

Leary, William H.

From: Leary, William H.
To: Soderberg, Nancy E.
Cc: /R, Record at A1; Baldwin, Kenneth
Subject: POW/MIA Meeting [UNCLASSIFIED]
Date: Thursday, April 04, 1996 9:30AM

96 APR 4 9:30 AM

Nancy/Todd,

At today's 2:00 meeting in Todd's office, Mike Kurtz from NARA will bring with him Jeanne Schauble, who is head of the Declassification Division. Gen. Wold will be accompanied by Col. John A. Brown, who is head of the Reference and Documents Directorate.

This is essentially a ceremonial meeting, which should last no more than 30 minutes. Two points to make are: (1) thanks for working out an agreement to what was obviously a difficult problem; and (2) what is your timetable for proceeding with the declassification of these documents.

Michael Kurtz
301 713-7000
x 222
Naf Archives

Leary, William H.

From: Leary, William H.
To: Soderberg, Nancy E.
Cc: /R, Record at A1; Kessinger, Jodi
Subject: POW/MIA Documents at NARA [UNCLASSIFIED]
Date: Friday, January 26, 1996 9:28AM

Nancy/Todd,

I just heard from Mike Kurtz at NARA responding to a slightly revised version of a memo I sent to him and Col. Brown on Tuesday outlining a possible deal (copy attached). Mike's response was: "We have a deal." Col. Brown had already agreed to my proposal.

Mike would like some written exchange between himself and Gen. Wold confirming this agreement. Col. Brown suggested, and I agree, that he should respond to Gen. Wold's letter of last October and reference this agreement with an attachment summarizing my memo. What do you think?

Mike also wondered if a half-hour meeting might be appropriate. What do you think?

~~To Todd~~
OK with you?

96 JAN 29 P10:32

January 23, 1996

To: Mike Kurtz
John A. Brown
Jeanne Schauble

From: Bill Leary 

Subject: Declassifying Kerry Commission Documents

This is a slightly revised version of the summary I prepared for Mike Kurtz of the discussions I had last week with Col. John Brown regarding DoD assistance in declassifying and releasing the Kerry Commission documents at NARA. I have made just a few changes, indicated in bold, which reflect further conversations with Col. Brown and Jeanne Schauble. I would assume that, unless there are further comments, we now have an agreement to proceed on the basis of the principles outlined below:

1. **As stated in the DPMO letter of 2 Oct 95, DPMO is prepared to request that DoD provide to the National Archives funds for up to three man-years of temporary personnel** to review and properly mark the 150,000 - 180,000 documents. They recommend hiring civilians and he will be happy to provide guidance about how and where they recruit. **They would expect personnel to be hired at the GS-8/9 level.**

2. Based on recent discussions with his "technical" staff who actually processed the documents sent to Kerry, he now believes that they can probably certify that any documents in the Kerry collection that have their markings have been sufficiently reviewed and declassified, and can be released, subject to the following:

a. He would suggest that the people hired to process this collection divide the DoD documents into two piles: those that contain CDO markings and those that do not.

b. His staff would periodically review a sample of the pile with CDO markings (presumably the largest) to confirm their current judgment that such documents have already been reviewed for classification/declassification. If their suspicion is confirmed they would declare the documents declassified.

c. Before release, however, they want all documents reviewed and redacted as appropriate for privacy considerations -- they will be happy to provide guidance about their concerns and I think he understands that this is ultimately NARA's call.

d. For the smaller pile that does not contain any CDO markings, **DPMO would provide declassification guidelines** and send over staff periodically as needed to assist in reviewing the documents for declassification purposes.

e. Finally, he thinks that all these documents will minimally require some administrative processing, such as marking through the classification stamps.

cc: Nancy Soderberg
Todd Stern



FEB 29 1996

96 MAR 14 P3:54

Mr. William Leary
Records and Access Management
National Security Council
Room 392
Old Executive Office Building
Washington, D.C. 20506

Dear Bill:

I have just been notified that General Wold, Deputy Assistant Secretary of Defense, POW/MIA Affairs, has signed the NARA-DPMO Memorandum of Understanding to provide for the declassification of the records of the Senate Select Committee on POW/MIA Affairs. I can't begin to tell you what a breakthrough this is!

I am quite certain that without your involvement, NARA would still be locked in a standoff with the Department of Defense. We are very confident that with this new agreement NARA will finally be able to fulfill its mandate to declassify and to make these extremely significant records available to researchers. Please accept our gratitude for assisting us in the resolution of a difficult problem.

Sincerely,

Michael

MICHAEL J. KURTZ
Assistant Archivist
for the National Archives

NATIONAL SECURITY COUNCIL

3-4-96

To: Todd Stern
From: Bill Leary
Good news on the
POW/MIA documents
at NARA.

Leary, William H.

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Cc: /R, Record at A1; Kessinger, Jodi
Subject: POW/MIA Documents at NARA [UNCLASSIFIED]
Date: Friday, January 26, 1996 9:28AM

96 JAN 26 A 9:50

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Jeanne Schauble

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e. Finally, he thinks that all these documents will minimally require some administrative processing, such as marking through the classification stamps.

cc: Nancy Soderberg
Todd Stern

6-18
96 JAN 19

Todd,

Here's a copy of
what I sent to
Mike Kurtz

— Bill Leary

January 18, 1996

To: Mike Kurtz

From: Bill Leary

Subject: Declassifying Kerry Commission Documents

P6:53

As you requested, this is a summary of the discussions I have had today with Col. John Brown regarding DoD assistance in declassifying and releasing the Kerry Commission documents at NARA.

1. DoD is prepared to pay for the hiring of up to three persons for one year to review and properly mark the 150,000 - 180,000 documents. They recommend hiring civilians and he will be happy to provide guidance about how and where they recruit.

2. Based on recent discussions with his "technical" staff who actually processed the documents sent to Kerry, he now believes that they can probably certify that any documents in the Kerry collection that have their markings have been sufficiently reviewed and declassified, and can be released, subject to the following:

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d. For the smaller pile that does not contain any CDO markings, he would send his staff over periodically to assist in reviewing them for declassification purposes.

e. Finally, he thinks that all these documents will minimally require some administrative processing, such as marking through the classification stamps.

All of which means that the project may not require anywhere near three man years. But, even if it does, they are prepared to pay that cost.

Thru Larry 1-19-96

- ① Gen. John Brown at DOD says for most part reduction of Kerry Comm does OK & further declass. review not nec'y [i.e. they can be declassified as they are], tho some privacy review nec'y.
- ② DOD will pay for 3 shots at NARA for 1 year to process docs, but not provide the people
- ③ NARA not want to have & train & people, but they should.

Leary, William H.

From: Leary, William H.
To: Soderberg, Nancy E.
Cc: /R, Record at A1; Kessinger, Jodi
Subject: MIA/POW Documents at NARA [UNCLASSIFIED]
Date: Friday, January 19, 1996 11:29AM

96 JAN 19 P12:14

Nancy/Todd,

I talked to Col. Brown at DoD, who gave me the following information:

1. He believes that a complete review of the NARA Kerry Commission documents -- to protect privacy as well as national security information -- could be done in about a year with three reasonably experienced people working together. That assumes that the three reviewers would not have to do the administrative processing -- the redacting and xeroxing -- but would concentrate on making decisions and marking documents accordingly. It would seem to me not unreasonable to expect NARA to contribute the necessary administrative support if DoD pays for the reviewers.

2. DoD has offered to fund NARA's hiring of three persons for a year -- they do not have any vacant slots or staff who could be detailed to NARA.

3. He seems to agree with Mike Kurtz that cross-referencing the microfilm and the NARA collection would be exceedingly tedious and not worth the effort.

I would suggest that Todd now call Mike Kurtz to ask him for an estimate of how much time they think would be required to do a review of the remaining 150,000 pages (they say they have already reviewed about 35,000 pages). I will be happy to join Todd in calling Kurtz if he wishes.

Michael Kurtz
703
301 713
7000
222

69201

John

Carlin

1-4

① DE now dealing concerns in
every doc. coming down the pipe

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

November 14, 1995

95 NOV 20 P3: 26
INFORMATION

MEMORANDUM FOR TODD D. STERN

THROUGH: R. RANE BEERS

FROM: EDWARD J. APPEL *

SUBJECT: Implementation of Executive Order 12958, Classified
National Security Information

*Todd,
Bottom line is ISOO has oversight
effort underway and we should check
back in January to see if Archives
concern is real.*

Implementation of EO 12958, which began in October, is proceeding smoothly, if a bit unevenly. Due to the quantity of classified information and the number of highly sensitive intelligence and defense documents, the Defense Department and certain Intelligence Community elements, through the DCI, have sought to defer final identification of those file series which should be exempted from the 25-year automatic declassification under the EO. However, all agencies, including DOD and CIA, are meeting the EO's goals and pursuing its objectives, up to now.

The EO's responsibilities fall on every agency which classifies and declassifies information, but it imposes new tasks on the Archivist and Information Security Oversight Office (ISOO). ISOO actively oversees, reviews, issues directives and reports on implementation, and as part of the Security Policy Forum, chairs interagency committees on classification and declassification. NSC's Ed Appel and Bill Leary are supporting ISOO's Director, Steve Garfinkel. Garfinkel reports that no serious problems have arisen, and all agencies are complying. In FY 96, ISOO moves from OMB to Archives, which may be asking for more personnel.

The EO is replete with oversight mechanisms. Greater complexity in both classification and declassification efforts are consuming most agencies' attention. Some agencies have sought more staff to implement the EO. ISOO is preparing an EO spreadsheet showing agencies' compliance (which we will get). Senator Moynihan's Secrecy Commission is closely following EO implementation.

Between now and January, 1996, several interagency meetings will be conducted by ISOO to oversee various steps required by the EO. While no serious problems have occurred to date, a better picture of initial implementation will be available then. We will arrange a briefing to review the status and shortfalls, if any, in the EO's implementation at that time.

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

Date : DEC 15 1995

Reply to
Attn of : Michael Kurtz, NARA

Subject : Library of Congress Microfilm of POW/MIA Committee Records

To : Todd Stern, Staff Secretary

This is in response to the fax you sent me concerning Bill Leary's conversation with David Osborne at the Library of Congress' Federal Research Division (FRD). Osborne briefed Leary on the two microfilm publications of Vietnam-era POW/MIA documents produced by LC, and suggested that the automated index to the FRD microfilm would make it possible to match classified Senate Select Committee on POW/MIA Affairs documents to declassified copies of the same documents on the FRD microfilm, obviating the need for the Department of Defense to rereview the same documents.

This suggested solution is not new to NARA. In 1993, our Center for Legislative Archives purchased a set of the LC microfilm produced by LC's Photoduplication Service, tried matching documents to film, and found that it did not work. Part of the problem was that there was no index. When we were able to locate the matching file other problems appeared: some of the copies contained conflicting redactions; the two "matching" files often did not contain the same number of pages; and within the files the individual documents were arranged differently. Furthermore, the DOD redactions on the film do not cite the declassification authority and it is NARA policy to cite this.

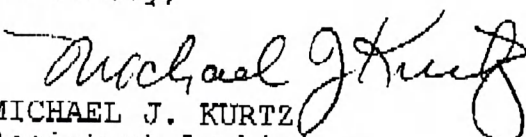
I do not believe the index to LC microfilm being developed by FRD will solve NARA's problems because the fundamental problems still remain:

1. The LC collection is not a mirror image of NARA's collection. The NARA collection contains a significant number of documents not included in the LC collection and vice versa, therefore, the LC index will only provide access to part of the records, even with extensive time-consuming searches.
2. NARA does not have the authority to declassify these documents.
3. The redactions on the documents are often conflicting and bear no citations for declassification authority.

In summary, the index is not the issue. The basic points are that the two collections are not identical and the redaction decisions were not consistently applied. NARA cannot declassify these records and make them available as required without declassification assistance from DOD and other agencies with equities in the files. This matter has dragged on for years earning the ill-will of the POW/MIA community and the frustration of interested members of Congress.

Your assistance in resolving this matter would be greatly appreciated. We believe a meeting to settle this matter is in order. I look forward to hearing from you.

Sincerely,


MICHAEL J. KURTZ
Assistant Archivist
for the National Archives

121
P. N. Long

November 6, 1995

Nancy --

Here's my best shot at making sense of the muddled documents the National Archives sent over:

- POW/MIA documents have been getting declassified on two separate tracks.
- First, the Pentagon's Central Documentation Office (CDO) undertook a major declassification program in response to President Bush's July 22, 1992 Executive Order (12812) which called for the declassification of all POW/MIA documents. (President Clinton's June 10, 1993 PDD 8 called for the declassification to be completed by Nov. 11, 1993.)

CDO sent the documents it declassified to the Library of Congress for microfilming and release to the public. In virtually all of these documents, information on intelligence sources and methods was excised.

CDO also responded to requests from the Kerry Committee for documents required for the Committee's investigation. Many of these documents were duplicates of the documents sent to the Library of Congress, but evidently less material was excised from the documents sent to the Kerry Committee.

- Second, in January 1993, the Kerry Committee sent 180,000 pages of POW/MIA records to the National Archives with a request that they be declassified immediately.
- A large number if not all of the documents from the Kerry Committee were already declassified by the CDO. The problem is that there does not appear to be any way for the Archives to cross-check its 180,000 pages against the documents CDO already declassified and sent to the Library of Congress.

Furthermore, since the documents sent to Archives by the Kerry Committee have more information in them (i.e., less was excised than in the documents sent to the Library), Archives seems to feel that it would be obliged to have the Kerry Committee documents reviewed irrespective of whether ~~it~~ it were possible to verify that the same documents had already been released through the Library of Congress.

