

Next Steps from Archivist of the United States Allen Weinstein

In his book, *SECRECY*, the late Daniel Patrick Moynihan quoted George Kennan conceding the existence of "areas...in which there is a real need" for secrecy and even for deception, but cautioning, even in these areas, against "the erection of false pretenses and elaborate efforts to deceive." Otherwise, Kennan warned, "We easily become ourselves, the sufferers from these methods of deception. For they inculcate in their authors, as well as their intended victims, unlimited cynicism, causing them to lose all realistic understanding of the inter-relationship, in what they are doing, of means and ends." We have a case in point today, with some of the behavior described in ISOO'S Audit.

The audit report being released today by the National Archives and Records Administration's Information Security Oversight Office (ISOO) speaks for itself and requires little commentary. Although ISOO Director Bill Leonard and his team found a majority of documents properly classified, a stunning large percentage of the documents examined were wrongly reclassified-- 24% clearly inappropriate for reclassification and another 12% questionable. In short, more than one of every three documents removed from the open shelves and barred to researchers should not have been tampered with. Moreover, ISOO concluded that in one of these re-review efforts, the CIA actually "withdrew a considerable number of purely unclassified records in order to obfuscate the classified equity that the agency was intent on protecting." That practice, which undermined NARA's basic mission to

preserve the authenticity of files under our stewardship, must never be repeated.

Let me briefly share with you some steps which I am ordering today as Archivist of the United States to protect the records under our care and to support the recommendations made by Bill Leonard and his ISOO colleagues for moving forward, putting past abuses behind us.

I should note that the complete ISOO report has been placed on the NARA website (www.archives.gov) and hard copies are being distributed to media, Members of Congress with responsibilities in this area, Administration officials representing the White House and concerned agencies, and the researchers' community. Director Leonard and I plan to meet separately in the next day or two with representatives of the national security agencies and concerned researchers, after which we hope to encourage an ongoing dialogue between interested segments of both communities in order to maximize the opportunities presented by this potential turning point moment.

Toward that end, I have instructed the following steps be taken by senior staff of the National Archives and Records Administration:

First, I am extremely pleased to note that the agencies that have been involved in re-review activities covered by the ISOO audit have agreed to abide by a new protocol governing the conduct of future reviews in place of the earlier classified protocols. The new protocol establishes standardized procedures that will ensure that withdrawal of records from public access are

rare, are conducted in collaboration with NARA, and take place only when continued public access to a record would cause serious, demonstrable damage to national security. Appeals procedures have been included to address those instances where the agency concerned and NARA do not agree as to the appropriateness of the action. This protocol also includes provisions that require the public to be informed on a regular basis when records are withdrawn from public access due to classification as well as how many records are affected.

Since the affected agencies have agreed to abide by this protocol as interim guidance until such time as it is formally coordinated and promulgated as a change to “Classified National Security Information Directive No. 1,” I have agreed to lift the moratorium on such re-review activities. As of today, any future re-review activity will be conducted pursuant to this guidance. I want to further point out that prior to official promulgation, there will be an opportunity for public comment.

Second, we will work with the agencies involved to ensure that documents removed erroneously or improperly from open shelves at the National Archives will be restored to public access as expeditiously as possible.

Third, with the leadership of NARA, the support of ISOO, and the cooperation of all the affected agencies, we will promptly undertake a pilot National Declassification Initiative and report on its progress periodically in the months ahead.

Fourth, effective immediately, I am appointing a team to undertake a longer-term analysis of how NARA processes the classified material in its custody.

Finally, NARA will recommend to OMB an appropriation to be used to expedite processing of classified files, both paper and electronic, in order to begin reducing the unconscionable backlog of unprocessed documents due to funding shortfalls.

I would be remiss in closing these comments without thanking the energetic and devoted staff at NARA and at ISOO who have worked effectively in producing this audit on such short notice. ISOO's Director, Bill Leonard, navigated the cross-currents of this inquiry from its inception to the present with unerring sagacity and a pilot's practical skill. We owe thanks also to the cooperative response displayed by the representatives of the agencies involved in focusing forward in the effort to resolve the issues and to improve the overall system. Similarly, the representatives of the research community with whom I met periodically displayed impressive responsibility in their advice and counsel. Also, I am grateful to the members of the Public Interest Declassification Board for their willingness to review the audit report and to offer suggestions. I know that Director Leonard joins me in thanking all of these cohorts.

I welcome any other constructive suggestions from whatever quarter in addition to those just mentioned, and I support fully Director Leonard's recommendations on behalf of ISOO.

Let me call attention in closing to the words with which the late Senator Moynihan ended his provocative book. "Openness is...a singular, and singularly American advantage. We put it in peril by poking along in the mode of an age now passed...It is time to begin building the supports for the era of openness that is already upon us."

The work continues, and in closing my remarks today, I welcome your questions and comments.