AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. Hrg. 108–591

NOMINATION OF ALLEN WEINSTEIN

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON THE

NOMINATION OF ALLEN WEINSTEIN, OF MARYLAND, TO BE ARCHIVIST OF THE UNITED STATES, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

JULY 22, 2004

Printed for the use of the Committee on Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE

95–504 PDF WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENTAL AFFAIRS

SUSAN M. COLLINS, Maine, *Chairman*

TED STEVENS, Alaska
GEORGE V. VOINOVICH, Ohio
NORM COLEMAN, Minnesota
ARLEN SPECTER, Pennsylvania
ROBERT F. BENNETT, Utah
PETER G. FITZGERALD, Illinois
JOHN E. SUNUNU, New Hampshire
RICHARD C. SHELBY, Alabama

JOSEPH I. LIEBERMAN, Connecticut
CARL LEVIN, Michigan
DANIEL K. AKAKA, Hawaii
RICHARD J. DURBIN, Illinois
THOMAS R. CARPER, Delaware
MARK DAYTON, Minnesota
FRANK LAUTENBERG, New Jersey
MARK PRYOR, Arkansas

MICHAEL D. BOPP, *Staff Director and Chief Counsel*
JOHANNA L. HARDY, *Senior Counsel*
JOYCE A. RECHTSCHAFFEN, *Minority Staff Director and Counsel*
JENNIFER E. HAMILTON, *Minority Research Assistant*
AMY B. NEWHOUSE, *Chief Clerk*

CONTENTS

	Page
Opening statements:	
Senator Collins	1
Senator Lieberman	4
Senator Shelby	6
Senator Durbin	7
Senator Levin	7
Prepared statement:	
Senator Lautenberg	25

WITNESSES

THURSDAY, JULY 22, 2004

Hon. Richard Lugar, a U.S. Senator from the State of Indiana	3
Allen Weinstein, to be Archivist of the United States, National Archives and Records Administration	9

ALPHABETICAL LIST OF WITNESSES

Lugar, Hon. Richard:	
Testimony	3
Weinstein, Allen:	
Testimony	9
Prepared Statement	26
Biographical and professional information requested of nominees	32
Pre-hearing questionnaire for the Record	44
Responses to pre-hearing questionnaire for the Record	53
Post-hearing questions from Senators	123

APPENDIX

Additional letters and prepared statements submitted for the Record	
Letter from Senator Levin to Mr. Carlin, dated July 21, 2004	130
Letter to Senator Levin from Mr. Carlin, dated July 22, 2004	131
Letter to the President from Mr. Carlin, dated December 19, 2003	132
Letter to Senator Collins from Senator Hutchison, dated May 12, 2004	133
Letter to Senators Collins and Lieberman from Juanita M. Skillman, CRM, FAI, Chairman, ARMA International, dated April 27, 2004	134
ARMA International, prepared statement	137
Society of American Archivists, prepared statement with an attachment	143
National Coalition for History, prepared statement with attachments	148
Letters to Senator Collins from:	
Sharon Babaian, President, National Council on Public History, dated July 16, 2004	155
Barbara B. Kennelly, President and CEO, National Committee to Preserve Social Security and Medicare, dated April 27, 2004	157
James S. Henderson, Director, Maine State Archives, dated May 13, 2004	158
Timothy J. Naftali, Associate Professor, Miller Center of Public Affairs, University of Virginia, dated May 4, 2004	160
Heather Gallegos-Rex, President, New Mexico Library Association, dated May 6, 2004	162
Elspeth Davies Rostow, Stiles Professor Emerita, Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, dated May 6, 2004	163

Page

Letters to Senator Collins from—Continued
Thomas F. Eagleton, Thompson Coburn LLP, St. Louis, Missouri, dated May 14, 2004 164
Daraka S. Cook, President, Maryland Library Association, dated June 9, 2004 166
Robert L. Livingston, The Ivingston Group, LLC, dated April 13, 2004 168
Susanne Hoeber Rudolph, President, American Political Science Association, and Michael A. Genovese, President, Presidency Research Group, a section of the American Political Science Association, dated July 26, 2004 170

NOMINATION OF ALLEN WEINSTEIN

THURSDAY, JULY 22, 2004

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 3:30 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Susan M. Collins, Chairman of the Committee, presiding.

Present: Senators Collins, Shelby, Lieberman, Levin, and Durbin.

OPENING STATEMENT OF CHAIRMAN COLLINS

Chairman COLLINS. The Committee will come to order.

This afternoon, the Committee on Governmental Affairs is holding a hearing to consider the nomination of Allen Weinstein to be the Archivist of the United States.

As anyone who loves history knows, the Archivist holds an important and challenging position. As head of the National Archives and Records Administration, the Archivist is responsible for maintaining the historical documents of our country and for ensuring that those and other government records are preserved for the public. Currently, the National Archives holds an astounding 6 billion pieces of paper, 18 million aerial photographs, 11 million still pictures, 3 million architectural and engineering plans, 2 million maps and charts, and hundreds of thousands of motion pictures and audio and video recordings.

The Archivist provides guidance and assistance to Federal officials on the management of records to determine their retention and disposition. He must decide where to place those records with sufficient value to warrant their continued preservation. Not surprisingly, the National Archives is running out of storage space. However, space is one of only many challenges facing the National Archives.

While rapidly advancing information technology has been a boon for business and government alike, it has created a particularly difficult problem for the Archivist. Ensuring that electronic documents created using today's software and computer programs will be accessible 50 or 100 years from now creates novel technological and archival issues. The current Archivist, Governor John Carlin, has been working on this problem for several years and the National Archives will soon begin the design competition phase for its electronic record archives. Whoever replaces him must continue to make this significant project a high priority.

The Archivist is also responsible for making grants to non-Federal institutions to support historical documentation through the

National Historical Publications and Records Commission. In Maine, for example, 23 museums, libraries, colleges, State and local agencies have received more than $1 million in grants to improve the preservation of, and access to, their historic records. It is vitally important to such institutions throughout the Nation that the Archivist ensure that this program is adequately funded.

The Archivist must also be able to work with key stakeholders. Other archivists, historians, records managers, and ordinary citizens all rely upon the National Archivist. During our review of this important nomination, the Committee has received a significant amount of input from organizations such as the National Coalition for History, ARMA International, and others including officials from the State of Maine Archives. The Committee staff has met with and consulted extensively with various groups and individuals and I continue to welcome their insights and advice.

Many stakeholders expect the Archivist to be the advocate for open access to government records. At times, this role can prove to be difficult. The Archivist must understand the concerns of the public, of historians and other stakeholders and be committed to working to improve public access. The Archivist must believe in and adhere to the core mission of the National Archives which is to ensure "for the citizens and the public servant, for the President and for the Congress and for the courts, ready access to essential evidence."

The National Archives is a public trust that documents our national experience and the activities of our government. Its mission is critical to a free and open society because it allows us another means of evaluating the actions of our government. For these reasons, it is important that the Archivist not only have the skills needed to manage the National Archives but also possess a knowledge of relevant issues such as records management, and demonstrate a commitment to the core mission of the agency.

As a professor, scholar, and author, Professor Weinstein has a multidimensional perspective on the importance of the mission of the National Archives. In addition, his work with organizations such as the Center for Democracy, and the International Foundation for Election Systems demonstrates his capacity to manage and address complex issues.

I look forward to hearing the professor's views on the many issues that he would face if he is confirmed. I note that he is accompanied today by one of our most distinguished members who is going to introduce him. I will now turn to Senator Lugar, for whom I have such great respect, in a moment. But first, I would be happy to turn to the Ranking Member of the Committee, Senator Lieberman, who managed to arrive just in time not to hear any of my eloquent opening statement.

Senator LIEBERMAN. I was receiving the vibrations as I walked over here. I am going to hold and I am happy to yield to our respected and dear colleague, Senator Lugar.

Chairman COLLINS. Senator Lugar, I will call on you and then we will resume opening statements by the Committee Members. I know that Senator Shelby is also a friend of Professor Weinstein and is eager to make comments as well.

Senator Lugar.

TESTIMONY OF HON. RICHARD LUGAR, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator LUGAR. Thank you very much, Madam Chairman and Members of the Committee. I appreciate this opportunity. I want to testify on behalf of my friend Allen Weinstein from a perspective of fairly recent history, that is within the last two decades.