- Assuming Archives is right about the need to do a fresh review of the Kerry Committee documents, the issue is person-power. Archives believes that either DOD must agree to immediate release of the Kerry Committee records or supply Archives with enough DOD reviewers to do the review expeditiously. DOD, by letter from General James Wold, has offered funds for up to "3 man-years" of temporary personnel to help complete declassification. Archives apparently believes that this offer is inadequate.
- The questions to be resolved, in my opinion are (i) is it really necessary to go through this whole re-review process, since it appears that it will be almost entirely duplicative of work the CDO already did; and (ii) if this re-review is necessary, what personnel support must DOD provide to get it done quickly.

I would suggest a meeting with you, me, Wold, Michael Kurtz of Archives, and anyone else you think should be there. Give me a call when you're ready to talk. Thanks.

Todd

Kessinger, Jodi

From: Leary, William H.
To: Soderberg, Nancy E.
Cc: /R, Record at A1; Baldwin, Kenneth
Subject: POW/MIA Documents [UNCLASSIFIED]
Date: Monday, November 20, 1995 4:19PM

95 NOV 20 P7:32

Nancy,

Since the meeting to discuss declassifying POW/MIA documents at the Archives was postponed I made a few phone calls to try to find out more about the microfilm of the same documents at the Library of Congress. Based on what I was told by LC officials, I would say that this issue is not ripe for White House consideration.

According to officials at LC's Federal Research Division, there are two sets of microfilm produced by LC from the POW/MIA documents they received from DoD's Central Documentation Office (CDO). They believe that the Archives acquired the less complete set, which is indeed unindexed. However, there is a more complete set of microfilm of the entire collection transferred to LC by the CDO (423 rolls), which is completely indexed. The index is available only on Internet -- not on microfilm -- and they say it would be sufficient to find any specific document at LC that matches a document at NARA.

Therefore, I would suggest that, before convening a meeting at the White House, NARA should be asked to compare its holdings with the indexed 423 rolls of microfilm at the LC. If they can find matching documents, a new declassification effort would be unnecessary. The contact at the Library of Congress is David Osborne, 707-4793.

To Todd Sterns -
Bill Leary -

Can you two talk + see if we
need to meet?

Nancy S

[Handwritten signature]
P. Soderberg

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National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

Date : DEC 15 1995

Reply to
Attn of : Michael Kurtz, NARA

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To : Todd Stern, Staff Secretary

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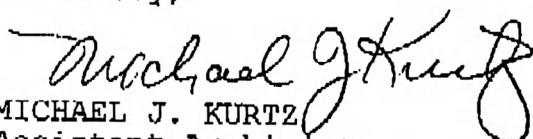
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To Todd Steens -
Bill Leary -

Can you two talk + see if we
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Nancy S



THE WHITE HOUSE
WASHINGTON, D.C. 20500

DATE: 1-16

TO: Nancy S.

FROM: Staff Secretary

Let's get that
meeting together that
we discussed in November.
Kurtz doesn't think Leary's
suggestion fixes the problem.
I'd say you, me, Wold, Kurtz,
Leary & anyone else you want.
Agree? *TRK*

THE WHITE HOUSE
WASHINGTON

95 DEC 19 P2:13

12/18

To Todd Stern -

where are we on the
POW/MIA issue?

many S

THE WHITE HOUSE
WASHINGTON

OFFICE OF THE STAFF SECRETARY

Fax Transmittal Sheet

TO: Michael Kurtz

Fax Number: (301) 713-6915

Phone Number:

FROM: Todd Stern

SUBJECT: POW/MIA Documents

DATE: December 1, 1995

NUMBER OF PAGES (including cover sheet): 2

MESSAGE:

If all pages are not received, please call 202/456-2702

The document accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited.

Kessinger, Jodi

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MESSAGE CONFIRMATION

DEC-01-95 11:46

FAX NUMBER : 2024562215

NAME :

FAX NUMBER : 913017136915

PAGE : 02

ELAPSED TIME : 00'42"

MODE : G3 STD

RESULTS : O.K

**Notes re NARA's POW/MIA Document Problem
(10-9-95)**

- CDO mounted massive declass. program and was sending the resulting declass'd docs. to Library of Congress for microfilming and release to public.
- Virtually all these docs. contained excisions. NARA asked if those excisions were same as the ones in the docs. sent by DOD to the Kerry Committee. NARA told, in effect, that more was excised from LOC docs and that additional excisions from the Committee docs would be necessary before they could be released to public.

However, NARA subsequently got word from Linda Kenyon in DOD's FOIA office that only additional excisions were that the classification markings had been removed from the LOC docs. NARA asked DOD for confirmation of this fact. If true, it would allow declass. of most Kerry Comm. records without further agency referral.

[Q: If CDO already declass'd the same docs that were sent to Kerry Committee, why would anyone need to do additional declassification?]

- Are there additional docs. from Committee that CDO didn't release to LOC?

Dep. Ass. Sec'y for
POW/MIA

James Wold

Bring in the two

Some families getting upset
and from possibly
getting approached



DEFENSE PRISONER OF WAR/MISSING IN ACTION OFFICE
2400 DEFENSE PENTAGON
WASHINGTON, DC 20301-2400

OCT 10 1995



02 OCT 1995

In reply refer to:
I-95/22320

Dr. Michael J. Kurtz
Assistant Archivist for the
National Archives
8601 Adelphi Road
College Park, MD 20740-2400

Dear Dr. Kurtz:

Thank you for your letter of August 18 regarding the National Archives' requirement to release Senate Select Committee on POW/MIA Affairs files.

The material provided by the former DoD POW/MIA Central Documentation Office to the Committee in late 1991 and 1992 was redacted for intelligence sources and methods. However, other information protected from public release under Executive Order 12356, the Privacy Act, and the Freedom of Information Act, was not redacted. The files provided to the Library of Congress have been completely declassified.

We share your concern regarding the large volume of Committee material which has been requested for release. As reflected in my letter of January 5, DPMO does not possess the personnel resources which would permit the detail of declassification technicians to the National Archives. However, I am prepared to request that DoD provide to the National Archives funds for up to 3 man-years of temporary personnel to help complete this declassification requirement. I would appreciate your views regarding the viability of this alternative.

We appreciate your support and cooperation and will provide any additional information you may require.

Sincerely,

James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)



National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

95 OCT 10 P4:35

facsimile

TRANSMITTAL

to: TODD STERN

re: GENERAL WOLD LETTER

date: 10-10-95

TODD:

THIS AT LEAST CLARIFIES WHAT WAS NOT REDACTED FOR THE KERRY

COMMITTEE. ALSO, KEEP IN MIND THAT THE FILES AT THE LC WERE

FILMED IN RANDOM ORDER AND ARE REALLY NOT USABLE. A MEETING COULD

FOCUS ON PARAGRAPH 3.

From the desk of...

MICHAEL KURTZ
OFFICE OF THE NATIONAL ARCHIVES

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

tel: 301-713-7000
fax: 301-713-6915

National Archives



95 AUG 28 09:22
Washington, DC 20408

AUG 25 1995

The Honorable Todd D. Stern
Assistant to the President
and Staff Secretary
The White House
Washington, DC 20500

Dear Mr. Stern:

I appreciated the opportunity to meet with you and discuss the challenges we face in implementing the President's Executive Order on national security information.

As you recall, we also discussed problems we at the National Archives have experienced in declassifying the classified records of the Senate Select Committee on POW/MIA Affairs. Enclosed for your review is the report on this matter which you requested. We would appreciate your assistance in resolving this matter, which has caused a great deal of frustration to the families of POW's and MIA's.

We will forward to you in the next several days a status report on the implementation of Executive Order 12958.

If you want further details or assistance in this matter, please contact Michael Kurtz, the Assistant Archivist for the National Archives. Dr. Kurtz is located at our College Park facility, and he can be reached on (301) 713-7000 ext. 222.

Sincerely,

JOHN W. CARLIN
Archivist of the United States

Enclosure

CL 21, m
501-5130

Efforts of the National Archives Regarding the Classified Records of the Senate Select Committee on POW/MIA Affairs

Executive Summary

The National Archives and Records Administration (NARA) received 216 boxes (approximately 180,000 pages) of records from the Senate Select Committee on POW/MIA Affairs (the Kerry Committee) in January 1993. The Committee expressed the desire that the records be declassified and released as soon as possible. The National Archives has delegated declassification authority for records over thirty years old. The Kerry Committee records are all less than thirty years old and therefore must be referred to the originating agencies for declassification review.

The majority of the documents are copies of documents received by the Committee from the Department of Defense, although there are documents from other agencies as well. NARA contacted DoD's Central Documentation Office, the office responsible for review of records relating to POW/MIA's, asking for assistance in declassifying the Kerry Committee records. Many of the documents in the Kerry Committee records had been declassified in part by the Central Documentation Office or other involved agencies and were being microfilmed by the Library of Congress for release to the public. The Central Documentation Office referred NARA to the microfilm. Because of the manner in which the microfilming was done, however, NARA has found it impossible to use the microfilm to declassify documents from the Kerry Committee records.

NARA has received numerous mandatory review requests from researchers for access to the records. Responding to these requests is time consuming and expensive. Every requested document must be copied and sent to the appropriate agency for review. The requestor may have to wait for over a year before receiving a response. In an effort to comply with the Committee's desire for declassification, NARA began, in February 1995, to systematically copy and send out for review everything that had not already been sent in response to a mandatory review request. We suspended this process in March 1995 when orally informed that the excisions in the documents sent to the Committee were the same as excisions in the documents released to the public except that documents sent to the Committee still bore their classification markings. NARA asked for confirmation in writing which would permit declassification of most of the Kerry Committee records without further agency referral. To date no confirmation has been received. NARA has recently sent another letter to General James W. Wold, Deputy Assistant Secretary of Defense (POW/MIA Affairs) requesting a resolution to this matter.

RECOMMENDATION: Unless DoD agrees to immediate release, DoD reviewers must review the Committee records for declassification at the National Archives.

(by DOD) Select
"If excisions in docs. sent to Committee were same as excisions in docs. sent to Lib. of Cong., NARA could declassify ^{most} w/o further agency referral."
① If already declassified when sent to LOC, why is NARA declassifying now?
② Did DOD not declassify some docs. ~~sent~~ during review for LOC?
What is status of those?

Efforts of the National Archives Regarding the Classified Records of the Senate Select Committee on POW/MIA Affairs

Since the end of the Vietnam conflict there has been overwhelming public interest in the fate of POW's and MIA's not returned from Vietnam. In August, 1991, the Senate established a Select Committee on POW/MIA Affairs to, among other goals, establish an open and comprehensive record and provide for broad declassification of POW/MIA materials in order to enable both the Committee and the public to make informed judgments about questions of policy, process, and fact (Attachment A). On July 22, 1992, President Bush issued Executive Order 12812 calling for declassification of all documents, files, and other materials pertaining to POW's and MIA's from the Vietnam era (Attachment B). On June 10, 1993, President Clinton issued Presidential Decision Directive/NSC-8 calling for the declassification to be completed by November 11, 1993 (Attachment C).

In January, 1993, the National Archives' Center for Legislative Archives received the records of the Senate Select Committee on POW/MIA Affairs. The records included 286 feet (644 boxes or approximately 536,000 pages) of unclassified and 90 feet (216 boxes or 180,000 pages) of classified records. It is important to note that these classified documents consist almost entirely of duplicate copies of classified documents held in the custody of various Executive Branch Agencies such as the Departments of Defense and State, as well as the Central Intelligence Agency and the National Security Council. The majority of documents are from the Department of Defense. The Committee requested that the National Archives process the classified records for declassification immediately. (Attachment D). A chronology of subsequent events is at attachment E.

There are two methods by which classified documents within the National Archives are declassified: systematic review or in response to a researcher request. In a systematic review, the Archives undertakes a review of an entire series of files. In response to a researcher request, NARA reviews only the documents or files requested. The letter from the Committee suggested that the Archives systematically review the classified records of the Senate Select Committee.

NARA's authority to declassify is delegated by the agencies that originated the documents and is limited in most cases to records more than thirty years old. The Kerry Committee records are all less than thirty years old. If the agency that created the documents cannot provide personnel to come to the Archives and review documents, the Archives must copy the documents and send the copies to the agency that created them for declassification review. A document may need to be reviewed by more than one agency. The agencies may decide to release the documents in full, release the documents after removing (redacting) certain portions, or deny the release of the document. Virtually all of the classified documents from the Committee records are released with excisions. Due to the fact that the documents are classified, the Archives must carefully track each document sent to an agency by numbering the pages and entering the document into a computer database. When the agencies respond,

meaning what?
released to whom?

NARA must create a copy of the document with all of the excisions required by each agency that reviewed the document. The process is time consuming and exacting.

In order to avoid this time consuming procedure, the Archives solicited guidance from the Department of Defense. The Archives contacted DoD's Central Documentation Office which was created in order to act as a clearinghouse for declassification of records from all agencies in response to EO 12812. The Central Documentation Office had mounted a massive review program and was sending the resulting declassified documents to the Library of Congress for microfilming and release to the public. Virtually all of the documents were declassified in part, with information regarding intelligence sources and methods excised. The Office was also responding at the same time to requests from the Kerry Committee for documents required for their investigation. Many of these documents were duplicates of documents being sent to the Library of Congress. Like the documents sent to the Library of Congress, virtually all documents sent to the Committee contained excisions. However, when NARA asked if the excisions in the Committee documents were the same as the excisions in the released versions at the Library of Congress, we were informed that more excisions would be necessary before the Committee records could be released.

less material had been excised from docs. produced to Kerry Committee

On March 12, 1993, Col. John Brown, USAF, Director of the Central Documentation Office sent a letter to Jeanne Schauble, Records Declassification Division (Attachment F) regarding the Archives' request for assistance. In this letter, Col. Brown provided a list of the files in the Select Committee records that had been reviewed for declassification and sent to the Library of Congress by DoD in accordance with President Bush's EO 12812. He was not able to provide a list of which documents in the files had been declassified in full or in part. The Central Documentation Office had not kept a document level record of declassification actions taken. Col. Brown also described the files that the Office was still reviewing and those that they did not plan to declassify and release. He provided an estimate on how long it would take to declassify the documents not yet reviewed and suggested that the Archives contact Keith Hall regarding the need for DoD to continue funding the Central Documentation Office staff in order to complete declassification.

