RECOMMENDATIONS *for* TRANSFORMING DECLASSIFICATION

[**RECOMMENDATION 7**]: *The classification status of Formerly Restricted Data (FRD) information should be re-examined. A process should be implemented for the systematic declassification review of historical FRD information.* As designated by the Department of Energy under provisions of the Atomic Energy Act, FRD information is classified information that has been removed from the Restricted Data category after the Departments of Energy and Defense jointly determine that it relates primarily to the military utilization of atomic weapons and can be adequately safeguarded in a manner *similar* to national security information.[27] FRD information primarily concerns the military utilization of nuclear weapons, including storage locations and stockpile information. Restricted Data (RD) information is defined by the Atomic Energy Act as information concerning the design, manufacture, or utilization of atomic weapons; the production of special nuclear material; and the use of special nuclear material to *generate* electricity.[28] FRD information, along with RD information, is automatically excluded from declassification review under the current Executive Order.[29]

Historical FRD information, created from the end of World War II through the end of the Cold War, is often obsolete and no longer has any military or operational value. Because FRD information is the joint equity of the Department of Energy and the Department of Defense, attempts at review of this information are complex.[30] There are also high costs associated with having competing classification systems controlling access to obsolete information regarding deployment of nuclear weapons, generating confusion when users from the agencies are asked to interpret two sets of policies, guidance and procedures.

This type of information is of high interest to historians studying the Cold War, including US nuclear policy. Yet, Government regulations require that it be afforded special safeguarding and protection. At present, existing processes have had little effect in declassifying historical nuclear policy information. Requests for this information from classified files are routinely denied. The public does not understand this arcane policy, especially when so much historical nuclear policy information is in the public domain.

DURING THE CUBAN MISSILE CRISIS OF OCTOBER 1962, THE UNITED STATES
confronted the Soviet Union over the deployment of Soviet nuclear weapons in Cuba. On October 14, 1962, a U.S. Air Force U-2 photoreconnaissance plane photographed Soviet missile launch facilities under construction in Cuba. The launchers were designed for medium- and intermediate-range ballistic nuclear missiles capable of reaching most of the continental United States.

The ensuing crisis is widely considered to be the most dangerous episode of the Cold War, coming closest to an actual nuclear conflict. The U.S. demanded removal of the launchers and imposed a naval blockade of Cuba. The Soviet Union balked at U.S. demands, and President John F. Kennedy and his administration expected military action. Secret negotiations ended the crisis. The Soviet Union agreed to remove missiles from Cuba, and the United States agreed to give up unneeded missile sites in other countries.

The Cuban Missile Crisis is a critical event in Cold War history, yet key information about the negotiations and settlement fifty years ago have not been declassified due to restrictions on access to FRD information. Although inaccessible and still officially classified, much of this information is available from sources outside of the U.S. Government – a factor that contributes to public cynicism about classification.
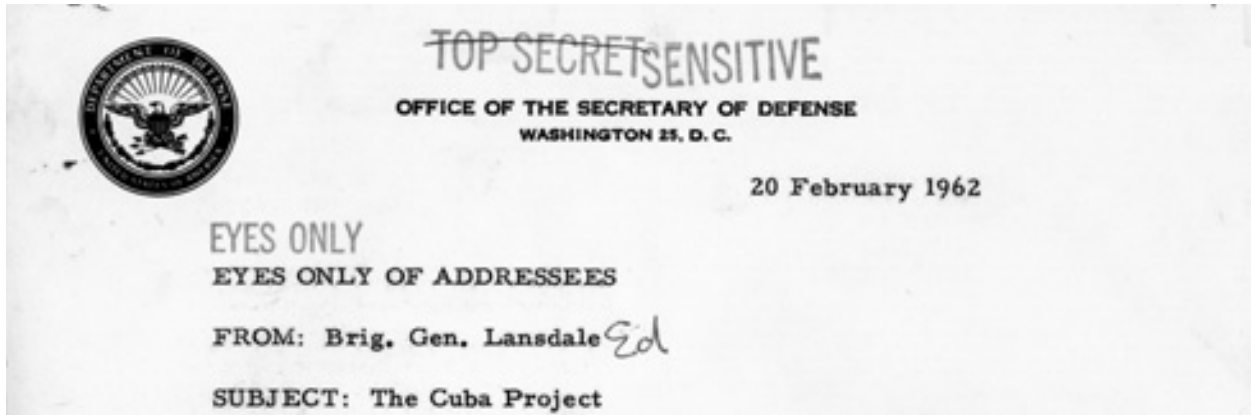
Given these complexities, the Departments of Energy and Defense should consider appropriate conversion of historical FRD information to classified national security information or to RD information.[31] FRD records converted to classified national security information would be subject to the requirements of Executive Order 13526, including the provisions for declassification. Agencies would have the authority to declassify or exempt this information from declassification, based on content. In addition to reconsidering the declassification of historical FRD information, larger reforms in the declassification strategy across government are needed, including an acknowledgement from agencies that changes to legislation may be necessary to streamline policy and practice to aid all users.