I first met Professor Weinstein when he was a professor at Boston University, but had just become the head of the Center for Democracy in about 1985. That was a big year for me. That was my first year as chairman of the Foreign Relations Committee. We were already hearing from young people in the State Department, among them Rich Armitage and Paul Wolfowitz, other familiar names who are still on the scene, that there were problems in terms of our relationship with President Marcos.

Those developed further throughout the year and when I was in Guatemala observing the election at the behest of President Reagan I got word that on television in the United States, President Marcos was calling a snap election in the Philippines. But it was a challenge to our country, and he said, in essence, and he heard a lot of criticism, but now it was put up or shut up. He was going to win and win big. And he invited us to come over and observe this.

Now the problem of observation was a technical one. Before falling into this, Secretary Shultz suggested to me—and the thought was that I would head another delegation to observe this election—we had better find out where our footing was. So for this I called on my good friend Professor Weinstein.

He did some reconnaissance of the Philippines election situation which led us to ask some probing questions of the embassy back here. Namely, how close to the polls could we get? Who could we interview? As a matter of fact, what were the rules of the game in terms of the election laws? And what kind of security would our delegates have? Because the President intended to name 30 people from business, from politics. Senator Kerry and Senator Cochran were both parts of that delegation and are still in the Senate, and Jack Murtha from Pennsylvania was a part of that situation.

So we asked Allen and his group to find out for us, and they asked the right questions so we asked the right questions. In essence, we established a presence, we observed the election. It was covered by enormous fraud and abuse, which we reported before leaving the Philippines fairly abruptly thereafter, and came directly back to report to the President, who at first was very skeptical and said he saw fraud and abuse on both sides.

But without relating all the problems, by Saturday the President decided the fraud and abuse was principally on one side and instructed his friend, Senator Paul Laxalt to give the famous words, "cut and cut clean," to Ferdinand Marcos up in room S–407 as we all observed this.

Now at that point we asked Allen Weinstein to go back to the Philippines for a very important scholarly reconnaissance to find out exactly what were the voting totals, what had occurred in all the precincts, and which anecdotally, the people had turned over the wagons literally and come up with scores of 400 to zero, or what have you. So that there was not a very good historical record

of physically what had occurred in that race as well as other races on that day. He performed in an exemplary fashion, as you might imagine.

This is all a part of history, and on the basis of this President Reagan changed our foreign policy by saying that we will no longer make a distinction between totalitarians on the left and authoritarians on the right. Both are enemies of democracy, and we will oppose both. That was a very significant change for President Reagan and it came really out of this experience, and out of the documentation. Not just a single observation, but a scholarly effort of published work.

Allen helped me make certain all the recollections I have in my book, "Letters to the Next President," on the Philippines election were right as we both understood it. So in a contemporary way we recorded that part of American history.

Subsequently, I continued to serve on Allen's board until it was in fact merged into IFES, as you have suggested, Madam Chairman, and the board meetings were always stimulating. They always brought in Members of Congress, and the academic community. A good number of legislatures in Latin America and elsewhere have their genesis from the beginnings of the Center for Democracy, and the instructions, the materials, as well as judicial conferences that Allen Weinstein sponsored with the center here in this country as well as elsewhere each year.

So for all these reasons, you can understand the depth of my regard and my friendship for this remarkable American. I am most hopeful the Committee will give him very favorable consideration.

Chairman COLLINS. Thank you very much, Senator Lugar, for being here. Your recommendation means a great deal to this Committee. I know your schedule is very busy so I am sure that the members would join me in excusing you from listening to their eloquent opening statements as well.

Senator LUGAR. Thank you very much.

Chairman COLLINS. Thank you. Senator Lieberman.

OPENING STATEMENT OF SENATOR LIEBERMAN

Senator LIEBERMAN. Thank you, Madam Chairman, both for the introduction and that adjective eloquent. I am going to ask that my full statement be put in the record and welcome Dr. Weinstein.

Nine years ago when this Committee considered the nomination of then-Governor Carlin to be Archivist the nomination attracted what was to me at the time a surprising amount of interest and controversy. Today we are considering the nomination of Dr. Allen Weinstein for the same position, and again there is some interest and some controversy.

This is actually a week in which the Archives have probably received more attention, thanks to Sandy Berger, than they have in a long time. So the limelight is unexpectedly on this usually quiet and non-controversial agency of our government. The position of Archivist is anything but ordinary, although it is usually not in the limelight. Senator Glenn, our former chairman and friend once said, and maybe said it best, "that the Archivist is the guardian of our heritage," our national heritage, because the Archivist ensures

the Nation's historical records are kept safe, never altered, and certainly not illegally destroyed.

The Archives are now in the midst of a great transition. Along with all Federal agencies, National Archives and Records Administration must manage a rapidly increasing volume of electronic records. The Archives not only must preserve raw data, they must ensure that the best methods for reading and recalling that data are preserved as well, so that not just next year or in 10 years, but forever the American people will have access to their heritage.

The next Archivist will also have to deal with the sensitive issues surrounding Executive Order 13233 issued by President Bush in November 2001 regarding release of presidential documents. As you know, Dr. Weinstein, the order has drawn some criticism on the basis that it undermines the Presidential Records Act and, among other things, diminishes, some would say takes the Archivist out of the process of deciding what documents should be released, and gives the former or sitting Presidents very large sway and time to review requests for the release of those documents. I hope that is a subject that we can talk about today.

But I welcome Dr. Weinstein, an accomplished historian, which incidentally is a profession several past Archivists have shared and it certainly seems to prepare you for this position. An author, a teacher, leader of a private non-profit organization that helped emerging democracies around the world foster open government. And in the spirit of full disclosure I should add, I was privileged to be a member of the board of that organization for some time. So I welcome you. I thank you for your willingness to serve, and I look forward to your testimony today.

[The prepared statement of Senator Lieberman follows:]

PREPARED OPENING STATEMENT OF SENATOR LIEBERMAN

Thank you Madam Chairman, and welcome Dr. Weinstein. We appreciate your being with us today.

Nine years ago, when this Committee considered the nomination of then-Governor Carlin to be Archivist, the nomination attracted a significant amount of interest and some controversy. Today we are considering the nomination of Allen Weinstein for the same position, and again there is significant interest and some controversy. This surprises people who consider the Archivist's job to be an ordinary one, far removed from the limelight and the daily tug of current events.

But the position of Archivist of the United States is anything but ordinary. The Archivist safeguards the very nature of democratic government. He works with the President, the Congress, the courts, and all the Federal agencies to determine what government records should be saved, who controls those records, how government can preserve them for historical purposes, and how and when the public should gain access to them. The Archivist, then, is our national record keeper. His is a public trust.

Both government and the public depend on the National Archives for a wide range of information. The National Archives preserves the records citizens rely on to trace their families' history. It also maintains the records historians use to evaluate the government and the people who serve within it. From those records we judge our predecessors, just as succeeding generations will judge us.

Former Senator Glenn may have said it best when he noted that "the Archivist is the guardian of our heritage." He ensures this nation's historical records are kept safe, never altered or illegally destroyed.

The National Archives, however, is, in many ways, on the cusp of a monumental transition, and the next Archivist must be prepared to lead the agency through this transformation. Just as all Federal agencies do, the National Archives and Records Administration (NARA) must manage a rapidly increasing volume of electronic records. E-mails, electronic documents, and World Wide Web site pages all present

special archival challenges because the technologies behind them are constantly changing. The Archives not only must preserve raw data, it must ensure the best methods for reading and recalling that data are preserved as well, so that 10, 20, or 100 years into the future, American citizens will still have access to their heritage.

The Archivist must also be prepared to face some of the same management challenges other Federal agencies are confronting. He must be able to lead a large and diverse workforce into the 21st Century. He must also cope with the retirement of experienced personnel and be able to recruit and retain new employees with the appropriate training.

The next Archivist will also have to wade into the sensitive issues surrounding Executive Order 13233, issued by President Bush in November 2001, regarding release of presidential documents. the order has drawn criticism for undermining the Presidential Records Act, which provides for the public release of presidential records. The Executive Order, among other things, essentially takes the Archivist out of the process of deciding what documents should be released, gives the former and sitting President potentially unlimited time to review requests, and shifts the legal burden of challenging decisions to withhold documents to the requestor of the documents. This is a subject I am sure we'll spend some time discussing this afternoon.