On May 25, 1993, Michael Kurtz, Acting Assistant Archivist for the National Archives, and Claudine J. Weiher, Assistant Archivist for Special and Regional Archives, sent a letter to Keith Hall, Deputy Assistant Secretary of Defense for Intelligence, outlining the opinion of Col. Brown and the need of the Archives for assistance from DoD in the declassification process. The first full paragraph on page two of the letter succinctly describes the position of the Archives with regard to the process of declassification and the difficulty regarding systematic review of these records (Attachment G). DoD, having reviewed and sent to the Library of Congress for microfilming copies of many of the of the documents found in the Committee's classified files, was unwilling to review the copies within the Senate files since they viewed this as a duplication of work. Since they had kept no document level record of their actions, they would have to repeat the review and redaction process. However, the Archives cannot release the files which Col. Brown identified as having been declassified since most had undergone redacting, where certain words or paragraphs are removed during

can't release if redacted?

the process of declassification.

seems like CDD declined
for Lib. of Cong. & now
NARA wants to declassify
same docs.

The Central Documentation Office suggested that NARA use the Library of Congress microfilm to declassify the Committee records. NARA did buy a set of the microfilm in an attempt to do so. However, NARA found that because of the manner in which the filming had been done, it was not possible to use the microfilm. There is no index to the microfilm and it is very difficult to locate individual case files or documents. The Center for Legislative Archives has produced a finding aid to the microfilm that helps locate some types of records such as case files or sighting reports, but does not help in finding individual documents. Once located, a case file on the microfilm might not contain the same documents as the case file in Committee records. The documents are not filmed in any consistent order. Sometimes documents on the film have missing pages, pages filmed out of order or parts of documents interspersed with parts of other documents. There may also be differently redacted versions of the same document. For this reason, the Archives requested that the Central Documentation Office of the Department of Defense be tasked to review the Committee records for declassification and release.

On April 28, 1994 NARA sponsored a joint meeting of representatives from the Department of State, DoD, CIA, NSA, NSC, and NARA. As a result of this meeting, NARA agreed to copy the Committee documents and send them to the appropriate agencies for systematic review. All agencies agreed to review records sent to them by the National Archives for systematic review (Attachment H). However, on January 5, 1995, James W. Wold, Deputy Assistant Secretary of Defense (POW/MIA Affairs), wrote to Raymond Mosley, Assistant Archivist for Special and Regional Archives, stating that due to understaffing in DPMO (the successor to the Central Documentation Office), DoD would only be able to handle declassification requests under provisions for mandatory review, not systematic review. (Attachment I). On January 27, 1995, Raymond Mosley replied to General Wold reiterating the difficulties of the National Archives and expressing NARA's intention to continue sending documents to DoD for systematic declassification review. (Attachment J) During the period February, 1995 through March 1995, the Center for Legislative Archives informally detailed one archivist and one technician to NARA's Records Declassification Division to assist with the processing for systematic review. This effort was suspended when Linda Kenyon, a staff member in the DoD FOIA office, orally informed NARA that she had been told by Ed Sprague of DPMO that the excisions in the documents sent by the Committee to the Archives were the same as the excisions in the documents released to the public except that the publicly released documents had the classification markings removed. NARA asked for confirmation of this in writing. However, DoD has never provided the Archives with written confirmation.

With systematic review through the assistance of DoD stalled, researchers submitted declassification requests through mandatory review. (Note: the records of Congress are not subject to FOIA; as such, requests for declassification of Congressional records are submitted through the mandatory review provision of EO 12356). The Records Declassification Division and the Center for Legislative Archives have continued to process requests for

mandatory review. Some researchers have received responses to their requests. However, requestors may wait a year and more before receiving a response. The Center for Legislative Archives has established a database of declassified documents so as to keep researchers updated on the status of their requests. Although mandatory review requests have progressed, little headway has been made on the issue of systematic review. Approximately 180,500 pages still need to be reviewed for declassification.

Recently NARA received several requests from Roger Hall, a researcher working on behalf of some of the POW/MIA families. Mr. Hall has been very active in seeking the release of the Committee records. NARA has already processed over 50 requests for Mr. Hall, totalling approximately 35,000 pages. His latest requests are for the first 140 boxes of the classified records (117,000 pages). We anticipate that he will eventually file requests for the remaining 76 boxes.

The National Archives wishes to reach a final resolution to this problem. It is our belief that the most efficient and cost-effective solution would be for DoD to send reviewers to the Archives to review the records in place. It would be to the benefit of both agencies to have these records declassified and released to the public.

RECOMMENDATION: Unless DoD agrees to immediate release, DoD reviewers must review the Committee records for declassification at the National Archives.

ATTACHMENT A

103D CONGRESS
1st Session.

SENATE

REPORT
103-1

POW/MIA'S

REPORT

OF THE

SELECT COMMITTEE ON POW/MIA AFFAIRS
UNITED STATES SENATE



JANUARY 13, 1993.—Ordered to be printed
Filed pursuant to Senate Resolution 10

than the U.S. The search for answers to POW/MIA questions is not about mathematics; it is about the fate of individual human beings who went to Indochina to fight for their country and who did not come back. Something very real happened to each of those brave men, and our country will not be at peace with itself until we are morally certain we have done all we could to find out what.

In addition to the emotional concerns of families, a second impetus for establishing the Committee was provided by legitimate unresolved questions of fact. Why, Americans asked, did so few of the U.S. airmen downed in Laos return home? How do we explain the dozens of unresolved, first-hand reports of Americans being sighted in captivity in Southeast Asia after the end of the war? Were the hundreds of resolved reports adequately investigated? How can we trust the assurances of Vietnam that it holds no prisoners when we have strong evidence that it has stockpiled American remains? What about the Tighe Commission's 1986 conclusion that "there is a strong possibility of U.S. prisoners being held?" And what about the steady drumbeat of rumors about conspiracy, cover-ups, photographs, failed rescue missions and mysterious videotapes?

All of this controversy was fueled in the period just prior to the Committee's creation by the February 12, 1991 resignation of Colonel Millard Peck as Director of DIA's Special Office for POW/MIA Affairs. In his letter of resignation, Col. Peck criticized what he called a "mindset to debunk" information that U.S. POWs might be alive and suggested that a "cover-up may be in progress."

Even more dramatic was the identification by family members in mid-1991 of individuals in three photographs that appeared to depict American POWs in Southeast Asia. The photographs generated enormous publicity and sparked demands for an immediate government response.

Interest in the issue was stimulated, as well, by discussions of conditions for establishing normal diplomatic and economic relations between the United States and Vietnam. The U.S. State Department's "Road Map" to normalization required, among other things, full cooperation by Vietnam in resolving last known alive discrepancy cases, implementing a plan to resolve expeditiously live-sighting reports on which the U.S. requests assistance and the rapid repatriation of all recovered and recoverable American remains.

THE COMMITTEE'S MISSION

Obviously, even the fullest possible accounting for U.S. POW/MIA's will leave some questions unanswered. Investigations can uncover information, but not create it. If, for example, neither friend nor foe had certain knowledge at the time about the fate of a pilot lost over water, there is little likelihood that the Committee or any other investigative unit could, at this distance in time, establish that certainty.

But the Committee was not created with the expectation of final, definitive, case-by-case answers. That is a task that may well be beyond mortal power to achieve, and that only the Executive branch has the resources to attempt. Rather, the Committee's job was to investigate the events, policies and knowledge that have

guided U.S. Government POW/MIA related actions over the past 20 years and to do so in order to advance the following goals:

To determine whether there is evidence that American POWs survived Operation Homecoming and, if so, whether there is evidence that some may remain alive in captivity;

To ensure the adequacy of government procedures for following up on live-sighting reports and other POW/MIA related information;

To de-mystify the POW/MIA accounting process so that the families and the public can better understand the meaning behind the numbers and statistics used in discussions of the issue;

To establish an open, comprehensive record, and to provide for the broad declassification of POW/MIA materials in order to enable both the Committee and the public to make informed judgments about questions of policy, process and fact;

To lend added weight to Executive branch efforts to obtain cooperation from foreign governments in Southeast Asia and elsewhere in accounting for missing Americans;

To review the activities of private organizations who participate in fundraising and educational efforts related to the POW/MIA issue; and

To examine, to the extent time and resources permit, unresolved issues pertaining to missing Americans from World War II, Korea and the Cold War.

Demystifying the process

Nothing has done more to fuel suspicion about the government's handling of the POW/MIA issue than the fact that so many documents related to those efforts have remained classified for so long. Rightly or wrongly, the secrecy—especially about live-sighting reports and critical internal reviews of Defense Intelligence Agency procedures—have fed the perception that government officials have something to hide. This perception increased in the months prior to the Committee's creation because of evidence that some Congressional inquiries may have been responded to with inaccurate or incomplete information and because then Congressman Bob Smith and Senator Charles Grassley had enormous difficulty in prior years in gaining DOD permission to review classified POW/MIA related materials.

As a result, the Committee sought from the beginning to work with the Executive Branch to make public all information relevant to the POW/MIA issue, except that related directly to the sources and methods of gathering intelligence. The Committee agreed that "source and methods" must be kept confidential in order to maintain America's ability to gather new information and track leads in the future. The Committee's goal was to "de-mystify" the POW/MIA issue and to lay before the public a complete picture of what the U.S. Government knows. The Committee generally succeeded in this objective. A full description of the efforts made to obtain the declassification and public release of documents is included in chapter entitled "Declassification."

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 22, 1992

#12812

EXECUTIVE ORDER

DECLASSIFICATION AND RELEASE OF MATERIALS
PERTAINING TO PRISONERS OF WAR AND MISSING IN ACTION

WHEREAS, the Senate, by S. Res. 324 of July 2, 1992, has asked that I "expeditiously issue an Executive order requiring all executive branch departments and agencies to declassify and publicly release without compromising United States national security all documents, files, and other materials pertaining to POWs and MIAs;" and

WHEREAS, indiscriminate release of classified material could jeopardize continuing United States Government efforts to achieve the fullest possible accounting of Vietnam-era POWs and MIAs; and

WHEREAS, I have concluded that the public interest would be served by the declassification and public release of materials pertaining to Vietnam-era POWs and MIAs as provided below;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

Section 1. All executive departments and agencies shall expeditiously review all documents, files, and other materials pertaining to American POWs and MIAs lost in Southeast Asia for the purposes of declassification in accordance with the standards and procedures of Executive Order No. 12356.

Sec. 2. All executive departments and agencies shall make publicly available documents, files, and other materials declassified pursuant to section 1, except for those the disclosure of which would constitute a clearly unwarranted invasion of personal privacy of returnees, family members of POWs and MIAs, or other persons, or would impair the deliberative processes of the executive branch.

Sec. 3. This order is not intended to create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

GEORGE BUSH

THE WHITE HOUSE,
July 22, 1992.

#

ENCLOSURE B

FOR OFFICIAL USE ONLY

20626

THE WHITE HOUSE

WASHINGTON

June 10, 1993

PRESIDENTIAL DECISION DIRECTIVE/NSC-8

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF VETERANS AFFAIRS
THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND
BUDGET
THE CHIEF OF STAFF TO THE PRESIDENT
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE REPRESENTATIVE OF THE UNITED STATES TO THE
UNITED NATIONS
THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF
THE DIRECTOR OF THE UNITED STATES INFORMATION
AGENCY
THE DIRECTOR OF THE NATIONAL SECURITY AGENCY
THE DIRECTOR OF THE DEFENSE INTELLIGENCE AGENCY

SUBJECT: Declassification of POW/MIA Records

In accordance with my Memorial Day Announcement of May 31, 1993, all executive agencies and departments are directed to complete by Veterans Day, November 11, 1993, their review, declassification and release of all relevant documents, files pertaining to American POW's and MIA's missing in Southeast Asia in accordance with Executive Order 12812.

*Bill Clinton*FOR OFFICIAL USE ONLY

JOHN F. KERRY, MASSACHUSETTS,
Chairman
THOMAS A. DASCHLE, SOUTH DAKOTA
HARRY REID, NEVADA
CHARLES S. ROBB, VIRGINIA
J. ROBERT KERREY, NEBRASKA
HERBERT H. KOHL, WISCONSIN

BOB SMITH, NEW HAMPSHIRE,
Vice Chairman
JOHN McCain, ARIZONA
HANK BROWN, COLORADO
CHUCK GRASSLEY, IOWA
NANCY Landon KASSEBAUM, KANSAS
JESSE HELMS, NORTH CAROLINA

ATTACHMENT D

FRANCES A. ZWENIG, STAFF DIRECTOR
J. WILLIAM CODINHA, GENERAL COUNSEL

United States Senate

SELECT COMMITTEE ON POW/MIA AFFAIRS

WASHINGTON, DC 20510-6500

January 7, 1992

Dr. Don Wilson
Archivist of the United States
National Archives and Records Service
Washington DC 20408

Dear Dr. Wilson:

On behalf of the Senate Select Committee on POW/MIA Affairs, we are hereby transmitting to the National Archives, for preservation and safekeeping, approximately 750 boxes of Select Committee records, pursuant to 44 U.S.C. Section 2118 (Supp.III 1985); Senate Rule XI (2); and S. Res. 474, 96th Cong., 2d Sess. (1980).

