 (41%)
2. No. of pp. of classified docs. sanitized & released; percentage of total pp. processed:	1,113 (28%)	1,389 (29%)	1,743 (35%)	4,245 (31%)
3. No. of pp. of classified docs. exempted in full; percentage of total pp. processed:	1,180 (30%)	1,088 (23%)	1,630 (32%)	3,898 (28%)
				13,834

[6,660
4946]
 [3,672
2690]
 [2,377
2590]
 [13,703]