Allen Weinstein is not an archivist by trade. He is an historian, an honorable, indeed significant profession several past Archivists have shared. He is an author and teacher, and was the leader of a private non-profit organization that helped emerging democracies around the world foster open government. Concerns have been raised, as you know, in connection with Dr. Weinstein's historical pursuits.

Some have complained that the previous Archivist, John Carlin, was pressured to resign or that Allen Weinstein was an opponent of open access because he kept some of his own records and files closed. The Committee has explored these issues and will continue to debate them today.

Again, I welcome Dr. Weinstein, and look forward to his testimony before this Committee as we consider his nomination and the interesting, sometimes controversial issues confronting the National Archives and the "guardian of our heritage," as we enter the 21st Century.

Chairman COLLINS. Thank you. Senator Shelby.

OPENING STATEMENT OF SENATOR SHELBY

Senator SHELBY. Madam Chairman, I want to thank you for holding this hearing today to consider the nomination of Dr. Allen Weinstein to be the Archivist of the United States. Dr. Weinstein, as you probably know, is a noted historian, respected educator, renowned author and founder, president and the CEO of the Center for Democracy. Dr. Weinstein has had an outstanding career and a demonstrated record of service in non-partisan and bipartisan organizations over the past two decades. Throughout his career he has conducted a significant amount of scholarly research and published a number of works that brought him in direct contact with vast amounts of historic documents and information.

Throughout his years, Madam Chairman, whether as a writer or as an educator, Dr. Weinstein's reliance on historical documents has bolstered his understanding of the importance of maintaining the most accurate, accessible and thorough historical records in order to connect citizens to their government. I believe that Dr. Weinstein will serve our Nation honorably and with the utmost respect for materials that he will be responsible for safeguarding. These materials are precious and irreplaceable national treasures and it is imperative they be preserved and protected.

I thank you again for holding this hearing. I look forward to supporting this nomination. I think it is a great nomination.

Chairman COLLINS. Thank you. Senator Durbin.

OPENING STATEMENT OF SENATOR DURBIN

Senator DURBIN. Thank you, Madam Chairman, and welcome, Dr. Weinstein, to the Committee. I have to agree with Senator Lieberman, rarely is there this much intrigue in a nomination, particularly for someone to the Archives. Having had a chance to sit down and speak with you, I have no question in my mind that you are thoroughly qualified to fill the chair of Archivist. The question in the minds of many of us is whether that chair is empty. And if it is empty, why is it empty? What decision was made and who made it to tell Governor Carlin it was time to go?

I suppose you may know nothing about that and perhaps questions in this Committee will raise that issue. But it is an unusual circumstance and I do not know, God forbid, that politics may be involved in it. But it does not take away from the fact that you bring extraordinary qualifications. So I am looking forward to the questions and your responses.

Thank you, Madam Chairman.

Chairman COLLINS. Thank you. Senator Levin.

OPENING STATEMENT OF SENATOR LEVIN

Senator LEVIN. Madam Chairman, thank you very much. Let me join you and the other Members of our Committee in greeting Mr. Weinstein here and welcoming him.

As has been stated by you, Madam Chairman, and other Members of the Committee, and Senator Lieberman, the National Archives are a national treasure, a repository of critical information illuminating the Nation's development, our understanding of our history, and our view of ourselves. The Archives merit our full attention and protection. They were created 20 years ago by the National Archives and Records Administration Act of 1984. The report issued by this Committee at the time said that if the decisions made at the Archives were made "arbitrarily or motivated by political rather than professional considerations, the historical record could be impoverished, even distorted." The report explained that the law established the Archives as an independent agency in order to "provide the best insurance that archival and records management decisions would be made on a professional basis unaffected by political considerations or other extraneous factors."

Just as decisions at the National Archives must be based on professional, non-political considerations, it is critically important that the process of selecting a new Archivist follow the same path. Some of the events leading up to the proposed replacement for the current Archivist trouble me deeply. The nominee, Dr. Weinstein, stated in written answers to questions sent him by the Committee that he first met with the White House about his possible nomination on September 23, 2003. He stated that he was then asked by the Office of Presidential Personnel to fill out certain forms required for the nomination process during late November and early December 2003.

Until now, it has been unclear whether the process of seeking out a new Archivist had been initiated by the White House or at the suggestion of the current Archivist, John Carlin. I recently decided just to ask Mr. Carlin directly, and I sent him a letter asking whether he initially approached the Administration about resigning

from his position or whether the Administration had initially approached him. Mr. Carlin responded, "the Administration initially approached me. On Friday, December 5, 2003, the Counsel to the President called me and told me the Administration would like to appoint a new Archivist. I asked why, and there was no reason given."

Mr. Carlin decided, obviously, to go along with the request. Two weeks after the initial contact from the White House, on December 19, 2003, Mr. Carlin sent a letter to the President stating that by the Fall of 2004 he would look for other opportunities. He stated he would submit his resignation upon the swearing-in of his successor. I am not sure that Mr. Carlin was aware at the time he wrote this letter his potential replacement had already begun the paperwork needed to complete the nomination process.

Congress intended for the Archivist to be a non-political position. The law authorizes the Archivist to serve for an indefinite term. If a President initiates the removal of a sitting Archivist he is required by law to inform Congress of the cause for removal. In this case, it was apparently the White House who asked Mr. Carlin to remove himself and gave no apparent reason other than wanting to name his replacement.

Mr. Carlin may be willing to leave at the request of the White House, but we have an obligation to protect the objectivity of the Archives and to find out why the White House asked him to leave.

I make no suggestion, by the way, that Mr. Weinstein played any role in the request of Mr. Carlin to resign, because I know he did not—because he told me he did not. The issue is totally separate from Mr. Weinstein's qualifications, which are high qualifications, from his experience which is extensive. But it seems to me that it is essential that this Committee now request the White House to let us know whether in fact they requested the resignation of Mr. Carlin, and if so, why. That again is a separate issue from Mr. Weinstein's qualifications and I think it is important that we talk to him about his vision and his qualifications, but that we not simply overlook the importance of finding out how is it and why is it that the White House requested the current Archivist to resign.

The National Archives Vision Statement states that the National Archives is a "public trust on which our democracy depends. . . . It enables officials and agencies to review their actions and helps citizens hold them accountable." Part of that accountability, it seems to me, is that we do make that inquiry of the White House, and I will be talking to the Chairman and to the Ranking Member about that. I just received the letter today. I tried to get it to our Chairman this afternoon and to the Ranking Member. I do not know even, frankly, if they got a copy of the letter.

Chairman COLLINS. Just now.

Senator LEVIN. But in any event, it just struck me literally yesterday, I just wanted to find out directly from the Archivist as to was this his idea or not? And if it is not his idea, I think we should find out the source of the idea, to protect the objectivity and independence and integrity of the Archives. So that is, again, a separate matter which I am happy to keep separate from questions of Mr. Weinstein, because again I know he should not be caught up in this issue, but it is an issue which needs to be resolved. Again,

I welcome him to the Committee and I look forward to his answering questions about his own views, vision, and qualifications.

Chairman COLLINS. Thank you.

Allen Weinstein has filed responses to a biographical and financial questionnaire,[1] answered pre-hearing questions submitted by the Committee,[2] and had his financial statements reviewed by the Office of Government Ethics. Without objection, this information will be made part of the hearing record with the exception of the financial data which are on file and available for public inspection in the Committee's offices.

Our Committee rules require that all witnesses at nomination hearings give their testimony under oath so, Professor, I would ask that you stand and raise your right hand.

[Witness sworn.]

Chairman COLLINS. Thank you. Professor, before I ask you if you have a statement you would like to make, I am told that you do have members of your family here with you and I would ask you to introduce them to the Committee.

Mr. WEINSTEIN. I would like you to meet my wife, Adrienne Dominguez, and my son, Andrew Weinstein.

Chairman COLLINS. Thank you. We welcome you here today.

Professor, you can proceed with your statement.

Mr. WEINSTEIN. May I introduce one more person?

Chairman COLLINS. I am sorry. I had been told there are just two.

Mr. WEINSTEIN. One of your former colleagues in the Congress and my friend, Barbara Kennelly, is here in the back. Congresswoman Kennelly? Well, she was here in the back. I don't know where she is now.

Chairman COLLINS. You should have stopped when you were ahead. [Laughter.]

Mr. WEINSTEIN. It has been a problem, Chairman.

Chairman COLLINS. Professor, proceed please.