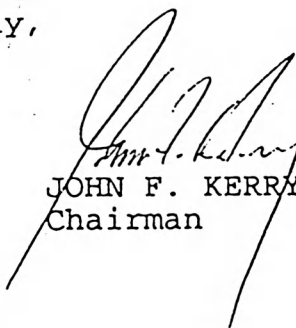
It is our wish that the archives of the Select Committee be made available to the public without restriction as soon as the final processing is completed.

Thank you for your assistance in this matter. We also want to let you know that the staff of the Center for Legislative Archives and the Center for Electronic Records have been of enormous assistance to the staff of this Committee in the organization and transfer of these numerous documents.

Sincerely,



BOB SMITH
Vice Chairman



JOHN F. KERRY
Chairman

JOHN F. KERRY, MASSACHUSETTS,
Chairman
THOMAS A. DASCHLE, SOUTH DAKOTA
HARRY REID, NEVADA
CHARLES S. ROBB, VIRGINIA
J. ROBERT KERREY, NEBRASKA
HERBERT H. KOHL, WISCONSIN

BOB SMITH, NEW HAMPSHIRE,
Vice Chairman
JOHN MCCAIN, ARIZONA
HANK BROWN, COLORADO
CHUCK GRASSLEY, IOWA
NANCY LONDON KASSEBAUM, KANSAS
JESSE HELMS, NORTH CAROLINA

FRANCES A. ZWENIG, STAFF DIRECTOR
J. WILLIAM CODINHA, GENERAL COUNSEL

United States Senate

SELECT COMMITTEE ON POW/MIA AFFAIRS

WASHINGTON, DC 20510-6500

January 27, 1993

Dr. Don Wilson
Archivist of the United States
National Archives and Records Administration
Washington, DC 20408

Dear Dr. Wilson:

On behalf of the Senate Select Committee on POW/MIA Affairs, we are hereby transmitting to the National Archives, for preservation and safekeeping, approximately 275 boxes of Select Committee classified records, pursuant to 44 U.S.C. Section 2118 (Supp. III 1985); Senate Rule XI (2); and S. Res. 474, 96th Cong., 2nd Sess. (1980).

It is our wish that one copy of each classified record be maintained in classified form at the Archives, until the classified copy can be declassified according to established Archives' declassification procedures. At the same time, it was the Committee's intent, consistent with President Bush's Executive Order of July, 1992, to ensure that declassified copies are made of all classified records in the Committee's possession.

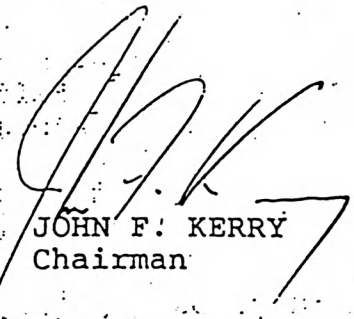
Therefore, we request that any classified records which do not already exist in declassified form be immediately processed for declassification.

According to standard Senate procedures, requests for access to the classified materials shall be directed to the Secretary of the Senate.

Thank you for your assistance.

Sincerely,


BOB SMITH
Vice Chairman


JOHN F. KERRY
Chairman

Chronology

8/2/91 Establishment of Senate Select Committee on POW/MIA Affairs, Chairman Senator John F. Kerry, Vice Chairman Senator Bob Smith (See Attachment A)

1/7/92 Letter from Senator John Kerry to Archivist Don Wilson RE: transmittal of 750 boxes of records of the Senate Select Committee on Pow/MIA Affairs to the National Archives to, "be made available without restrictions as soon as the final processing is completed." (See Attachment D)

7/22/92 George Bush issues E.O. 12812 requiring all executive branch departments and agencies to declassify and publicly release...all documents, files and other materials pertaining to Pows and MIAs. (See Attachment B)

1/1993 NSC received the records of the Senate Select Committee on Pow/MIA Affairs = 286 feet Unclassified (644 boxes) 90 feet Classified (216 boxes/ 208,000 pages) (See Attachment E)

3/12/93 Letter to NARA from Col. John Brown, USAF, Director DoD POW/MIA Central Documentation Office discussing NARA's informal request for assistance in declassifying the records. (See Attachment G)

5/25/93 Kurtz and Weiher letter to Keith Hall, Deputy Assistant Secretary of Defense for Intelligence, RE: Requesting assistance with declassification effort and requesting a meeting. (See Attachment H)

6/10/93 President Clinton issues Directive, "All agencies and departments are to complete by Veteran's Day, 11/11/93 their review, declassification and release of all relevant documents, and files pertaining to American POWs and MIAs missing in South East Asia in accordance with E.O. 12812. (See Attachment C)

6/1993 Center for Legislative Archives begins scanning transcripts of depositions in order to make them more accessible to researchers.

6/24/93 Archives staff to Pentagon for meeting with DoD staff regarding assistance on declassification of Committee records.

12/1993 Letter from William McDonald, Director FOIA Review Office, DoD RE: the 7 Documents NND sent for mandatory review are declassified and available on the Library of Congress microfilm. (See Attachment I)

3/11/94 NARA Director of Records Declassification meets with William McDonald of OASD FOIA office and Colonel Brown concerning difficulty of using microfilm to declassify Committee records.

3/24/1994 NARA wrote a letter to Senator John Kerry RE: Updating

him on the Center's efforts to declassify the records and the unresponsiveness of DoD.

3/25/1994 Karen Paul, Archivist of the United States Senate is briefed on the problems of declassification of the committee files.

4/28/1994 NARA sponsors joint meeting. In attendance are representatives from :Department of State, DoD, CIA, NSA, NSC, NARA reps from NN, NSC. Agreement to begin sending records out equity agencies for systematic review. (See Attachment J)

6/1994 Center for Legislative Archives begins photocopying for systematic review.

7/1994 Acting Archivist instructs Records Declassification Division and Center for Legislative Archives to make declassification of depositions priority (93 depositions)

1/5/95 Letter from General Wold, Deputy Assistant Secretary of Defense, to NS RE: DPMO understaffed and able to handle declassification requests only under provisions for Mandatory review, not systematic review. (See Attachment K)

1/27/95 Reply Letter from the Assistant Archivist for Special and Regional Archives (Mosley) to General Wold (See Attachment L)

2/15/95 teleconference between affected NARA staff. Agreement to proceed with Systematic Review.

2/21/95 - 3/22/95 Center for Legislative Archives informally details one archivist and one technician to Records Declassification Division to assist with the processing for systematic review.

8/95 Letter from Michael Kurtz, Assistant Archivist for the National Archives, to General Wold requesting assistance in reaching a resolution to the problem of declassification of Committee records. (See Attachment M)

In addition, there have been numerous telephone calls and impromptu meetings focusing exclusively on the declassification of these records. This chronology does not include the numerous times Roger Hall has appeared unannounced in the NND, NSC, NN, NS and N offices.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-3040

March 12, 1993

COMMAND, CONTROL,
COMMUNICATIONS
AND INTELLIGENCE

U-070/DoD POW/MIA CDO

Ms. Jeanne Schauble
National Archives/NNDA
7th and Pennsylvania
Washington DC 20408

Dear Ms. Schauble,

We have reviewed the index of material submitted to you by the Chairman of the Senate Select Committee on POW/MIA Affairs. This index references a wide variety of subject matter from DoD as well as non-DoD sources. This letter addresses each of the major categories of information and its declassification status.

At the outset, it is our assessment that not all the materials you have received from the Senate Select Committee are required to be declassified. The Department of Defense is working to accomplish declassification review for public release pursuant to both the "McCain Bill" (National Defense Authorization Act for 1991 and 1992, Section 1082) at Enclosure A and Executive Order 12812 at Enclosure B. The "McCain Bill" places some specific restrictions on public release of materials pertaining to named individuals who are still unaccounted for.

The DoD POW/MIA Central Documentation Office (CDO) is presently declassifying Vietnam-related "source" files. These files contain first-hand live sighting reports, hearsay sighting reports, crash and gravesite reports, and dogtag reports. The files contain single as well as multiple reports. Some files may have a single reference number while others may possess two to four numbers based on the number and variety of reports in the file. Dogtag report files are unique in that 92% of the reports relate to servicemembers who returned to the United States upon the normal termination of their Vietnam tours. Five percent correspond to U.S. remains that have been recovered, identified, and have been interred in the United States. Only the remaining three percent apply to U.S. servicemembers who remain unaccounted for. Under the provisions of the "McCain" Bill, only these three percent of dogtag reports will be declassified and publicly released.

All source files that have been declassified and provided to the Library of Congress are highlighted in yellow; approximately 89% of the 13,711 source files have been declassified. We expect the remainder will be declassified by September 30, 1993.

The "McCain Bill" requires that Vietnam-era records which provide information on location, treatment, or condition of the 2,266 unaccounted for servicemembers will be declassified, with some restrictions. These "casualty" files will be declassified only if consent to release the declassified file is granted in writing by the Primary Next of Kin (PNOK). As of March 10, 1993, CDO has received 1,184 affirmative responses granting consent to release; 218 negative responses denying permission; 73 contingency responses where ultimate decision is based on a review of the declassified file prior to granting or denying consent, and no response from 791 PNOK. CDO has declassified 354 casualty files; all files for which consent to release has been granted in writing by the PNOK will be declassified and provided to the Library of Congress by September 30, 1993.

Based on these "McCain Bill" declassification requirements, the following markings have been placed on the index provided by the Senate Select Committee to the National Archives:

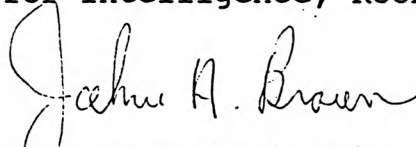
- Y = Yes; PNOK granted permission for public release. These files have or will be declassified.
- N = No; PNOK denied permission for release. Includes files on personnel whose remains have been returned to U.S. control or the individual escaped from captivity. These files will not be declassified.
- NR = No Response; A reply to DoD correspondence requesting PNOK consent to release has not been received to date.
- C = Contingency; PNOK has requested to review the declassified casualty file prior to granting or denying consent to release. These will ultimately become a "Yes" or a "No" and will be processed accordingly.

All casualty files that have been declassified (Y) and (C) are highlighted in yellow. However, declassified contingency files will not be released unless an affirmative response is provided by the PNOK.

We have also provided for your reference our list of deposition transcripts and transcript abstracts at Enclosures C and D which have been declassified previously and provided to the Senate Select Committee.

Regarding the material in the index which remains to be declassified, it appears to be of mixed origin, including the State Department, Central Intelligence Agency, National Security Agency, and perhaps others. Our count of the pages to be declassified, over and above the source and casualty files which we have and are declassifying, is over 51,000 pages. We may have declassified some of this material in connection with our support

to the Senate Select Committee last year. But an assessment of how much, if any, material has already been declassified will not be possible until we examine the material. We conservatively estimate that declassification of this material will require two to four months. This additional workload will extend the life of the CDO past the anticipated closure date of September 30, 1993. Therefore, as I indicated in our discussion of March 3, please submit your request for CDO assistance to Mr. Keith Hall, Deputy Assistant Secretary of Defense for Intelligence, Room 3C200, The Pentagon, Washington DC 20030.



JOHN A. BROWN, Colonel, USAF
Director, DoD POW/MIA Central
Documentation Office

Enclosures a/s

cc:

DASD/I
Director, Defense Intelligence Agency

National Archives



Craig Wilson

ATTACHMENT H

NN D

Washington, DC 20408

MAY 3 1978

Mr. Keith Hall
Deputy Assistant Secretary of Defense
for Intelligence
Room 3C200
The Pentagon
Washington, D.C. 20030

Dear Mr. Hall:

The National Archives has recently received the records of the Senate Select Committee on POW/MIA Affairs, also known as the Kerry Committee. In transmitting the records to the Archives the Committee expressed their desire to have the security classified portion of the records "immediately processed for declassification." Given the Committee's concern as well as the intense public interest in this matter, the National Archives is making every effort to respond promptly to the Committee's request and will be keeping Senator Kerry apprised of our progress. I am writing to request your assistance in accomplishing the declassification and release of these records. For your information I enclose a copy of the Committee's letter to the former Archivist of the United States.

To date the Committee has transferred 141 boxes amounting to approximately 117,000 pages of security classified records. I understand that there may be up to 120 more still being prepared for transfer by the Office of Senate Security. The records include documents supplied to the Committee by a number of different agencies, but the overwhelming majority of the documents are of DoD origination or interest. They include JCRC sighting reports, casualty files, depositions, histories and chronologies, and correspondence and reports to the Committee. The Archives has already received a number of requests for access to the records.

The Director of the Archives' Records Declassification Division has met with Col. John Brown of the Central Documentation Office (CDO) to discuss these records and we understand that the CDO has reviewed and released or will review many of the files included in the Kerry Committee records (see Col. Brown's letter to Jeanne Schauble, a copy of which is enclosed). Unfortunately, most if not all, of these records have been released in redacted form. Even though Col. Brown has been kind enough to review the list of records received and indicate which have been reviewed by his staff, the National Archives cannot

release those files because we do not know what information has been redacted. Col. Brown has identified other files among the records that his staff does not plan to review and release.

Col. Brown has suggested that the Committee's wishes will have been fulfilled, at least with regard to the records reviewed by his staff, because the redacted documents will be available at the Library of Congress. The National Archives cannot elect not to process the Kerry Committee files for declassification based on that argument. Aside from the explicit intent of the Committee to make the records available, expressed both in their letter to the Archivist and in the Committee report, researchers, family members and journalists will demand access to the Committee records. If they cannot have access to records that have been systematically reviewed, they will seek access through mandatory review requests. This is a most inefficient way to undertake the declassification of what is sure to be a heavily requested body of material. Not only will it add an extra burden to the already heavy workload of the Archives' and DoD's mandatory review staffs, but if these requests are processed through the regular mandatory review channels instead of the CDO, there is the risk that different determinations will be made about what information can be released. Therefore, I request that the Central Documentation Office be tasked to review the Committee records for declassification and release.