[RECOMMENDATION 8]: *The President should bolster the authority and capacity of the National Declassification Center with specific measures to advance a government-wide declassification strategy.*

[8A], *Executive Order 13526 should be amended to eliminate the additional three years now permitted for review of multiple agency equities in all archival records (including those stored outside the NDC).[32]* Eliminating the additional time for multiple-agency declassification review will compel agencies to integrate and change their declassification processes. It will facilitate and improve public access to important historical records. Since the current backlog of 400 million pages must be reviewed for declassification by the end of 2013, implementing this change should be an imperative.

[8B], *The requirement of agencies to share declassification guidance with other classifying agencies and the NDC should be strengthened. Retention of agency declassification*

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OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON 25, D. C.

20 February 1962

EYES ONLY
EYES ONLY OF ADDRESSEES

FROM: Brig. Gen. Lansdale

SUBJECT: The Cuba Project

authority should be contingent upon sharing agency guidance. Sharing guidance enables better identification of classified information created by other agencies and results in more accurate referrals. Agencies that do not share declassification guidance should waive their right to review their information equities found in archival records containing multiple agency equities. Some agencies currently adhere to the requirement to share guidance and these agencies should be recognized and serve as models of "best practice" for inter-agency declassification cooperation.[33]

Enhancing the requirement to share guidance with other classifying agencies and eliminating the additional three years now permitted for reviewing referred records should reduce unnecessary referrals and allow more information that is no longer sensitive to be declassified. The referral system functions under the basic tenet that reviewers from all agencies have the knowledge and expertise to recognize information equities of other agencies. The ability to question agency counterparts is an important tool to assist reviewers in identifying equities, particularly for staff at the NDC where reviewers from multiple agencies are co-located. This organizational strategy will facilitate more accurate declassification reviews and limit referrals to those only absolutely necessary. Training programs should address greater inter-agency coordination across declassification programs.[34] Declassification guidance must also be kept current. Agencies should take advantage of technology to ensure guidance is accurate, reflects current mission needs, and is readily available to sister agencies.

[8C], *The President should direct Agencies to consult the NDC before prioritizing their records for declassification* *and transfer to the National Archives.* Prioritization plans should align with records schedules jointly created by agencies and the National Archives that direct the transfer of legal and physical custody of those records to the National Archives.

The age of the records, their historical significance, their public interest and their likelihood of declassification, should influence how and when the records are reviewed and transferred to the National Archives.[35] Once the records are transferred to the National Archives, the NDC should coordinate review of additional access provisions and restrictions and complete archival processing. Like declassification decisions, access provisions and restrictions on transferred records should be assessed with an appropriate level of risk tolerance. This would streamline one component of archival processing that currently delays the release of records to the public. The NDC should facilitate a dialogue with historians to assist agencies, policymakers, records officers, archivists, and declassification reviewers in setting priorities to improve public access to historical records.

[8D], *The Interagency National Declassification Center Advisory Panel (NAP) should have representation from the public, including representation from the Government Openness advocacy community.* Since its inception, the NDC has actively engaged the public and solicited comments in determining processing priorities and planning for future work. Additional public representation will improve transparency of NDC actions, provide important new perspectives to Government members and allow for greater public confidence. Currently, the NDC Director receives policy advice and guidance from the

inter-agency NDC Advisory Panel. The NDC Director also receives advice from an inter-agency Program Management Team (PMT) that assists the NDC in evaluating new business processes used to review records for declassification. The Board recommends these advisory groups be expanded to include public members with the knowledge and expertise to represent non-governmental interests, to help design processes to review large volumes of electronic records, to aid in re-engineering of procedures across agencies and to validate the work of the NDC to external stakeholders.

[8E], *An inter-agency effort to develop new declassification review processes should be coordinated by the NDC and be based on a risk management approach.* New processes are needed to enable agency reviewers to focus their reviews on the most sensitive records series and to cope with large volumes of digital records.[36] A risk management approach to declassification carries clear implications for classification policy and procedures and should help drive a coherent approach to risk tolerance in each part of the security classification system. Such a risk management model should also recognize that not all classified information carries the same risks or requires the same protection, and thus different levels of declassification rigor would be appropriate. It should direct limited resources to focus on reviewing information of historical significance, but which is still likely to be highly sensitive and damaging to the national security if released without careful review. External factors, such as changing world circumstances and policy determinations, should also be weighed when considering declassification review procedures for certain records series. Managing risk in the declassification process depends largely on having available for reviewers current and detailed guidance, examples of (and stated rationales

for) previous declassification decisions and subject matter experts who can aid declassifiers in reviewing technical or highly specialized and sensitive information. Adopting new policies to manage risk appropriately 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.