TESTIMONY OF ALLEN WEINSTEIN,[3] TO BE ARCHIVIST OF THE UNITED STATES, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Mr. WEINSTEIN. Thank you. Chairman Collins, Senator Lieberman, Senators on the Governmental Affairs Committee, Committee staff, ladies and gentlemen: I am honored and humbled by the President's nomination of me to become the next Archivist of the United States. Should this Committee and the full Senate confirm the nomination, I will devote all of my effort and energy to addressing the range of responsibilities assigned to the Archivist as the head of the National Archives and Records Administration.

I want to thank Senator Lugar, a friend and mentor, for having introduced me to the Committee. I want to thank you, Chairman Collins, and all of the Senators on the Committee, along with your able staffs; no nominee could have been treated with greater fair-

[1] The biographical information appears in the Appendix on page 32.

[2] Pre-hearing questions and responses in sequential order appear in the Appendix on pages 44 and 53 respectively.

[3] The prepared statement of Mr. Weinstein appears in the Appendix on page 26.

ness. If confirmed, I look forward to working with the Members and staff of this Committee in a completely cooperative manner.

The Archivist of the United States essentially works for the American people across partisan lines and not, regardless of which administration nominates the person, for a particular President or political party. Thus, the Archivist must display at all times scrupulous independence and a devotion to the laws and principles which govern the responsibilities of the office. It should be of some help in this connection that for two decades, in this city and throughout the country and the world, I have led an independent, bipartisan existence while developing a range of programs and initiatives with Members of Congress, their staffs, and administration officials of both parties. I would continue that independent and bipartisan approach to my work as Archivist of the United States, the designated custodian of America's essential government "records that defy the tooth of time." I note with special pride the Center for Democracy's bipartisan Board of directors which, at various times was honored to include Senators Kay Bailey Hutchison, John Kerry, Joseph Lieberman, Richard Lugar, Sam Nunn, Charles Robb, and former Senator William Brock.

With the Committee's indulgence, I would like to spend a moment reviewing in summary my qualifications for the post of Archivist. My answers to the Committee's biographical and policy questionnaires, which you already have and which I have appended to this statement, expand on these comments.

First, I believe that my several careers—as a teacher and scholar of American history, a global democracy activist for two decades, and an NGO administrator for that same period—constitute a varied yet significant professional background, one capable of assuming quickly and effectively the Archivist's roles and responsibilities.

Second, my specific activities over four decades as an educator, historian, and writer should be noted: As the holder of three long-term professorships—Smith College, Georgetown, and Boston University; author or co-author of six books well received by reviewers, of eight edited collections, and of dozens of articles; a user of and advisor to various research archives; and an award-winning recipient of fellowships and lectureships.

Third, having witnessed over almost two decades as President of the Center for Democracy in dozens of dictatorships or transitional nations the destructive impact of non-democratic habits of mind, history, and political behavior, I am keenly aware of the priceless constitutional heritage enjoyed by Americans. This awareness instills a fierce desire to protect that heritage and, in doing so, to educate Americans in the meaning and importance of our pivotal documents. In short, the Archivist's role in preserving and disseminating our Nation's "essential evidence" is one for which both the global and American aspects of my past experiences have prepared me.

Fourth and finally, the bipartisan background of my international work during the past 20 years, first in developing the National Endowment for Democracy and then in creating and managing the Center for Democracy, working closely in these decades with the U.S. Congress and administrations of both parties, has

provided a useful context for assuming leadership and supervision of NARA's various components.

The Committee's policy questionnaire asked, among other things, what challenge NARA would confront in the period ahead. If confirmed as Archivist, I would undertake both an initial set of briefings by NARA's management team and other senior staff and another briefing by key NARA stakeholders to gain their assessments of current systemwide challenges and priorities. I believe this will allow a more cost-effective and efficient use of NARA's budget. Until then, I would place the following group of clear challenges and priorities in any list of concern to the Archivist of the United States:

Providing effective post-September 11 security for the documents, materials, and staff at the Washington, DC, and College Park NARA headquarters and throughout NARA's installations (i.e., presidential libraries, regional records centers, et al.);

Completing the Redesign of the Federal Records Management Initiative;

Moving forward NARA's major electronic records initiative (i.e., Electronic Records Archive (ERA), the Electronic Records Management (ERM), Records Lifecycle Business Process Re-engineering (BPR), et al.);

Expanding NARA's educational and public programming not only in Washington but throughout the regional records centers and the presidential library system;

Supporting the National Historical Publications and Records Commission (NHPRC) in its important work at effective budgetary levels;

Addressing major internal administrative concerns at NARA, including (but not limited to) the loss of experienced personnel due to retirement, aging facilities, deteriorating records, and administrative backlogs;

And, finally, strengthening cooperation with the presidential library system while creating effective liaison with State and other non-Federal archival groups.

Once fully briefed, however, undoubtedly other priorities will join this initial list.

Chairman Collins and Members of the Committee, I want to call to your attention the fact that several archival and historical organizations have raised concerns regarding insufficient consultation with their groups prior to this nomination, concerns—they were quick to point out—more about the process of selection itself than about the nominee. I would mention, as a historical note, that many of these same concerns—and others—were also expressed when President Clinton appointed Governor Carlin as Archivist in 1995.

To address these concerns, one of my important goals, if confirmed as Archivist, would be to maintain an open dialogue with all of NARA's key stakeholders and partners, and since my nomination in April, I have attempted informally but vigorously to reach out to many of these groups. I have met with the heads of over a dozen archival and historical organizations and with a number of other influential figures involved in NARA-related activities seeking not endorsements but dialogue. At these meetings, mostly I

have listened and opened lines of communication; if confirmed, I would continue to strengthen mechanisms of consultation with these and other stakeholding groups. They are all valuable members of the NARA family.

Since these meetings, one of the concerned archival groups, the important Council of State Historical Records Coordinators, your State Archivists, unanimously endorsed my nomination as Archivist. In short, I have been working hard and steadily to keep open communications with the many concerned NARA stakeholders and, as Archivist, will try to engage all segments of NARA's constituent communities, both in and out of government.

In closing, I want to share with the Committee two personal stories of my encounters with the three great "Charters of Freedom" housed in the National Archives Building on Pennsylvania Avenue. The first occurred in Boston in 1987, when I was invited to deliver the 216th annual Fourth of July Oration at historic Faneuil Hall. I called my remarks "The Declaration Meets the Constitution: A Bicentennial Fourth of July," and the talk concerned the efforts at Philadelphia's Constitutional Convention—in the end successful efforts—to avoid a deadlock in its deliberations. The "Great Compromise" eventually agreed upon confirmed the convergence of the 1776 and the 1787 guarantees of freedom, which even today balance in the American Republic the rights of citizenship and its obligations.

Three years later, in 1990, the Center for Democracy hosted the new President of a democratic Hungary, Arpad Goncz, who spoke in front of the Bill of Rights at the National Archives, in a ceremony commemorating its Bicentennial, on the global influence of that document. The Faneuil Hall talk had confirmed for me the unbreakable links among the three great founding documents of our "first new nation" in guaranteeing the rights and responsibilities of our people. President Goncz's remarks called attention to the ideological and geographic reach of this country's principles, from its beginnings, in a world filled with despots, now as then, in which ordinary people dream of and fight for freedom, individual rights, and the rule of law. Together, the two occasions also symbolize for me the awesome responsibilities placed on the Archivist of the United States as a designated custodian of America's national memory. For the Archivist, this role is the result of his obligation to preserve and assure timely and maximum access to our governmental records in the evolving historical saga of the American people.

On a personal note, as the son of pre-World War I Russian-Jewish immigrants, if confirmed, I would view my work as Archivist as an optimal way of giving back to this great country a small measure of what the United States of America has given to me and to my family.

Chairman Collins and Members of the Committee, I am keenly aware of the responsibilities involved in the position for which I have been nominated, and I welcome the challenge, Senators, as I now welcome your questions and comments.

Thank you very much.

Chairman COLLINS. Thank you, Professor.

There are three standard questions that the Committee asks of all nominees. First, is there anything you are aware of in your background which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. WEINSTEIN. No, Chairman. Nothing that I can think of.

Chairman COLLINS. Second, do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office?

Mr. WEINSTEIN. No, I do not.

Chairman COLLINS. And, third, do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. WEINSTEIN. Absolutely.

Chairman COLLINS. We will now have a round of questions limited to 6 minutes each.