Is it
declassified by
CDO, or
does NARA
have to
declassify??

The National Archives has a responsibility to both the Congress and the American public to make these records available as quickly as possible. We cannot do this without assistance from the Department of Defense. We would like to meet with you to discuss the ways in which we can work together to make these records available in the most efficient way possible. We will call you to arrange a time. Please contact us at 202-501-5300 or 202-501-5510 if you have any questions.

Sincerely,

Michael J. Kurtz

MICHAEL J. KURTZ
Acting Assistant Archivist
for the National Archives

Claudine J. Weiher

CLAUDINE J. WEIHER
Assistant Archivist
for Special and Regional
Archives

Enclosures



PUBLIC AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-1400

6 DEC 1993

Ref: 93-M-0478/L

Ms. Jeanne Schauble
Director, Records Declassification Division
National Archives and Records Administration
7th and Pennsylvania Ave., NW
Washington, DC 20408

Dear Ms Schauble:

This responds to your letter of November 16, 1993, which forwarded seven documents, separated into the following groups by page number: 1-75, 76-317, 318-342, 353-670, 711-734, 737-946, and 947-954, for mandatory declassification review. The records were requested by Roger Hall and are being processed under your Project Number NND 942005.

It has been determined that the documents have been reviewed and declassified, or sanitized, for public release. The documents are available to the public at the Library of Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "W. M. McDonald", is positioned above the typed name.

W. M. McDonald
Director
Freedom of Information
and Security Review

Enclosure:
NARA Ltr, November 16, 1993

ATTACHMENT J



Washington, DC 20408

Mr. Ike Izengerg
Department of State.
2201 C Street NW.
Washington, DC 20520

Dear Mr. Izengerg:

I want to thank you for taking time out of your very busy schedule to meet with members of the National Archives staff on Friday, April 28th. We think we made significant progress in our efforts to arrange for the declassification of the records of the Senate Select Committee to Investigate POW/MIA Affairs. I have outlined below the points upon which we reached a consensus:

- * National Archives staff will make every effort to determine a document's agency of origin prior to sending it out for review.
- * The Department of Defense will begin the systematic review of DoD generated documents in the records of the Senate Select Committee to Investigate POW/MIA Affairs. National Archives Records Declassification staff will forward DoD documents to DoD.
- * When NARA staff receive a researcher's request for the Mandatory Review of classified records, the researcher's request will enter the queue ahead of the records awaiting systematic review.
- * State and NSC also agreed to systematically review their agencies' documents that are found in the records of the Senate Select Committee to Investigate POW/MIA Affairs. NARA Records Declassification staff will transmit these documents to the appropriate agency.
- * NARA and the represented agencies will closely coordinate this review process. We will alert each other upon learning of additional concerns from members of Congress or the external constituencies.



2

We look forward to working with you. These are important documents and we all share a sense of urgency in responding to any reasonable request for access to the records.

Sincerely,

RAYMOND A. MOSLEY
Assistant Archivist
Office of Special and Regional Archives

Enclosure

INTERNATIONAL
SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400

5 JAN 1995

In reply refer to:
I-94/50735

Mr. Raymond Moseley
Assistant Archivist for Special and Regional Archives
National Archives, 7th and Pennsylvania
Washington, DC 20408

Dear Mr. Moseley,

Thank you for your letter of December 7, 1994 regarding
DPMO support to the National Archives.

I noted with interest your reference to declassification
of depositions taken by the Committee as being equal to
approximately 20% of the Committee file declassification
task. During December 1994 alone, DPMO declassified 26
depositions and other documents in direct support of the
Archives. Each deposition declassification task serves
two purposes: it responds to an Archives Mandatory
Declassification Review (MDR) requirement and it
declassifies a Senate Select Committee document.
Freedom of Information Action (FOIA) and MDR requests for
our Declassification Division have more than doubled in
recent months. Many of these requests are Roger Hall-
generated MDRs forwarded from the Archives to the Department
of Defense for action.

My original intent was to provide declassification
assistance to the National Archives as soon as my
Declassification Division was fully manned. This Division
is authorized five personnel and presently has only three
fully-qualified personnel in place. A vacancy notice will
be published later this month. Even when fully manned,
however, this small division may be unable to keep up with
our FOIA and MDR workload if it continues to increase.
Regrettably, until the division is fully manned, DPMO will
only be able to support the National Archives with timely
declassification of Committee documents through established
MDR procedures.

Sincerely,

James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)



National Archives



ATTACHMENT L

This box
1/27/95

Washington, DC 20408

General James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)
2400 Defense
Pentagon
Washington, DC 20301-2400

Dear General Wold:

Thank you for your letter of January 5, 1995 (I-94/50735) regarding DPMO support to the National Archives.

It is true that many of the declassification actions our office has forwarded to DPMO have originated from Roger Hall. He works directly for some of the families, and has worked with the records of the Senate Select Committee on POW/MIA Affairs for over a year now. We appreciate DPMO's timely handling of these requests.

Unfortunately, the National Archives is unable to declassify the still classified portion of the Senate Select Committee's records. We continue to face extreme pressure from our constituency to comply with E.O. 12812 of July 22, 1992, and the Presidential Decision Directive NSC of June 10, 1993. Our problem comes down to one issue: we do not have declassification authority for these records. Although DPMO has been helpful to us, our joint effort has been only partially successful. We have therefore determined that we have no choice but to begin sending copies of the remaining classified records with DOD equity to DPMO for declassification.

The classified records comprise approximately 216 archives boxes. We will be sending them to you in batches of ten every two weeks, beginning Monday, January 30th.

Sincerely,

RAYMOND A. MOSLEY
Assistant Archivist
for Special and Regional Archives
(202) 501-5504

CC: Official file - NSC
Reading file - NSC
Day file - NS

DDimkoff/plw 501-5350 1/26/95
File code: 1421-2

NSC _____

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

General James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)
2400 Defense Pentagon
Washington, DC 20301-2400

Dear General Wold:

It has recently come to our attention that Sen. Rod Grams of Minnesota is considering holding a Congressional inquiry into the delay in release of the records of the Select Committee on POW/MIA's (the Kerry Committee).

As you know these records are of considerable interest to researchers. We have processed numerous mandatory review requests for Roger Hall, who is apparently representing some of the POW/MIA families. We have recently received requests from Mr. Hall for the first 140 boxes (approximately 117,000 pages) of the classified portion of the records. We expect that he will eventually file a request for the remaining 76 boxes.

We have several times requested assistance from DPMO in reviewing these records systematically. DPMO has referred us to the microfilm produced by the Library of Congress. We understand that DPMO does not want to repeat work that may already have been done. However, we find that it is impossible to use the LC microfilm in any systematic attempt to declassify the Kerry Committee records. Not only is it very difficult and time consuming to locate any individual document, we frequently find the same document has been sanitized in different ways. In addition, there are files that DPMO has not reviewed for declassification which therefore do not appear on the microfilm.

Because of DPMO's unwillingness to send reviewers to the Archives, we began to systematically copy and send the records to your office for review. After we had sent the first several boxes, we received a phone call from Linda Kenyon, a staff member in the OASD FOIA office who had once been on the staff of the Central Documentation Office, predecessor to DPMO. She said that she had been told by Ed Sprague of DPMO that the excisions in the documents sent to the Committee were the same as the excisions in the documents released to the public except for the removal of classification markings. It had been our previous understanding that there were further excisions needed before the documents could be declassified.

If the documents must be reviewed for further excisions, we must come to some more efficient arrangement for accomplishing the

review. The quickest, most efficient course of action would be to send reviewers to the Archives to look at the files in place. On the other hand, we can declassify the majority of the Kerry Committee records without referral to DPMO if you can confirm that those documents excised for release to the committee can be released to the public on removal of the classification markings.

It is to the benefit of both agencies to come to an agreement on how to finish this review quickly. We must be able to satisfy any possible Congressional inquiry that we are taking appropriate steps to make these records available. As you may be aware, the Archivist of the United States has appointed me to represent him on the POW/MIA Commission. Perhaps we can discuss this issue at the Commission meeting on August 24. In any event, a definitive answer is required.

Sincerely,

MICHAEL J. KURTZ
Assistant Archivist
for the National Archives

POW/MIA
RECORDS

(1) MARBLE
SULLIVAN

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

95 OCT 11 08:32

facsimile

TRANSMITTAL

to: TODD STERN

re: FURTHER INFORMATION ON GEN. WOLD LETTER

date: 10-11-95

TODD:

A FURTHER CLARIFICATION ON THE LETTER FROM GEN. WOLD. THE FILES
AT THE LC ARE NOT DUPLICATES OF THE KERRY COMMITTEE RECORDS, AND
ARE ALMOST IMPOSSIBLE TO ACCESS AS I MENTIONED IN OUR REPORT TO YOU.
A MEETING IS IN ORDER.

from the desk of...

MICHAEL KURTZ
OFFICE OF THE NATIONAL ARCHIVES

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

tel: 301-713-7000
fax: 301-713-6915

National Archives and Records Administration

517

Re: atz -

one time line
prob. is possible
do request
for 7 yr. delay -
likely by Oct. 1

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

facsimile

TRANSMITTAL

to: TODD STERN

re: GENERAL WOLD LETTER

date: 10-10-95

TODD:

THIS AT LEAST CLARIFIES WHAT WAS NOT REDACTED FOR THE KERRY
COMMITTEE. ALSO, KEEP IN MIND THAT THE FILES AT THE LC WERE
FILMED IN RANDOM ORDER AND ARE REALLY NOT USABLE. A MEETING COULD
FOCUS ON PARAGRAPH 3.

From the desk of...

MICHAEL KURTZ
OFFICE OF THE NATIONAL ARCHIVES

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

tel: 301-713-7000
fax: 301-713-6915

PAGE 1 OF 2

National Archives and Records Administration

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

facsimile

TRANSMITTAL

to: TODD STERN

re: FURTHER INFORMATION ON GEN. WOLD LETTER

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A MEETING IS IN ORDER.

From the desk of...

MICHAEL KURTZ
OFFICE OF THE NATIONAL ARCHIVES

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

tel: 301-713-7000
fax: 301-713-6915



DEFENSE PRISONER OF WAR/MISSING IN ACTION OFFICE
2400 DEFENSE PENTAGON
WASHINGTON, DC 20301-2400

RECEIVED
OCT 10 1995

02 OCT 1995

In reply refer to:
I-95/22320

Dr. Michael J. Kurtz
Assistant Archivist for the
National Archives
8601 Adelphi Road
College Park, MD 20740-2400

Dear Dr. Kurtz:

Thank you for your letter of August 18 regarding the National Archives' requirement to release Senate Select Committee on POW/MIA Affairs files.

The material provided by the former DoD POW/MIA Central Documentation Office to the Committee in late 1991 and 1992 was redacted for intelligence sources and methods. However, other information protected from public release under Executive Order 12356, the Privacy Act, and the Freedom of Information Act, was not redacted. The files provided to the Library of Congress have been completely declassified.

We share your concern regarding the large volume of Committee material which has been requested for release. As reflected in my letter of January 5, DPMO does not possess the personnel resources which would permit the detail of declassification technicians to the National Archives. However, I am prepared to request that DoD provide to the National Archives funds for up to 3 man-years of temporary personnel to help complete this declassification requirement. I would appreciate your views regarding the viability of this alternative.

We appreciate your support and cooperation and will provide any additional information you may require.

Sincerely,

James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)



National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

facsimile

TRANSMITTAL

to: TODD STERN

re: GENERAL WOLD LETTER

date: NOVEMBER 8, 1995

TODD:

ATTACHED ARE THE GENERAL WOLD LETTER AND TWO FAX COVER SHEETS.

THANKS FOR YOUR HELP.

MICHAEL KURTZ

From the desk of...

MICHAEL KURTZ
OFFICE OF THE NATIONAL ARCHIVES

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

PAGE 1 OF 4

tel: 301-713-7000

fax: 301-713-6915

National Archives



95 AUG 28 4 9:22
Washington, DC 20408

AUG 25 1995

**The Honorable Todd D. Stern
Assistant to the President
and Staff Secretary
The White House
Washington, DC 20500**

Dear Mr. Stern:

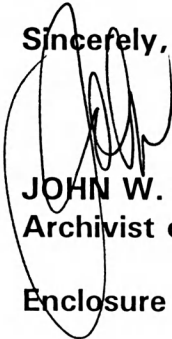
I appreciated the opportunity to meet with you and discuss the challenges we face in implementing the President's Executive Order on national security information.

As you recall, we also discussed problems we at the National Archives have experienced in declassifying the classified records of the Senate Select Committee on POW/MIA Affairs. Enclosed for your review is the report on this matter which you requested. We would appreciate your assistance in resolving this matter, which has caused a great deal of frustration to the families of POW's and MIA's.

We will forward to you in the next several days a status report on the implementation of Executive Order 12958.

If you want further details or assistance in this matter, please contact Michael Kurtz, the Assistant Archivist for the National Archives. Dr. Kurtz is located at our College Park facility, and he can be reached on (301) 713-7000 ext. 222.

Sincerely,


JOHN W. CARLIN
Archivist of the United States

Enclosure

Carlin
501-5130

Efforts of the National Archives Regarding the Classified Records of the
Senate Select Committee on POW/MIA Affairs

Executive Summary

The National Archives and Records Administration (NARA) received 216 boxes (approximately 180,000 pages) of records from the Senate Select Committee on POW/MIA Affairs (the Kerry Committee) in January 1993. The Committee expressed the desire that the records be declassified and released as soon as possible. The National Archives has delegated declassification authority for records over thirty years old. The Kerry Committee records are all less than thirty years old and therefore must be referred to the originating agencies for declassification review.

