

Developments hold promise for increased access

This month I'd like to report to you on some recent developments in policy and mood that offer encouragement to those concerned—as we are at NARA—with maximizing timely access Government-wide to public records.

For one thing, with the current House action on a range of recently debated measures has come a significant public and media dialogue on issues related to administering Presidential records, which strikes at least this observer as fundamentally healthy.

Just recently, for example, although threatening to veto HR 1255 (the Presidential Records Act Amendments of 2007) if Congress passed it, the White House pronounced the administration “otherwise willing to work with interested parties to strike a meaningful balance of competing interests.”

Another recent development is the wide-ranging expressions of general support (whatever the difficulties in implementation) of calls for increased “bipartisanship” in government policy making that have come from the Bush administration and the new congressional leadership. I have in mind Speaker Pelosi's and Majority Leader Reid's comments in this regard as well as statements by President Bush. Although I am under no illusions that benign rhetoric will lead inexorably to policy agreement, often it is an essential precondition for such agreement.

Will a “Washington Spring” of 2007 surprisingly join previous moments of unexpected cross-party cooperation? Don't rule it out. At this early moment in the new Congress, but with the 2008 election pot already bubbling, there exists the possibility of such cooperation, at least on issues related to documentary access.

Take the recently passed House legislation:

- HR 985 (passed 331-95) would expand protections for Government whistle blowers.
- HR 1254 (passed 390-34) would require donors of Presidential libraries to be publicly identified.
- HR 1255 (passed 333-93) would revoke the 2001 Bush Executive order.
- HR 1309 (passed 308-117) would compel Government agencies to be more responsive to Freedom of Information Act (FOIA) requests.

Note the 3-1 or 4-1 bipartisan majorities in all four cases.



In a recent speech sponsored by the Freedom Forum First Amendment Center in observance of National Freedom of Information Day, I reviewed the initiatives we have

under way at NARA to increase access to the records we preserve for the American people.

I was especially pleased to commemorate FOIA on its “day” during “Sunshine Week.” I filed and won in 1975 the first FOIA lawsuit against the FBI for files of historical interest. Neither I nor anyone else at the time could have predicted the vast and complex influence of FOIA on American economics, politics, and society and its pivotal role in maintaining a robust democracy.

At NARA in fiscal year 2006, we completed more than 80 percent of FOIA requests for executive branch agency records within 20 working days. The on-time rate of 83.89 percent, while under our target goal, was nonetheless six percentage points *above* the previous-year rate of 77.41 percent. And nearly three-quarters of all FOIA requests were completed in 10 working days—*half* the time the law requires.

There are various reasons why some FOIA requests take longer—the records could have been destroyed in the 1973 fire in St. Louis, or they could be classified; they also may have to do with Presidential review, or contents may require a longer review—but we believe that, on the whole, we are making progress in expanding access to the records of our Government.

Despite the generosity of the President's 2008 budget request for this agency, there is a serious need for additional resources if we are to fulfill our mission. However, we have made visible progress on a number of our strategic goals in the past two years—goals that will expand access to our holdings:

- We are making steady progress toward an Electronic Records Archives that will ensure preservation of, and access to, today's electronic records far into the future.
- We are working closely with the intelligence community and other key agencies to ensure that we can build a national declassification initiative to

transform the way documents are reviewed and released.

- We are working with the private sector to digitize key collections and to enable Internet search engines wider and deeper access to our databases.
- We are also developing a Learning Center at Archives I that will parallel the wonderful learning labs that we have across the country, among a number of educational programs we have, using documents and designed to strengthen civic literacy.
- We have started an effort to replace the existing inadequate military personnel records center in St. Louis with a facility that will provide critical improvements to the environmental storage conditions for the 2,000,000 cubic feet of records we store for the military. The new facility will enable us to ensure the preservation of essential military personnel files so they will be there when they are needed by our country's veterans to guarantee their rights and entitlements.
- We are completing the planning to bring the privately held Nixon Library and Museum in Yorba Linda, CA, into the family of Federal Presidential libraries.
- We are working with the White House to plan for a smooth transfer of the textual and digital records of the current administration to the National Archives and to plan for the George W. Bush Presidential Library.

It is a privilege and pleasure to share with you our common responsibility as stewards of America's documentary heritage—whether they are the priceless parchments on which our rights are guaranteed or the increasingly complex electronic records created daily.

As President Harry S. Truman, a person of uncommon wisdom dispensed with uncomplicated brevity, observed: “Secrecy and a free, democratic government don't mix.”

A handwritten signature in black ink that reads "Allen Weinstein".

ALLEN WEINSTEIN
Archivist of the United States