Professor, in your responses to this Committee's written questions, you cited former Senator Daniel Patrick Moynihan's writings on the need to combat excessive government secrecy. You also declared your lifelong commitment to what Senator Moynihan called "a culture of openness." You went on to state that, as Archivist, it would be your duty to speak out plainly as a primary advocate for access.

Mr. WEINSTEIN. Right.

Chairman COLLINS. There are, however, some scholars who have questioned your commitment to public access to important records. How would you respond to their concerns? Which I know you are aware of.

Mr. WEINSTEIN. Well, I am aware of them. Let me take that in two parts, if I may, and I will try to be brief. The four most dangerous words in the English language are "I will be brief," but I will try.

First, on my record on access, back in 1972, when I sued, with the assistance of the ACLU, the FBI for its files, this was no easy matter, and I won't go into the details except to say that we were very delighted when the suit was finally won in 1975. My lawsuit opened FBI files for the first time records of historical interest, not just to myself but to any scholar, any researcher who wanted those records. The release set a precedent, the FOIA release. Those files, those FBI files, are deposited at the Harry Truman Library.

I have brought other collections to bear at two libraries, for example, the Herbert Solow papers. I brought them from Mexico to the Hoover Library. They are a Hiss-related collection.

I worked with Boris Yeltsin's Commission on Archives in the 1990's to produce the first English-language translation of the first Russian archival publication that was designed for a mass audience. I worked with the Russian Government to try to improve their access relationships at the time.

I have helped the Mary Baker Eddy Library in Boston open the papers of Mrs. Eddy which had been closed for over 100 years. When the new library opened, those papers were opened to all scholars, and I was one of the leading forces in that process.

My commitment has been constant. I could mention other things. I worked on seminars with my friends in the Russian Federation

at which documents were opened. There are a number of instances I could mention of that kind.

There is one incident, one issue that critics of my record have brought up, and that is the issue of what to do about the fact that I have not put my personal records and my personal memos of the Hiss case into public display.

Chairman COLLINS. Let me follow up with a question on that particular case.

Mr. WEINSTEIN. That is fine.

Chairman COLLINS. There has been concern expressed by some scholars who say that you failed to make available for review by other scholars the notes and records that you relied upon in writing two of your well-known historical works: the "Perjury" book and "The Haunted Wood" book. You had told the Committee staff that, in fact, you planned to donate the notes that you relied on in writing the "Perjury" book, regarding the Hiss-Chambers case, to the Hoover Institution.

Do you plan to impose restrictions that would limit public access to those notes once they are donated.

Mr. WEINSTEIN. No. Madam Chairman, I have signed the deed of gift already to the Hoover Institution, and the hope is that these papers will all be available by early next year, at the least. I have got to get them out there. I have got to collect them. Archivists have to process them, and then they will be all available.

But I do want to point something out. There are two separate instances, if I may spend a moment or two on this.

Chairman COLLINS. Certainly.

Mr. WEINSTEIN. When I started my book on the Alger Hiss case—I began thinking that Mr. Hiss may have been innocent. I changed my mind as the case went along and as I read the FBI files and other materials. I found no conspiracy. I found a great deal of confusion in the FBI. But I did not find that anyone had conspired against him to convict him. And so I wrote the book that way.

The book was controversial. It was a very tense period. I was sued by a gentleman who had been a former member of the Communist Party who had been encouraged to sue me for misstating his situation. Maybe I did, maybe I didn't, but it was a lawsuit against myself and the *New Republic* magazine and Alfred A. Knopf Publishers. It was settled out of court. But I was threatened with other lawsuits, and on advice of counsel, my counsel said, well, this is not a time to be giving your papers to anyone who wants to look at your private papers.

In retrospect, I think I probably should have donated them afterwards, because the historical verdict seemed very clear. My book was well received, and there hasn't been another complete book on the case in the period since 1978. There was another edition of "Perjury" that came out in the late 1990's. So those are going to the Hoover Institution, every last bit of documentation, and people can make what they want of them.

By the way, my book was used as one of the major sources for Sam Tanenhaus' brilliant biography of Whittaker Chambers. I gave him total access to the papers. I have given others access to the papers.

"The Haunted Wood," I still don't know to this day—people ask me what arrangements my publisher made at the time with the KGB's retired agents organization. There was an arrangement to allow four Western scholars to do four books. The KGB records had never been opened before. The authors had no ability to tell the Soviet folks what to do with this. If we wanted to look at the material, we had to come to a negotiated agreement with them. We had to work with the Soviet—with Russian authors. And basically, I think it is fair to say that we learned a fair amount.

All of this is stated in the introduction of my book. I did not write a check to the KGB for materials there, and all of this material that we found will be in the Hoover Institution, and people can make what they want of it. There were four excellent books produced. One of my colleagues wrote a superb book about the Cuban missile crisis, Professor Timothy Naftali, who is in the room here, and can explain the lengths to which all of the American authors went to try to encourage the Russians to increase their access to the West. We failed. They shut down after about a year. And just at that time the VENONA Papers in Washington opened up, so we were able to confirm a lot of the materials that we had in our book. But those were two different stories.

Chairman COLLINS. Thank you. Senator Lieberman.

Senator LIEBERMAN. Thanks, Madam Chairman.

Thanks for your answers to Senator Collins, Dr. Weinstein. One of the matters that I wanted to take up Senator Collins has asked and you have answered—and others may take it up again—which is one of the points of concern expressed to us by some has been what your policy would be on openness. I want to get back to that in a minute.

But the second concern I think has little or nothing to do with you, but more to do with the White House. And that concern is deepened by the letter that Senator Levin read earlier, in which the current Archivist, Governor Carlin, clearly says that he was asked to resign.

I wanted to ask you, just to clarify, whether you had any knowledge of why there was a vacancy or how the vacancy came to be when the White House began to talk to you about whether you were interested in being nominated for Archivist.

Mr. WEINSTEIN. No.

Senator LIEBERMAN. None at all?

Mr. WEINSTEIN. No, sir. They asked me if I would be interested in the position. Frankly, at the time, I had very little contact with Governor Carlin. We have had a few social contacts. We had lunch once or twice over the years. I didn't know him very well. I assumed at the time that he was—that for some reason or other he was leaving his post. I didn't ask, they didn't tell. And I didn't have a job offer. They didn't say, "We want you to become Archivist." They said, "We are considering the possibility that you might become Archivist. Would you be interested if the job were open?" And, frankly, if the job were open, I would have been interested.

Senator LIEBERMAN. Yes. I presume—or let me ask you, have you seen and talked to Governor Carlin since you were nominated?

Mr. WEINSTEIN. Once. I called Governor Carlin, I guess the day after my nomination was announced, and suggested that we get to-

gether. He agreed; then he cancelled the meeting. And after that, the only person at the Archives that I had been in touch with was Mr. Runkel, Deputy General Counsel, who helped me fill out the financial forms that I had to fill out at the time, and I did do that.

But I took the position that I should not be in touch with anyone at the Archives. It was improper or inappropriate for me to be in touch with them while Governor Carlin, as Archivist, was still there. I didn't want any confusion about it.

Senator LIEBERMAN. Right.

Mr. WEINSTEIN. One instance in which somebody from the Archives called about a particular policy matter, a relatively minor one, and I said, "Please don't talk to me. This is not my business. You should talk to Governor Carlin."

Senator LIEBERMAN. But other than that phone call, you have not talked to Governor Carlin?

Mr. WEINSTEIN. No, sir.

Senator LIEBERMAN. And in that phone call, did he raise any—did he say anything about why the position was becoming vacant?

Mr. WEINSTEIN. No.

Senator LIEBERMAN. And I presume, therefore, didn't say to you that he had been asked to resign?

Mr. WEINSTEIN. Senator, he didn't say anything like that, no. We talked about the meeting.

Senator LIEBERMAN. Who was the person at the White House who asked you whether you might be interested in being Archivist if there was——

Mr. WEINSTEIN. As I said in my questionnaire, the Director of Presidential Personnel, Dina Powell.

Senator LIEBERMAN. Right. And in those conversations—you see, I want to get this all out in the interest of disclosure. I think there are some people who are maybe not doing it in print but raising questions about whether this change is occurring, that Governor Carlin was asked to resign, you are coming in, in some sense to carry out a more secretive policy at the Archives, perhaps even to protect records of this administration or the previous Bush Administration. So I want to ask you whether there was ever a conversation between you and Dina Powell or anyone else at the White House along the lines of what your decisions would be about opening up records of the first Bush Administration or this one.