The majority of the documents are copies of documents received by the Committee from the Department of Defense, although there are documents from other agencies as well. NARA contacted DoD's Central Documentation Office, the office responsible for review of records relating to POW/MIA's, asking for assistance in declassifying the Kerry Committee records. Many of the documents in the Kerry Committee records had been declassified in part by the Central Documentation Office or other involved agencies and were being microfilmed by the Library of Congress for release to the public. The Central Documentation Office referred NARA to the microfilm. Because of the manner in which the microfilming was done, however, NARA has found it impossible to use the microfilm to declassify documents from the Kerry Committee records.

NARA has received numerous mandatory review requests from researchers for access to the records. Responding to these requests is time consuming and expensive. Every requested document must be copied and sent to the appropriate agency for review. The requestor may have to wait for over a year before receiving a response. In an effort to comply with the Committee's desire for declassification, NARA began, in February 1995, to systematically copy and send out for review everything that had not already been sent in response to a mandatory review request. We suspended this process in March 1995 when orally informed that the excisions in the documents sent to the Committee were the same as excisions in the documents released to the public except that documents sent to the Committee still bore their classification markings. NARA asked for confirmation in writing which would permit declassification of most of the Kerry Committee records without further agency referral. To date no confirmation has been received. NARA has recently sent another letter to General James W. Wold, Deputy Assistant Secretary of Defense (POW/MIA Affairs) requesting a resolution to this matter.

RECOMMENDATION: Unless DoD agrees to immediate release, DoD reviewers must review the Committee records for declassification at the National Archives.

(by DOD) Select
"If excisions in docs. sent to Committee were same as excisions
in docs. sent to Lib. of Cong., NARA could declassify ^{most} w/o further agency
referral."
① If already declassified when sent to LOC, why is NARA declassifying now?
② Did DOD not declassify some docs. ~~sent~~ during review for LOC?
What is status of those?

Efforts of the National Archives Regarding the Classified Records of the Senate Select Committee on POW/MIA Affairs

Since the end of the Vietnam conflict there has been overwhelming public interest in the fate of POW's and MIA's not returned from Vietnam. In August, 1991, the Senate established a Select Committee on POW/MIA Affairs to, among other goals, establish an open and comprehensive record and provide for broad declassification of POW/MIA materials in order to enable both the Committee and the public to make informed judgments about questions of policy, process, and fact (Attachment A). On July 22, 1992, President Bush issued Executive Order 12812 calling for declassification of all documents, files, and other materials pertaining to POW's and MIA's from the Vietnam era (Attachment B). On June 10, 1993, President Clinton issued Presidential Decision Directive/NSC-8 calling for the declassification to be completed by November 11, 1993 (Attachment C).

In January, 1993, the National Archives' Center for Legislative Archives received the records of the Senate Select Committee on POW/MIA Affairs. The records included 286 feet (644 boxes or approximately 536,000 pages) of unclassified and 90 feet (216 boxes or 180,000 pages) of classified records. It is important to note that these classified documents consist almost entirely of duplicate copies of classified documents held in the custody of various Executive Branch Agencies such as the Departments of Defense and State, as well as the Central Intelligence Agency and the National Security Council. The majority of documents are from the Department of Defense. The Committee requested that the National Archives process the classified records for declassification immediately. (Attachment D). A chronology of subsequent events is at attachment E.

There are two methods by which classified documents within the National Archives are declassified: systematic review or in response to a researcher request. In a systematic review, the Archives undertakes a review of an entire series of files. In response to a researcher request, NARA reviews only the documents or files requested. The letter from the Committee suggested that the Archives systematically review the classified records of the Senate Select Committee.

NARA's authority to declassify is delegated by the agencies that originated the documents and is limited in most cases to records more than thirty years old. The Kerry Committee records are all less than thirty years old. If the agency that created the documents cannot provide personnel to come to the Archives and review documents, the Archives must copy the documents and send the copies to the agency that created them for declassification review. A document may need to be reviewed by more than one agency. The agencies may decide to release the documents in full, release the documents after removing (redacting) certain portions, or deny the release of the document. Virtually all of the classified documents from the Committee records are released with excisions. Due to the fact that the documents are classified, the Archives must carefully track each document sent to an agency by numbering the pages and entering the document into a computer database. When the agencies respond,

NARA must create a copy of the document with all of the excisions required by each agency that reviewed the document. The process is time consuming and exacting.

In order to avoid this time consuming procedure, the Archives solicited guidance from the Department of Defense. The Archives contacted DoD's Central Documentation Office which was created in order to act as a clearinghouse for declassification of records from all agencies in response to EO 12812. The Central Documentation Office had mounted a massive review program and was sending the resulting declassified documents to the Library of Congress for microfilming and release to the public. Virtually all of the documents were declassified in part, with information regarding intelligence sources and methods excised. The Office was also responding at the same time to requests from the Kerry Committee for documents required for their investigation. Many of these documents were duplicates of documents being sent to the Library of Congress. Like the documents sent to the Library of Congress, virtually all documents sent to the Committee contained excisions. However, when NARA asked if the excisions in the Committee documents were the same as the excisions in the released versions at the Library of Congress, we were informed that more excisions would be necessary before the Committee records could be released.

only
get
this

On March 12, 1993, Col. John Brown, USAF, Director of the Central Documentation Office sent a letter to Jeanne Schauble, Records Declassification Division (Attachment F) regarding the Archives' request for assistance. In this letter, Col. Brown provided a list of the files in the Select Committee records that had been reviewed for declassification and sent to the Library of Congress by DoD in accordance with President Bush's EO 12812. He was not able to provide a list of which documents in the files had been declassified in full or in part. The Central Documentation Office had not kept a document level record of declassification actions taken. Col. Brown also described the files that the Office was still reviewing and those that they did not plan to declassify and release. He provided an estimate on how long it would take to declassify the documents not yet reviewed and suggested that the Archives contact Keith Hall regarding the need for DoD to continue funding the Central Documentation Office staff in order to complete declassification.

On May 25, 1993, Michael Kurtz, Acting Assistant Archivist for the National Archives, and Claudine J. Weiher, Assistant Archivist for Special and Regional Archives, sent a letter to Keith Hall, Deputy Assistant Secretary of Defense for Intelligence, outlining the opinion of Col. Brown and the need of the Archives for assistance from DoD in the declassification process. The first full paragraph on page two of the letter succinctly describes the position of the Archives with regard to the process of declassification and the difficulty regarding systematic review of these records (Attachment G). DoD, having reviewed and sent to the Library of Congress for microfilming copies of many of the of the documents found in the Committee's classified files, was unwilling to review the copies within the Senate files since they viewed this as a duplication of work. Since they had kept no document level record of their actions, they would have to repeat the review and redaction process. However, the Archives cannot release the files which Col. Brown identified as having been declassified since most had undergone redacting, where certain words or paragraphs are removed during

Can't release if redacted?

the process of declassification.

The Central Documentation Office suggested that NARA use the Library of Congress microfilm to declassify the Committee records. NARA did buy a set of the microfilm in an attempt to do so. However, NARA found that because of the manner in which the filming had been done, it was not possible to use the microfilm. There is no index to the microfilm and it is very difficult to locate individual case files or documents. The Center for Legislative Archives has produced a finding aid to the microfilm that helps locate some types of records such as case files or sighting reports, but does not help in finding individual documents. Once located, a case file on the microfilm might not contain the same documents as the case file in Committee records. The documents are not filmed in any consistent order. Sometimes documents on the film have missing pages, pages filmed out of order or parts of documents interspersed with parts of other documents. There may also be differently redacted versions of the same document. For this reason, the Archives requested that the Central Documentation Office of the Department of Defense be tasked to review the Committee records for declassification and release.

On April 28, 1994 NARA sponsored a joint meeting of representatives from the Department of State, DoD, CIA, NSA, NSC, and NARA. As a result of this meeting, NARA agreed to copy the Committee documents and send them to the appropriate agencies for systematic review. All agencies agreed to review records sent to them by the National Archives for systematic review (Attachment H). However, on January 5, 1995, James W. Wold, Deputy Assistant Secretary of Defense (POW/MIA Affairs), wrote to Raymond Mosley, Assistant Archivist for Special and Regional Archives, stating that due to understaffing in DPMO (the successor to the Central Documentation Office), DoD would only be able to handle declassification requests under provisions for mandatory review, not systematic review. (Attachment I). On January 27, 1995, Raymond Mosley replied to General Wold reiterating the difficulties of the National Archives and expressing NARA's intention to continue sending documents to DoD for systematic declassification review. (Attachment J) During the period February, 1995 through March 1995, the Center for Legislative Archives informally detailed one archivist and one technician to NARA's Records Declassification Division to assist with the processing for systematic review. This effort was suspended when Linda Kenyon, a staff member in the DoD FOIA office, orally informed NARA that she had been told by Ed Sprague of DPMO that the excisions in the documents sent by the Committee to the Archives were the same as the excisions in the documents released to the public except that the publicly released documents had the classification markings removed. NARA asked for confirmation of this in writing. However, DoD has never provided the Archives with written confirmation.

With systematic review through the assistance of DoD stalled, researchers submitted declassification requests through mandatory review. (Note: the records of Congress are not subject to FOIA; as such, requests for declassification of Congressional records are submitted through the mandatory review provision of EO 12356). The Records Declassification Division and the Center for Legislative Archives have continued to process requests for

mandatory review. Some researchers have received responses to their requests. However, requestors may wait a year and more before receiving a response. The Center for Legislative Archives has established a database of declassified documents so as to keep researchers updated on the status of their requests. Although mandatory review requests have progressed, little headway has been made on the issue of systematic review. Approximately 180,500 pages still need to be reviewed for declassification.

Recently NARA received several requests from Roger Hall, a researcher working on behalf of some of the POW/MIA families. Mr. Hall has been very active in seeking the release of the Committee records. NARA has already processed over 50 requests for Mr. Hall, totalling approximately 35,000 pages. His latest requests are for the first 140 boxes of the classified records (117,000 pages). We anticipate that he will eventually file requests for the remaining 76 boxes.

The National Archives wishes to reach a final resolution to this problem. It is our belief that the most efficient and cost-effective solution would be for DoD to send reviewers to the Archives to review the records in place. It would be to the benefit of both agencies to have these records declassified and released to the public.

RECOMMENDATION: Unless DoD agrees to immediate release, DoD reviewers must review the Committee records for declassification at the National Archives.

ATTACHMENT A

103d CONGRESS
1st Session.

SENATE

REPORT
103-1

POW/MIA'S

R E P O R T

OF THE

SELECT COMMITTEE ON POW/MIA AFFAIRS
UNITED STATES SENATE



JANUARY 13, 1993.—Ordered to be printed
Filed pursuant to Senate Resolution 10

than the U.S. The search for answers to POW/MIA questions is not about mathematics; it is about the fate of individual human beings who went to Indochina to fight for their country and who did not come back. Something very real happened to each of those brave men, and our country will not be at peace with itself until we are morally certain we have done all we could to find out what.

In addition to the emotional concerns of families, a second impetus for establishing the Committee was provided by legitimate unresolved questions of fact. Why, Americans asked, did so few of the U.S. airmen downed in Laos return home? How do we explain the dozens of unresolved, first-hand reports of Americans being sighted in captivity in Southeast Asia after the end of the war? Were the hundreds of resolved reports adequately investigated? How can we trust the assurances of Vietnam that it holds no prisoners when we have strong evidence that it has stockpiled American remains? What about the Tighe Commission's 1986 conclusion that "there is a strong possibility of U.S. prisoners being held?" And what about the steady drumbeat of rumors about conspiracy, cover-ups, photographs, failed rescue missions and mysterious videotapes?

All of this controversy was fueled in the period just prior to the Committee's creation by the February 12, 1991 resignation of Colonel Millard Peck as Director of DIA's Special Office for POW/MIA Affairs. In his letter of resignation, Col. Peck criticized what he called a "mindset to debunk" information that U.S. POWs might be alive and suggested that a "cover-up may be in progress."

Even more dramatic was the identification by family members in mid-1991 of individuals in three photographs that appeared to depict American POWs in Southeast Asia. The photographs generated enormous publicity and sparked demands for an immediate government response.

Interest in the issue was stimulated, as well, by discussions of conditions for establishing normal diplomatic and economic relations between the United States and Vietnam. The U.S. State Department's "Road Map" to normalization required, among other things, full cooperation by Vietnam in resolving last known alive discrepancy cases, implementing a plan to resolve expeditiously live-sighting reports on which the U.S. requests assistance and the rapid repatriation of all recovered and recoverable American remains.

THE COMMITTEE'S MISSION

Obviously, even the fullest possible accounting for U.S. POW/MIAs will leave some questions unanswered. Investigations can uncover information, but not create it. If, for example, neither friend nor foe had certain knowledge at the time about the fate of a pilot lost over water, there is little likelihood that the Committee or any other investigative unit could, at this distance in time, establish that certainty.

But the Committee was not created with the expectation of final, definitive, case-by-case answers. That is a task that may well be beyond mortal power to achieve, and that only the Executive branch has the resources to attempt. Rather, the Committee's job was to investigate the events, policies and knowledge that have

guided U.S. Government POW/MIA related actions over the past 20 years and to do so in order to advance the following goals:

To determine whether there is evidence that American POWs survived Operation Homecoming and, if so, whether there is evidence that some may remain alive in captivity;

To ensure the adequacy of government procedures for following up on live-sighting reports and other POW/MIA related information;

To de-mystify the POW/MIA accounting process so that the families and the public can better understand the meaning behind the numbers and statistics used in discussions of the issue;

To establish an open, comprehensive record, and to provide for the broad declassification of POW/MIA materials in order to enable both the Committee and the public to make informed judgments about questions of policy, process and fact;

To lend added weight to Executive branch efforts to obtain cooperation from foreign governments in Southeast Asia and elsewhere in accounting for missing Americans;

To review the activities of private organizations who participate in fundraising and educational efforts related to the POW/MIA issue; and

To examine, to the extent time and resources permit, unresolved issues pertaining to missing Americans from World War II, Korea and the Cold War.