[RECOMMENDATION 9]: *Historically significant records should be identified and set aside as early as possible after their creation to ensure their preservation, long-term access and availability to agency policymakers and historians. Each agency should have an in-house history staff to assist agency records officers and declassifiers in the prioritization of records.* Through the use of existing technologies, including data tagging, historically significant records should be prepositioned for review and timely public release. Selection of these records should reflect a reasoned judgment as to what information will be of the most interest to the public or future policymakers. Expedited access to these historical records will aid policymakers in retrieving the documentary records of past policy decisions, lending context to contemporary decision-making while cataloging valuable information for future analysis and public release. Such material not only informs public discussion of historical decisions and policies, but is also intrinsically important in documenting the Government's national security history. For these reasons, it is most desirable to bring this information into the public domain as early as possible. Agencies should understand that, if information of this level of historical significance must remain classified for some period of time, at least some of it should be analyzed, studied, and prepositioned by historians at the classified level until

FOR EXAMPLE, THERE ARE RECORDS SERIES THAT ARE RETAINED IN RECORDS *storage facilities by agencies for fifty years, while they are reviewed for declassification at twenty-five years in anticipation of the automatic declassification deadline requirements of E.O. 13526. Because these reviewed records are not yet transferred to the National Archives, they remain inaccessible and undiscoverable to the public. Some of these records series are of high researcher interest, and synchronizing their transfer schedules and declassification review would result in improved public access.*

such time as it qualifies for full declassification. Some agencies currently support an in-house history staff and should be recognized as models of "best practice" for fledgling history programs in other agencies.

[RECOMMENDATION 10]: *Agencies should improve records management overall by supporting and advancing the government-wide information management practices found in the President's Memorandum on Managing Government Records and its Directive.*[37] The President's Memorandum on Managing Government Records and its Directive recognize that effective records management practices are essential to enable access to valuable Government information and that the release of historically significant records must be a first priority under new cross-agency records management policy. The ability of agencies to transfer archival records to the National Archives for public release depends to a great degree on how efficiently agencies manage and organize their records in the first place.[38]

Implementing an effective risk management procedure that utilizes page-by-page, line-by-line reviews only when warranted depends on having confidence that the records officers have produced an accurate description of the content found in agency folders, files, boxes, and cabinets. The records management process is vital to an agency's ability to review its records of permanent value and facilitate timely release using an appropriate risk management strategy. Legislation and statutory guidelines addressing records management policies should be modernized to reflect the evolving definition of what constitutes a federal record and what portion of those federal records are permanently valuable records.[39] As

agencies continue to use information technology systems to store their information and defining and identifying permanently valuable records in these systems becomes more complex, improvements in records management practices are imperative.

[RECOMMENDATION 11]: *The organization and integration of agency declassification programs must be improved across Government.* The Board recommends that declassification programs be aligned around "centers" that bring declassification reviewers and agency historians together more closely and earlier to undertake a range of case studies, outreach, and production of interdisciplinary and cross-departmental storytelling.[40] Better organization should result in improved historical understanding. Agencies should link their historians with their policymakers, classifiers, declassification reviewers, and records officers to promote the identification of permanently valuable information. As a result, outside public and private interests should ideally become more knowledgeable about the inner workings of Government agencies.

[RECOMMENDATION 12]: *Agencies should be encouraged to prepare case studies and national security histories, in classified and unclassified versions.* These studies may aid policymakers and current mission activity through a "lessons learned" perspective, while simultaneously informing the historical record of agency policies and practices. Classified histories should be reviewed for declassification at specified intervals to promote the earliest release to the public consistent with national security interests.

[RECOMMENDATION 13]: *A series of pilot projects should be used to evaluate proposals for enhancing capabilities at the NDC, streamlining the declassification system and improving access to historically significant records, including historical nuclear information.* These projects should be used to test the practicability and wisdom of the Board's recommendations and garner best practices for future implementation. In addition to the resources allocated to the NDC, these pilots should be conducted within agencies' declassification programs, employing the full range of resources available while sharing results and findings across all agencies, and with the public. The projects should concentrate on potential benefits from the enhanced use of technology, outlined in the following section.