Mr. WEINSTEIN. Absolutely not. And, Senator, may I say a word about this? You and others on the Committee have worked with me on different matters and I think understand that I would not be here today under those circumstances, neither the job, the very prestigious job of Archivist of the United States or any other government position is worth my integrity or anything like that. No, I would not—the Archivist's job is as the advocate for access.

Senator LIEBERMAN. Right.

Mr. WEINSTEIN. And if one can't be a serious advocate for access, then one shouldn't want to be Archivist of the United States.

Senator LIEBERMAN. Who else have you at any time spoken to at the White House about this appointment?

Mr. WEINSTEIN. Judge Gonzales once.

Senator LIEBERMAN. Judge Gonzales? And that was at an in-person meeting or a phone call?

Mr. WEINSTEIN. That was an in-person meeting that was in late November, at some point. I don't have the date in front of me. And his deputy, whose name at the moment, forgive me, escapes—Mr. Deutsch, I think?

Senator LIEBERMAN. No problem. Did Judge Gonzales question you about what your policy would be on the openness of public records?

Mr. WEINSTEIN. We talked generally about public records, but did he ask me how I would behave in connection with opening records? No.

Senator LIEBERMAN. No? And just to——

Mr. WEINSTEIN. But generally about the Archivist's role in dealing with these records, right.

Senator LIEBERMAN. Yes. And just to get it out in the open, no specific questions about how you would deal with access to the records of this administration?

Mr. WEINSTEIN. Oh, no.

Senator LIEBERMAN. Or the former Bush Administration?

Mr. WEINSTEIN. No, absolutely not.

Senator LIEBERMAN. OK.

Mr. WEINSTEIN. I have only met the President, just to complete that catalogue, if I may, I met him once in 1988 when the President was a participant in a Center for Democracy program.

Senator LIEBERMAN. Right.

Mr. WEINSTEIN. That is the only time that I met the President of the United States.

Senator LIEBERMAN. Thank you. My time is up.

Chairman COLLINS. Senator Durbin.

Senator DURBIN. Mr. Weinstein, since seeing Mr. Carlin's letter, I have to ask you a question. He says in his letter, "We are on the verge of awarding a contract for the design of the Electronic Records Archive, a ground-breaking system that will allow the Government to manage and preserve any kind of electronic records. The design is just the first step. We are working very hard to secure support and funding for systems development. I would like to see the budget request through to fruition over the next 4 months."

Are you familiar with this contract?

Mr. WEINSTEIN. I'm familiar with the briefing materials on it that were given to me, Senator, yes. I haven't read the contract.

Senator DURBIN. Do you know the companies involved in the competition for the contract?

Mr. WEINSTEIN. No, I don't.

Senator DURBIN. OK. Let me go to another issue, if I might, and I am trying to reconcile one of your responses to the questions with some information that I have here. You have said repeatedly in your responses to our questions that you are committed to maximizing access to all manner of government records, including Presidential records, in a timely manner and to the greatest extent appropriate. And when it comes to Presidential documents, I gather from reading the law, Chapter 22, Section 2203, that the Archivist has the responsibility to deposit Presidential records and to decide under the law when to release them. Is that correct, one of your legal responsibilities would be that?

Mr. WEINSTEIN. I would assume in general, but I'd prefer on any legal matter to be able to amend any answer by consultation with the general counsel over there before I would do that.

Senator DURBIN. That is fair.

Mr. WEINSTEIN. I am not a lawyer.

Senator DURBIN. But I am going to go——

Mr. WEINSTEIN. I'm married to one, but I'm not a lawyer.

Senator DURBIN. Maybe you want to talk to her. [Laughter.]

Because I want to ask you about something you say here because it doesn't square with that. And here is what it is: We passed in 1989, 25 years ago, the Presidential Records Act declaring Presidential papers were the property of the people of the United States to be administered by the Archives, made available 12 years after a President left office. President Reagan issued an Executive Order which established how long a President had to claim Executive privilege on these records.

Then comes President Bush, in an administration where the availability and confidentiality of records has been a big issue, to the point where the Vice President took a case to the Supreme Court to avoid disclosing documents in the preparation of his energy bill.

Mr. WEINSTEIN. Right.

Senator DURBIN. Now, President Bush, with Executive Order 13233, nullified President Reagan's order, imposing new restrictions on the access to Presidential papers, requiring the presumption of non-disclosure, which runs counter to your stated purpose of being committed to maximum access.

Mr. WEINSTEIN. Right.

Senator DURBIN. Now, that is the state of play. You have a law where you as Archivist are responsible for Presidential records. You have a personal commitment to access. You have a President who has issued an Executive Order reducing access.

Now, let me read you what you told the Committee about this. There is a declaratory judgment action involved now about this Executive Order. "If confirmed by the Senate as Archivist, it would be my responsibility—" you say, "so long as Executive Order 13233 is in place—to oversee NARA's legal team defending the Executive Order against court challenge." That seems exactly the opposite. It would seem that you would be defending the underlying law against the new Executive Order which restricts access to Presidential records. Why would you be defending President Bush's Executive Order instead of the law that creates your office?

Mr. WEINSTEIN. Senator, may I read the remainder of that paragraph?

Senator DURBIN. Of course.

Mr. WEINSTEIN. Because I think it explains this, and also, as you know, the current Archivist has the responsibility and is, in fact, defending—or the general counsel is defending this in court.

What I said was as follows, after that, I said, ". . . I would respectfully defer a fuller response until I can consult with NARA's general counsel and his staff." What I can state as a private citizen at this point, however, in response to the question of Executive Order 13233's impact on balancing the interest of preserving confidentiality with the interest of public disclosure is that obviously

the Executive Order tilts the balance in confidentiality's direction rather than timely disclosure. That much is clear.

Then down further, I make my essential point: "The pursuit of consensus on the issues"—the lawsuit did not work, did not get the Executive Order rescinded. "The pursuit of consensus on the issues raised by Executive Order 13233 surely ought to be allowed a moment or two of dialogue and negotiation before proceeding on the current legal and adversarial track."

I can't say that anything will happen to that, but I can say that if I was confirmed as Archivist, what I would like to do would be to sit down with all the interested principals and see if anything can be done about the problems here.

Senator DURBIN. Mr. Weinstein, I hope if you are confirmed that you can do exactly that and the lawsuit goes away. You have stated here that you believe that as Archivist you would be responsible for overseeing the Archives legal team defending the Executive Order against a court challenge. Everything else you say is fine: You need to consult with attorneys, you hope to work this all out. But why would you start arguing from the point that you are not defending the law that creates your office rather than the Executive Order which diminishes the power of your office? Did you discuss this Executive Order with Mr. Gonzales?

Mr. WEINSTEIN. No, not at all.

Senator DURBIN. Did this ever come up?

Mr. WEINSTEIN. It never came up.

Senator DURBIN. Well, I am glad it didn't, but I really hope that you will revisit that statement. I think that statement is conflicting with your basic statutory responsibility. I think you need to defend the law first, whomever the President might be.

Mr. WEINSTEIN. I couldn't agree more, Senator, but one thing that I think you recognize is that the business of restricting access conflicts with my impulses to encourage access at all times. And in that statement, there is a conundrum there. I don't have an easy answer for that. But I will go back and look at it again.

Senator DURBIN. I think I know where your heart is, but I want to know where your lawyers' will be.

Mr. WEINSTEIN. All right.

Senator DURBIN. That is what this is all about. And if your lawyers are going to be defending the restriction of access to Presidential records, then I think you are on the wrong side.

Mr. WEINSTEIN. You make a very good point.

Senator DURBIN. Thank you.

Chairman COLLINS. Senator Levin.

Senator LEVIN. Thank you, Madam Chairman.

Was this drafted, this answer to the question, by you or by the deputy at the White House?

Mr. WEINSTEIN. The answer to what question?

Senator LEVIN. Question 42, the one you were just reading.

Mr. WEINSTEIN. I drafted every question that was given to me, the 46 questions that were sent by the Committee. There was no input by anybody, as far as I know, unless—they may have read it by now, depending on how one gets copies of these things around town. But, no, there was no input by—and not just in the White House. I can categorically say there was no input by anybody in

the Congress, in the White House, in the interested groups and the stakeholders, in the Archives. This is Allen Weinstein's answer to that question. And, as Senator Durbin indicated, Senator Levin, I was trying to balance off a number of different ideas in my own mind based upon what is certainly not at this stage in the game the most informed knowledge of where the Archives has been on this issue over the last several years.