Demystifying the process

Nothing has done more to fuel suspicion about the government's handling of the POW/MIA issue than the fact that so many documents related to those efforts have remained classified for so long. Rightly or wrongly, the secrecy—especially about live-sighting reports and critical internal reviews of Defense Intelligence Agency procedures—have fed the perception that government officials have something to hide. This perception increased in the months prior to the Committee's creation because of evidence that some Congressional inquiries may have been responded to with inaccurate or incomplete information and because then Congressman Bob Smith and Senator Charles Grassley had enormous difficulty in prior years in gaining DOD permission to review classified POW/MIA related materials.

As a result, the Committee sought from the beginning to work with the Executive Branch to make public all information relevant to the POW/MIA issue, except that related directly to the sources and methods of gathering intelligence. The Committee agreed that "source and methods" must be kept confidential in order to maintain America's ability to gather new information and track leads in the future. The Committee's goal was to "de-mystify" the POW/MIA issue and to lay before the public a complete picture of what the U.S. Government knows. The Committee generally succeeded in this objective. A full description of the efforts made to obtain the declassification and public release of documents is included in chapter entitled "Declassification."

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 22, 1992

#12812

EXECUTIVE ORDER

DECLASSIFICATION AND RELEASE OF MATERIALS
PERTAINING TO PRISONERS OF WAR AND MISSING IN ACTION

WHEREAS, the Senate, by S. Res. 324 of July 2, 1992, has asked that I "expeditiously issue an Executive order requiring all executive branch departments and agencies to declassify and publicly release without compromising United States national security all documents, files, and other materials pertaining to POWs and MIAs;" and

WHEREAS, indiscriminate release of classified material could jeopardize continuing United States Government efforts to achieve the fullest possible accounting of Vietnam-era POWs and MIAs; and

WHEREAS, I have concluded that the public interest would be served by the declassification and public release of materials pertaining to Vietnam-era POWs and MIAs as provided below;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

Section 1. All executive departments and agencies shall expeditiously review all documents, files, and other materials pertaining to American POWs and MIAs lost in Southeast Asia for the purpose of declassification in accordance with the standards and procedures of Executive Order No. 12356.

Sec. 2. All executive departments and agencies shall make publicly available documents, files, and other materials declassified pursuant to section 1, except for those the disclosure of which would constitute a clearly unwarranted invasion of personal privacy of returnees, family members of POWs and MIAs, or other persons, or would impair the deliberative processes of the executive branch.

Sec. 3. This order is not intended to create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

GEORGE BUSH

THE WHITE HOUSE,
July 22, 1992.

#

ENCLOSURE B

FOR OFFICIAL USE ONLY

20626

THE WHITE HOUSE

WASHINGTON

June 10, 1993

PRESIDENTIAL DECISION DIRECTIVE/NSC-8

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE

THE SECRETARY OF TREASURY

THE SECRETARY OF DEFENSE

THE ATTORNEY GENERAL

THE SECRETARY OF VETERANS AFFAIRS

THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND
BUDGET

THE CHIEF OF STAFF TO THE PRESIDENT

THE DIRECTOR OF CENTRAL INTELLIGENCE

THE REPRESENTATIVE OF THE UNITED STATES TO THE
UNITED NATIONS

THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

THE DIRECTOR OF THE UNITED STATES INFORMATION
AGENCY

THE DIRECTOR OF THE NATIONAL SECURITY AGENCY

THE DIRECTOR OF THE DEFENSE INTELLIGENCE AGENCY

SUBJECT: Declassification of POW/MIA Records

In accordance with my Memorial Day Announcement of May 31, 1993, all executive agencies and departments are directed to complete by Veterans Day, November 11, 1993, their review, declassification and release of all relevant documents, files pertaining to American POW's and MIA's missing in Southeast Asia in accordance with Executive Order 12812.

*Bill Clinton*FOR OFFICIAL USE ONLY

JOHN F. KERRY, MASSACHUSETTS,
Chairman
THOMAS A. DASCHLE, SOUTH DAKOTA
HARRY REID, NEVADA
CHARLES S. ROBB, VIRGINIA
J. ROBERT KERREY, NEBRASKA
HERBERT H. KOHL, WISCONSIN

BOB SMITH, NEW HAMPSHIRE,
Vice Chairman
JOHN McCain, ARIZONA
HANK BROWN, COLORADO
CHUCK GRASSLEY, IOWA
NANCY Landon KASSEBAUM, KANSAS
JESSE HELMS, NORTH CAROLINA

FRANCES A. ZWENIG, STAFF DIRECTOR
J. WILLIAM CODINHA, GENERAL COUNSEL

ATTACHMENT D

United States Senate

SELECT COMMITTEE ON POW/MIA AFFAIRS

WASHINGTON, DC 20510-8500

January 7, 1992

Dr. Don Wilson
Archivist of the United States
National Archives and Records Service
Washington DC 20408

Dear Dr. Wilson:

On behalf of the Senate Select Committee on POW/MIA Affairs, we are hereby transmitting to the National Archives, for preservation and safekeeping, approximately 750 boxes of Select Committee records, pursuant to 44 U.S.C. Section 2118 (Supp.III 1985); Senate Rule XI (2); and S. Res. 474, 96th Cong., 2d Sess. (1980).

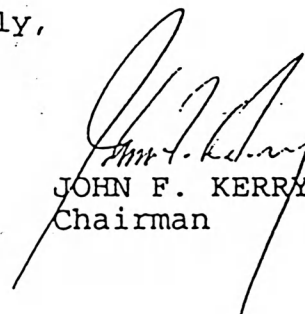
It is our wish that the archives of the Select Committee be made available to the public without restriction as soon as the final processing is completed.

Thank you for your assistance in this matter. We also want to let you know that the staff of the Center for Legislative Archives and the Center for Electronic Records have been of enormous assistance to the staff of this Committee in the organization and transfer of these numerous documents.

Sincerely,



BOB SMITH
Vice Chairman



JOHN F. KERRY
Chairman

JOHN F. KERRY, MASSACHUSETTS,
Chairman
THOMAS A. DASCHLE, SOUTH DAKOTA
HARRY REID, NEVADA
CHARLES S. ROBB, VIRGINIA
J. ROBERT KERREY, NEBRASKA
HERBERT H. KOHL, WISCONSIN

BOB SMITH, NEW HAMPSHIRE,
Vice Chairman
JOHN MCCAIN, ARIZONA
HANK BROWN, COLORADO
CHUCK GRASSLEY, IOWA
NANCY LONDON KASSEBAUM, KANSAS
JESSE HELMS, NORTH CAROLINA

FRANCES A. ZWENIG, STAFF DIRECTOR
J. WILLIAM CODINHA, GENERAL COUNSEL

United States Senate

SELECT COMMITTEE ON POW/MIA AFFAIRS

WASHINGTON, DC 20510-6500

January 27, 1993

Dr. Don Wilson
Archivist of the United States
National Archives and Records Administration
Washington, DC 20408

Dear Dr. Wilson:

On behalf of the Senate Select Committee on POW/MIA Affairs, we are hereby transmitting to the National Archives, for preservation and safekeeping, approximately 275 boxes of Select Committee classified records, pursuant to 44 U.S.C. Section 2118 (Supp. III 1985); Senate Rule XI (2); and S. Res. 474, 96th Cong., 2nd Sess. (1980).

It is our wish that one copy of each classified record be maintained in classified form at the Archives, until the classified copy can be declassified according to established Archives' declassification procedures. At the same time, it was the Committee's intent, consistent with President Bush's Executive Order of July, 1992, to ensure that declassified copies are made of all classified records in the Committee's possession.

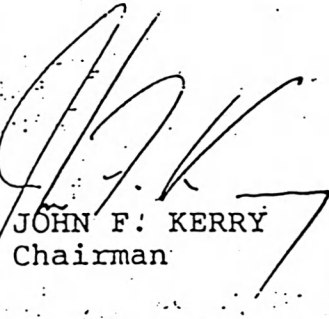
Therefore, we request that any classified records which do not already exist in declassified form be immediately processed for declassification.

According to standard Senate procedures, requests for access to the classified materials shall be directed to the Secretary of the Senate.

Thank you for your assistance.

Sincerely,


BOB SMITH
Vice Chairman


JOHN F. KERRY
Chairman

Chronology

8/2/91 Establishment of Senate Select Committee on POW/MIA Affairs, Chairman Senator John F. Kerry, Vice Chairman Senator Bob Smith (See Attachment A)

1/7/92 Letter from Senator John Kerry to Archivist Don Wilson RE: transmittal of 750 boxes of records of the Senate Select Committee on Pow/MIA Affairs to the National Archives to, "be made available without restrictions as soon as the final processing is completed." (See Attachment D)

7/22/92 George Bush issues E.O. 12812 requiring all executive branch departments and agencies to declassify and publicly release...all documents, files and other materials pertaining to Pows and MIAs. (See Attachment B)

1/1993 NSC received the records of the Senate Select Committee on Pow/MIA Affairs = 286 feet Unclassified (644 boxes) 90 feet Classified (216 boxes/ 208,000 pages) (See Attachment E)

3/12/93 Letter to NARA from Col. John Brown, USAF, Director DoD POW/MIA Central Documentation Office discussing NARA's informal request for assistance in declassifying the records. (See Attachment G)

5/25/93 Kurtz and Weiher letter to Keith Hall, Deputy Assistant Secretary of Defense for Intelligence, RE: Requesting assistance with declassification effort and requesting a meeting. (See Attachment H)

6/10/93 President Clinton issues Directive, "All agencies and departments are to complete by Veteran's Day, 11/11/93 their review, declassification and release of all relevant documents, and files pertaining to American POWs and MIAs missing in South East Asia in accordance with E.O. 12812. (See Attachment C)

6/1993 Center for Legislative Archives begins scanning transcripts of depositions in order to make them more accessible to researchers.

6/24/93 Archives staff to Pentagon for meeting with DoD staff regarding assistance on declassification of Committee records.

12/1993 Letter from William McDonald, Director FOIA Review Office, DoD RE: the 7 Documents NND sent for mandatory review are declassified and available on the Library of Congress microfilm. (See Attachment I)

3/11/94 NARA Director of Records Declassification meets with William McDonald of OASD FOIA office and Colonel Brown concerning difficulty of using microfilm to declassify Committee records.

3/24/1994 NARA wrote a letter to Senator John Kerry RE: Updating

him on the Center's efforts to declassify the records and the unresponsiveness of DoD.

3/25/1994 Karen Paul, Archivist of the United States Senate is briefed on the problems of declassification of the committee files.

4/28/1994 NARA sponsors joint meeting. In attendance are representatives from :Department of State, DoD, CIA, NSA, NSC, NARA reps from NN, NSC. Agreement to begin sending records out equity agencies for systematic review. (See Attachment J)

6/1994 Center for Legislative Archives begins photocopying for systematic review.

7/1994 Acting Archivist instructs Records Declassification Division and Center for Legislative Archives to make declassification of depositions priority (93 depositions)

1/5/95 Letter from General Wold, Deputy Assistant Secretary of Defense, to NS RE: DPMO understaffed and able to handle declassification requests only under provisions for Mandatory review, not systematic review. (See Attachment K)

1/27/95 Reply Letter from the Assistant Archivist for Special and Regional Archives (Mosley) to General Wold (See Attachment L)

2/15/95 teleconference between affected NARA staff. Agreement to proceed with Systematic Review.

2/21/95 - 3/22/95 Center for Legislative Archives informally details one archivist and one technician to Records Declassification Division to assist with the processing for systematic review.

8/95 Letter from Michael Kurtz, Assistant Archivist for the National Archives, to General Wold requesting assistance in reaching a resolution to the problem of declassification of Committee records. (See Attachment M)

In addition, there have been numerous telephone calls and impromptu meetings focusing exclusively on the declassification of these records. This chronology does not include the numerous times Roger Hall has appeared unannounced in the NND, NSC, NN, NS and N offices.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-3040

March 12, 1993

COMMAND, CONTROL,
COMMUNICATIONS
AND INTELLIGENCE

U-070/DoD POW/MIA CDO

Ms. Jeanne Schauble
National Archives/NNDA
7th and Pennsylvania
Washington DC 20408

Dear Ms. Schauble,

We have reviewed the index of material submitted to you by the Chairman of the Senate Select Committee on POW/MIA Affairs. This index references a wide variety of subject matter from DoD as well as non-DoD sources. This letter addresses each of the major categories of information and its declassification status.

At the outset, it is our assessment that not all the materials you have received from the Senate Select Committee are required to be declassified. The Department of Defense is working to accomplish declassification review for public release pursuant to both the "McCain Bill" (National Defense Authorization Act for 1991 and 1992, Section 1082) at Enclosure A and Executive Order 12812 at Enclosure B. The "McCain Bill" places some specific restrictions on public release of materials pertaining to named individuals who are still unaccounted for.

The DoD POW/MIA Central Documentation Office (CDO) is presently declassifying Vietnam-related "source" files. These files contain first-hand live sighting reports, hearsay sighting reports, crash and gravesite reports, and dogtag reports. The files contain single as well as multiple reports. Some files may have a single reference number while others may possess two to four numbers based on the number and variety of reports in the file. Dogtag report files are unique in that 92% of the reports relate to servicemembers who returned to the United States upon the normal termination of their Vietnam tours. Five percent correspond to U.S. remains that have been recovered, identified, and have been interred in the United States. Only the remaining three percent apply to U.S. servicemembers who remain unaccounted for. Under the provisions of the "McCain" Bill, only these three percent of dogtag reports will be declassified and publicly released.