Senator LEVIN. You, in two places in your answer on Question 42, indicate that the impact of that Executive Order "on balancing the interest of preserving confidentiality with the interest of public disclosure is that, obviously, the Executive Order tilts the balance in confidentiality's direction rather than in timely disclosure." And then at the end of that answer, you say, "As previously stated in response to this question, it tips the balance—at least temporarily—in favor of greater confidentiality and less public disclosure."

So I assume from that you would believe that the Executive Order at least contradicts the spirit of the 1978 Act?

Mr. WEINSTEIN. It doesn't help.

Senator LEVIN. Now, in answer to Senator Durbin's question—it's a good question—will you expand your answer to that question for the record?

Mr. WEINSTEIN. Absolutely.

Senator LEVIN. Are you familiar with the scheduled release of certain records from the first Bush Administration in January 2005?

Mr. WEINSTEIN. Not to any great degree, Senator. Not to any great degree, no.

Senator LEVIN. Well, to the degree that you are——

Mr. WEINSTEIN. Well, that this was scheduled, yes, but I haven't seen any literature on that.

Senator LEVIN. Are you prepared and willing to release on schedule whatever records of that administration are scheduled to be released, if you are confirmed?

Mr. WEINSTEIN. If I'm confirmed, I'm prepared to honor the law, whatever the law states and wherever that may take me. If those materials are scheduled for release at that stage in the game, then I don't see why they shouldn't be released.

But, Senator, I have not received extensive briefing materials on that whole area.

Senator LEVIN. OK. Madam Chairman, I would just ask that the letters that I made reference to before, the letter that I wrote to Governor Carlin and his response to my letter, be made part of the record.[1]

Chairman COLLINS. Without objection.

Senator LEVIN. And I also would ask you and the Ranking Member, if you would at some point in the near future, to consider requesting the White House to comment on Governor Carlin's statement that he was asked to resign. I think it is important that we ask the White House why it is that they asked the current Archivist to resign. So I am not going to request that that decision be made at this point right now, but I would ask that you and the

[1] The letters referred to appear in the Appendix on page 130 and 131.

Ranking Member convene your great minds on that question and hopefully ask the White House for their comment on that statement.

Chairman COLLINS. I would note that the Archivist does not have a statutory term. I mentioned to the Ranking Member that I was surprised to learn that. So I think that is an important point to be put into the record because this is not a case where there is a set term.

Senator DURBIN. Madam Chairman, may I ask a question? Isn't it also a fact, though, that if an Archivist is to be removed, there has to be a reason stated?

Senator LEVIN. That was the part that I read earlier.

Chairman COLLINS. But there was consideration to having a 10-year term for the Archivist that was not included. It may be something that this Committee should revisit.

Senator LEVIN. I think that is accurate. There is no specified term. But it is also, as Senator Durbin, and as I said in my opening statement, that if the Archivist is to be removed, there must be a stated reason given to the Congress, I believe, for that. Both of those facts, assuming I stated them correctly, are interesting and to some extent relevant. But the issue that I am interested in here, because I think it really goes to the question of the independence of this office, is, if, in fact, Governor Carlin was asked to resign, as he says he was, in effect—they said they wanted to appoint a new Archivist. So that amounts to a request to resign. I would be interested in giving the White House the opportunity to tell us why it was they requested that he resign.

I think that is an important question to be answered, and I would ask that the Committee ask the question. Obviously, if the Committee through its Chairman and Ranking Member decide for whatever reason not to, that is a right I will defend. But I would then ask the question on my own as an individual Member of the Committee. I think it would be preferable, frankly, that it come from the Committee, if it is appropriate. But I do not want to prejudge the appropriateness or your thought processes on it, because I have tremendous respect for you both. And whatever decision you make I will defend. But if the Chairman and the Ranking Member decide for whatever reason not to request that information from the White House, then I as an individual Member would make that request.

Thank you.

Chairman COLLINS. You are welcome.

Senator LEVIN. Could these be made part of the record?

Chairman COLLINS. The letters will be made part of the record.

I will also enter into the record Governor Carlin's letter of resignation,[1] which has a very different tone to it, and I think that is important to be part of the record as well.

Senator LEVIN. That was part of my request.

Chairman COLLINS. His letter, as opposed to your letter to and from?

[1] The letter referred to appears in the Appendix on page 132.

Senator LEVIN. If I failed to say that, I made a mistake. I should have included his letter of resignation. I thank the Chairman for that.

Chairman COLLINS. Without objection.

Professor, I just want to ask you one closing question, and that is, in view of the discussion we have just had and the questions that Senator Levin and others have raised not about your nomination but, rather, the circumstances surrounding your nomination, do you believe this Committee should consider legislation that would give the Archivist a set term, say, of 10 years? Do you have an opinion on that?

Mr. WEINSTEIN. I would support such legislation, Chairman, because it may do away with some of the dilemmas of archival terms. The Archivist's terms up to now have averaged 8 or 9 years a term for the previous Archivists. However, I wouldn't say that it was essential. I think it is essential in the future to engage in a consultative process beyond perhaps the one that now exists. But as far as legislation is concerned, I would support it if the Committee and the Congress were in favor of it.

Chairman COLLINS. Thank you.

Do either of my colleagues have a final question for our witness today?

Senator LIEBERMAN. I do not. I thank you, Dr. Weinstein. There is this funny conundrum which I do think that Senator Levin has amplified, which is that Governor Carlin has not been removed from office, literally, because he submitted his resignation. But now we find that he was asked to submit his resignation, so that is what we are going to counsel together on, whether we should ask the White House to explain to us why they asked for that resignation. So the Chairman and I will sit and reason together.

Senator LEVIN. Madam Chairman, just one other thing. As I look at the letter, the resignation letter, so-called, actually is—there is a statement that, "I will submit my resignation upon the confirmation and swearing-in of the ninth Archivist of the United States." So, technically, I guess, he has not resigned yet. He has been asked to submit his resignation, which he has done conditionally.

Chairman COLLINS. An intention to resign, I guess would be a more appropriate description.

Senator LEVIN. Right.

Senator LIEBERMAN. Anyway, Dr. Weinstein, I would say your testimony has been very responsive, and you do, again—you are caught in a swirl that certainly is not of your making, but it is around the nomination. But, you know, you do have an extraordinary and very broadly respected record as a historian, and that actually seems to make you qualified for this job.

Mr. WEINSTEIN. Thank you, Senator.

Chairman COLLINS. You get applause. I mean, the rest of us don't get electronic applause. [Laughter.]

Senator LIEBERMAN. My staff does this for me, just to make me feel good. [Laughter.]

Chairman COLLINS. To compensation you for no longer being on the campaign trail.

I want to thank the professor for appearing before the Committee today and for his cooperation throughout the process. I personally

am impressed that you on your own answered all 46 of those questions. I think there are very few nominees who would have answered, "Yes, I wrote those personally," to the Committee's questions.

There have been several letters and statements submitted to the Committee from a variety of organizations, scholars, historians, archivists, and others. All of those, without objection, will be included in the hearing record.[1]

And also, without objection, the record will be kept open until 5 p.m. tomorrow for the submission of any additional materials, written questions, or statements for the record.

Again, thank you very much for being here today. You certainly have a distinguished background, and your commitment to openness and public access is very important to this Committee, and we look forward to working with you in your new position, if all goes well. Thank you.

Mr. WEINSTEIN. Thank you, Chairman.

Chairman COLLINS. This hearing is now adjourned.

[Whereupon, at 4:41 p.m., the Committee was adjourned.]

[1] The letters referred to appear in the Appendix on pages 134 through 170.

APPENDIX

PREPARED STATEMENT OF SENATOR FRANK R. LAUTENBERG

Madam Chairman: I want to welcome Professor Weinstein to today's hearing. Professor Weinstein has done ground-breaking research to illuminate Cold War history on such important matters as the Alger Hiss-Whittaker Chambers case and the extent of Soviet espionage in America from the 1930's to the early 1950's.

I intend to support Professor Weinstein's nomination to be Archivist of the United States. But I do want to raise several concerns about the way in which this nomination has been brought before the Governmental Affairs Committee.