All source files that have been declassified and provided to the Library of Congress are highlighted in yellow; approximately 89% of the 13,711 source files have been declassified. We expect the remainder will be declassified by September 30, 1993.

The "McCain Bill" requires that Vietnam-era records which provide information on location, treatment, or condition of the 2,266 unaccounted for servicemembers will be declassified, with some restrictions. These "casualty" files will be declassified only if consent to release the declassified file is granted in writing by the Primary Next of Kin (PNOK). As of March 10, 1993, CDO has received 1,184 affirmative responses granting consent to release; 218 negative responses denying permission; 73 contingency responses where ultimate decision is based on a review of the declassified file prior to granting or denying consent, and no response from 791 PNOK. CDO has declassified 354 casualty files; all files for which consent to release has been granted in writing by the PNOK will be declassified and provided to the Library of Congress by September 30, 1993.

Based on these "McCain Bill" declassification requirements, the following markings have been placed on the index provided by the Senate Select Committee to the National Archives:

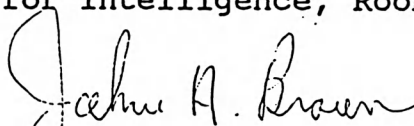
- Y = Yes; PNOK granted permission for public release. These files have or will be declassified.
- N = No; PNOK denied permission for release. Includes files on personnel whose remains have been returned to U.S. control or the individual escaped from captivity. These files will not be declassified.
- NR = No Response; A reply to DoD correspondence requesting PNOK consent to release has not been received to date.
- C = Contingency; PNOK has requested to review the declassified casualty file prior to granting or denying consent to release. These will ultimately become a "Yes" or a "No" and will be processed accordingly.

All casualty files that have been declassified (Y) and (C) are highlighted in yellow. However, declassified contingency files will not be released unless an affirmative response is provided by the PNOK.

We have also provided for your reference our list of deposition transcripts and transcript abstracts at Enclosures C and D which have been declassified previously and provided to the Senate Select Committee.

Regarding the material in the index which remains to be declassified, it appears to be of mixed origin, including the State Department, Central Intelligence Agency, National Security Agency, and perhaps others. Our count of the pages to be declassified, over and above the source and casualty files which we have and are declassifying, is over 51,000 pages. We may have declassified some of this material in connection with our support

to the Senate Select Committee last year. But an assessment of how much, if any, material has already been declassified will not be possible until we examine the material. We conservatively estimate that declassification of this material will require two to four months. This additional workload will extend the life of the CDO past the anticipated closure date of September 30, 1993. Therefore, as I indicated in our discussion of March 3, please submit your request for CDO assistance to Mr. Keith Hall, Deputy Assistant Secretary of Defense for Intelligence, Room 3C200, The Pentagon, Washington DC 20030.



JOHN A. BROWN, Colonel, USAF
Director, DoD POW/MIA Central
Documentation Office

Enclosures a/s

cc:

DASD/I
Director, Defense Intelligence Agency

National Archives



Craig Wilson

ATTACHMENT H

NN'D

Washington, DC 20408

MAY 3 1988

Mr. Keith Hall
Deputy Assistant Secretary of Defense
for Intelligence
Room 3C200
The Pentagon
Washington, D.C. 20030

Dear Mr. Hall:

The National Archives has recently received the records of the Senate Select Committee on POW/MIA Affairs, also known as the Kerry Committee. In transmitting the records to the Archives the Committee expressed their desire to have the security classified portion of the records "immediately processed for declassification." Given the Committee's concern as well as the intense public interest in this matter, the National Archives is making every effort to respond promptly to the Committee's request and will be keeping Senator Kerry apprised of our progress. I am writing to request your assistance in accomplishing the declassification and release of these records. For your information I enclose a copy of the Committee's letter to the former Archivist of the United States.

To date the Committee has transferred 141 boxes amounting to approximately 117,000 pages of security classified records. I understand that there may be up to 120 more still being prepared for transfer by the Office of Senate Security. The records include documents supplied to the Committee by a number of different agencies, but the overwhelming majority of the documents are of DoD origination or interest. They include JCRC sighting reports, casualty files, depositions, histories and chronologies, and correspondence and reports to the Committee. The Archives has already received a number of requests for access to the records.

The Director of the Archives' Records Declassification Division has met with Col. John Brown of the Central Documentation Office (CDO) to discuss these records and we understand that the CDO has reviewed and released or will review many of the files included in the Kerry Committee records (see Col. Brown's letter to Jeanne Schauble, a copy of which is enclosed). Unfortunately, most if not all, of these records have been released in redacted form. Even though Col. Brown has been kind enough to review the list of records received and indicate which have been reviewed by his staff, the National Archives cannot

release those files because we do not know what information has been redacted. Col. Brown has identified other files among the records that his staff does not plan to review and release.

Col. Brown has suggested that the Committee's wishes will have been fulfilled, at least with regard to the records reviewed by his staff, because the redacted documents will be available at the Library of Congress. The National Archives cannot elect not to process the Kerry Committee files for declassification based on that argument. Aside from the explicit intent of the Committee to make the records available, expressed both in their letter to the Archivist and in the Committee report, researchers, family members and journalists will demand access to the Committee records. If they cannot have access to records that have been systematically reviewed, they will seek access through mandatory review requests. This is a most inefficient way to undertake the declassification of what is sure to be a heavily requested body of material. Not only will it add an extra burden to the already heavy workload of the Archives' and DoD's mandatory review staffs, but if these requests are processed through the regular mandatory review channels instead of the CDO, there is the risk that different determinations will be made about what information can be released. Therefore, I request that the Central Documentation Office be tasked to review the Committee records for declassification and release.

The National Archives has a responsibility to both the Congress and the American public to make these records available as quickly as possible. We cannot do this without assistance from the Department of Defense. We would like to meet with you to discuss the ways in which we can work together to make these records available in the most efficient way possible. We will call you to arrange a time. Please contact us at 202-501-5300 or 202-501-5510 if you have any questions.

Sincerely,


MICHAEL J. KURTZ
Acting Assistant Archivist
for the National Archives


CLAUDINE J. WEIHER
Assistant Archivist
for Special and Regional
Archives

Enclosures



PUBLIC AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-1400

6 DEC 1993

Ref: 93-M-0478/L

Ms. Jeanne Schauble
Director, Records Declassification Division
National Archives and Records Administration
7th and Pennsylvania Ave., NW
Washington, DC 20408

Dear Ms Schauble:

This responds to your letter of November 16, 1993, which forwarded seven documents, separated into the following groups by page number: 1-75, 76-317, 318-342, 353-670, 711-734, 737-946, and 947-954, for mandatory declassification review. The records were requested by Roger Hall and are being processed under your Project Number NND 942005.

It has been determined that the documents have been reviewed and declassified, or sanitized, for public release. The documents are available to the public at the Library of Congress.

Sincerely,

A handwritten signature in cursive script, likely belonging to W. M. McDonald, is positioned above the typed name.

W. M. McDonald
Director
Freedom of Information
and Security Review

Enclosure:
NARA Ltr, November 16, 1993

National Archives



ATTACHMENT J

Washington, DC 20408

Mr. Ike Izengerg
Department of State.
2201 C Street NW.
Washington, DC 20520

Dear Mr. Izengerg:

I want to thank you for taking time out of your very busy schedule to meet with members of the National Archives staff on Friday, April 28th. We think we made significant progress in our efforts to arrange for the declassification of the records of the Senate Select Committee to Investigate POW/MIA Affairs. I have outlined below the points upon which we reached a consensus:

- * National Archives staff will make every effort to determine a document's agency of origin prior to sending it out for review.
- * The Department of Defense will begin the systematic review of DoD generated documents in the records of the Senate Select Committee to Investigate POW/MIA Affairs. National Archives Records Declassification staff will forward DoD documents to DoD.
- * When NARA staff receive a researcher's request for the Mandatory Review of classified records, the researcher's request will enter the queue ahead of the records awaiting systematic review.
- * State and NSC also agreed to systematically review their agencies' documents that are found in the records of the Senate Select Committee to Investigate POW/MIA Affairs. NARA Records Declassification staff will transmit these documents to the appropriate agency.
- * NARA and the represented agencies will closely coordinate this review process. We will alert each other upon learning of additional concerns from members of Congress or the external constituencies.

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We look forward to working with you. These are important documents and we all share a sense of urgency in responding to any reasonable request for access to the records.

Sincerely,

RAYMOND A. MOSLEY
Assistant Archivist
Office of Special and Regional Archives

Enclosure

INTERNATIONAL
SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400

5 JAN 1995

In reply refer to:
I-94/50735

Mr. Raymond Moseley
Assistant Archivist for Special and Regional Archives
National Archives, 7th and Pennsylvania
Washington, DC 20408

Dear Mr. Moseley,

Thank you for your letter of December 7, 1994 regarding
DPMO support to the National Archives.

I noted with interest your reference to declassification
of depositions taken by the Committee as being equal to
approximately 20% of the Committee file declassification
task. During December 1994 alone, DPMO declassified 26
depositions and other documents in direct support of the
Archives. Each deposition declassification task serves
two purposes: it responds to an Archives Mandatory
Declassification Review (MDR) requirement and it
declassifies a Senate Select Committee document.
Freedom of Information Action (FOIA) and MDR requests for
our Declassification Division have more than doubled in
recent months. Many of these requests are Roger Hall-
generated MDRs forwarded from the Archives to the Department
of Defense for action.

My original intent was to provide declassification
assistance to the National Archives as soon as my
Declassification Division was fully manned. This Division
is authorized five personnel and presently has only three
fully-qualified personnel in place. A vacancy notice will
be published later this month. Even when fully manned,
however, this small division may be unable to keep up with
our FOIA and MDR workload if it continues to increase.
Regrettably, until the division is fully manned, DPMO will
only be able to support the National Archives with timely
declassification of Committee documents through established
MDR procedures.

Sincerely,

James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)



*This out 1/27/95*

Washington, DC 20408

General James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)
2400 Defense
Pentagon
Washington, DC 20301-2400

Dear General Wold:

Thank you for your letter of January 5, 1995 (I-94/50735) regarding DPMO support to the National Archives.

It is true that many of the declassification actions our office has forwarded to DPMO have originated from Roger Hall. He works directly for some of the families, and has worked with the records of the Senate Select Committee on POW/MIA Affairs for over a year now. We appreciate DPMO's timely handling of these requests.

Unfortunately, the National Archives is unable to declassify the still classified portion of the Senate Select Committee's records. We continue to face extreme pressure from our constituency to comply with E.O. 12812 of July 22, 1992, and the Presidential Decision Directive NSC of June 10, 1993. Our problem comes down to one issue: we do not have declassification authority for these records. Although DPMO has been helpful to us, our joint effort has been only partially successful. We have therefore determined that we have no choice but to begin sending copies of the remaining classified records with DOD equity to DPMO for declassification.

The classified records comprise approximately 216 archives boxes. We will be sending them to you in batches of ten every two weeks, beginning Monday, January 30th.

Sincerely,

RAYMOND A. MOSLEY
Assistant Archivist
for Special and Regional Archives
(202) 501-5504

CC: Official file - NSC
Reading file - NSC
Day file - NS

DDimkoff/plw 501-5350 1/26/95
File code: 1421-2

NSC _____

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

General James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)
2400 Defense Pentagon
Washington, DC 20301-2400

Dear General Wold:

It has recently come to our attention that Sen. Rod Grams of Minnesota is considering holding a Congressional inquiry into the delay in release of the records of the Select Committee on POW/MIA's (the Kerry Committee).

As you know these records are of considerable interest to researchers. We have processed numerous mandatory review requests for Roger Hall, who is apparently representing some of the POW/MIA families. We have recently received requests from Mr. Hall for the first 140 boxes (approximately 117,000 pages) of the classified portion of the records. We expect that he will eventually file a request for the remaining 76 boxes.

We have several times requested assistance from DPMO in reviewing these records systematically. DPMO has referred us to the microfilm produced by the Library of Congress. We understand that DPMO does not want to repeat work that may already have been done. However, we find that it is impossible to use the LC microfilm in any systematic attempt to declassify the Kerry Committee records. Not only is it very difficult and time consuming to locate any individual document, we frequently find the same document has been sanitized in different ways. In addition, there are files that DPMO has not reviewed for declassification which therefore do not appear on the microfilm.

Because of DPMO's unwillingness to send reviewers to the Archives, we began to systematically copy and send the records to your office for review. After we had sent the first several boxes, we received a phone call from Linda Kenyon, a staff member in the OASD FOIA office who had once been on the staff of the Central Documentation Office, predecessor to DPMO. She said that she had been told by Ed Sprague of DPMO that the excisions in the documents sent to the Committee were the same as the excisions in the documents released to the public except for the removal of classification markings. It had been our previous understanding that there were further excisions needed before the documents could be declassified.

If the documents must be reviewed for further excisions, we must come to some more efficient arrangement for accomplishing the

review. The quickest, most efficient course of action would be to send reviewers to the Archives to look at the files in place. On the other hand, we can declassify the majority of the Kerry Committee records without referral to DPMO if you can confirm that those documents excised for release to the committee can be released to the public on removal of the classification markings.

It is to the benefit of both agencies to come to an agreement on how to finish this review quickly. We must be able to satisfy any possible Congressional inquiry that we are taking appropriate steps to make these records available. As you may be aware, the Archivist of the United States has appointed me to represent him on the POW/MIA Commission. Perhaps we can discuss this issue at the Commission meeting on August 24. In any event, a definitive answer is required.

Sincerely,

MICHAEL J. KURTZ
Assistant Archivist
for the National Archives