First, the current Archivist, John Carlin, had expressed his desire to remain in the post until 2005. Then, last December, he abruptly changed course and announced his intention to step down as soon as a successor has been "nominated and confirmed."

I want to know if Governor Carlin is being forced out of his job by the Bush Administration and, if so why.

Second, I want to know why this Committee has not conducted any oversight hearings with regard to the National Archives and Records Administration in over a decade.

Third, I want to know why the Bush Administration made no attempt to "vet" Professor Weinstein's nomination with "recognized organizations of archivists and historians"—something required under the National Archives and Records Administration Act of 1984. And I want to know why the Committee refused to invite the heads of any of these organizations to testify in person today.

Fourth, I hope to get Professor Weinstein's personal commitment—if he is confirmed as our Nation's Archivist—to pursuing what our former colleague Pat Moynihan called "a culture of openness."

I agree with Senator Moynihan's assessment that classifying some six million documents each year is the most pernicious form of government regulation since we "don't know what we don't know." I'm anxious to hear Professor Weinstein's ideas on how, as Archivist, he will work to make our government operate in a more transparent manner since we are, after all, a democracy.

Thank you, Madam Chairman.

Opening Statement

Prof. Allen Weinstein

Hearing on His Nomination to be Archivist of the United States

Chairman Collins, Senator Lieberman, Senators on the Governmental Affairs Committee, Senator Lugar, Committee staff, Ladies and Gentlemen: I am honored and humbled by the President's nomination of me to become the next Archivist of the United States. Should this Committee and the full Senate confirm the nomination, I will devote all of my effort and energy to addressing the range of responsibilities assigned to the Archivist as the head of the National Archives and Records Administration.

I want to thank Senator Lugar, a friend and mentor, for having introduced me to the Committee. I want to thank you, Chairman Collins, and all of the Senators on the Committee, along with your able staffs; no nominee could have been treated with greater fairness. If confirmed, I look forward to working with the Members and staff of this Committee in a completely cooperative manner.

The Archivist of the United States essentially works for the American people across partisan lines and not, regardless of which Administration nominates the person, for a particular President or political party. Thus, the Archivist must display at all times scrupulous independence and a devotion to the laws and principles which govern the responsibilities of the office. It should be of some help in this connection that for two decades, in this city and throughout this country and the world, I have led an independent, bipartisan existence while developing a range of programs and initiatives with Members of Congress, their staffs, and Administration officials of both parties. I would continue that independent and bipartisan approach to my work as Archivist of the United States, the designated custodian of America's essential government "records that defy the tooth of time." I note with special pride The Center for Democracy's bipartisan Board of Directors which, at various times, was honored to include Senators Kay Bailey

Hutchison, John Kerry, Joseph Lieberman, Richard Lugar, Sam Nunn, Charles Robb, and former-Senator William Brock.

With the Committee's indulgence, I would like to spend a moment reviewing in summary my qualifications for the post of Archivist. My answers to the Committee's biographical and policy questionnaires—which you already have—expand on these comments.

*First, I believe that my several careers—as a teacher and scholar of American history, a global democracy activist for two decades, and an NGO administrator for that same period—constitute a varied yet significant professional background, one capable of assuming quickly and effectively the Archivist's roles and responsibilities.

*Second, my specific activities over four decades as an educator, historian and writer should be noted: as the holder of three long-term professorships (Smith College, Georgetown, and Boston University); author or co-author of six books well-received by reviewers, of eight edited collections, and of dozens of articles; user of and advisor to various research archives; and an award-winning recipient of prestigious fellowships and lectureships.

*Third, having witnessed over almost two decades as President of The Center for Democracy in dozens of dictatorships or transitional nations the destructive impact of non-democratic habits of mind, history and political behavior, I am keenly aware of the priceless constitutional heritage enjoyed by Americans. This awareness instills a fierce desire to protect that heritage and—in doing so—to educate Americans in the meaning and importance of our pivotal documents. In short, the Archivist's role in preserving and

disseminating our nation's "essential evidence" is one for which both the global and American aspects of my past experiences have prepared me.

*Fourth and finally, the bipartisan background of my international work during the past twenty years, first in developing The National Endowment for Democracy and then in creating and managing The Center for Democracy, working closely in those decades with the U.S. Congress and Administrations of both parties, has provided a useful context for assuming leadership and supervision of NARA's various components.

The Committee's policy questionnaire asked, among other things, what challenges NARA would confront in the period ahead. If confirmed as Archivist, I would undertake both an initial set of briefings by NARA's management team and other senior staff and another by key NARA stakeholders to gain their assessments of current system-wide challenges and priorities. I believe this will allow a more cost-effective and efficient use of NARA's budget. Until then, I would place the following group of clear challenges and priorities in any list of concern to the Archivist of the United States:

- providing effective post-9/11 security for the documents, materials and staff at the Washington, D.C. and College Park NARA headquarters and throughout NARA's installations (i.e., presidential libraries, regional records centers, *et al.*);
- completing the Redesign of the Federal Records Management initiative;
- moving forward NARA's major electronic records initiatives (i.e., Electronic Records Archive [ERA], Electronic Records Management [ERM], Records Lifecycle Business Process Re-engineering [BPR], *et al.*);
- expanding NARA's educational and public programming not only in Washington but throughout the regional records centers and the presidential library system;
- supporting the National Historical Publications and Records Commission (NHPRC) in its important work at effective budgetary levels;

- addressing major internal administrative concerns at NARA, including (but not limited to) the loss of experienced personnel due to retirement, aging facilities, deteriorating records, and administrative backlogs;

- Strengthening cooperation with the presidential library system while creating effective liaison with state and other non-federal archival groups.

Once fully briefed, however, undoubtedly other priorities will join this initial list.

Chairman Collins and Members of the Committee, I want to call to your attention the fact that several archival and historical organizations have raised concerns regarding insufficient consultation with their groups prior to this nomination, concerns—they were quick to point out—more about the process of selection itself than about the nominee. I would mention, as an historical note, that many of these same concerns—and others—were also expressed when President Clinton nominated Governor Carlin as Archivist in 1995.

To address these concerns, one of my important goals, if confirmed as Archivist, would be to maintain an open dialogue with all of NARA's key stakeholders and partners, and since my nomination in April, I have attempted informally but vigorously to reach out to many of these groups. I have met with the heads of over a dozen archival and historical organizations and with a number of other influential figures involved in NARA-related activities seeking dialogue and not endorsements. At these meetings, mostly I have listened and opened lines of communication; if confirmed, I would continue to strengthen mechanisms of consultation with these and other stakeholding groups. They are all valuable members of the NARA family. Since these meetings, one of the concerned archival groups, the important Council of State Historical Records Coordinators (COSHRC) did endorse my nomination as Archivist. In short, I have been working hard and steadily to keep open communication with many concerned NARA

stakeholders and, as Archivist, will try to engage all segments of NARA's constituent communities both in and out of government.

Before concluding, I want to thank the Committee for accommodating a longer written statement beyond these opening remarks, should I wish to elaborate further. Considering the thoroughness of the Committee's two questionnaires ("Biographical" and "Policy"), I thought it more useful to append my answers to these to my opening remarks and have taken the liberty of doing so.

In closing, I want to share with the Committee two personal stories of my encounters with the three great "Charters of Freedom" housed in the National Archives Building on Pennsylvania Avenue. The first occurred in Boston in 1987, when I was invited to deliver the 216th annual Fourth of July Oration at historic Faneuil Hall. I called my remarks "The Declaration Meets the Constitution: A Bicentennial Fourth of July," and the talk concerned the efforts at Philadelphia's Constitutional Convention—in the end successful—to avoid a deadlock in its deliberations. The "Great Compromise" eventually agreed upon confirmed the convergence of the 1776 and 1787 guarantees of freedom, which even today balance in the American Republic the rights of citizenship and its obligations.

Three years later, in 1990, The Center for Democracy hosted the new President of a democratic Hungary, Arpad Goncz, who spoke in front of the Bill of Rights at the National Archives, in a ceremony commemorating its Bicentennial, on the global influence of that document. The Faneuil Hall talk confirmed for me the unbreakable links among the three great founding documents of our "first new nation" in guaranteeing the rights and responsibilities of our people. President Goncz's remarks called attention

to the ideological and geographic reach of this country's principles, from its beginnings, in a world filled with despots, now as then, in which ordinary people dream of and fight for freedom, individual rights and the rule of law. Together, the two occasions also symbolize for me the awesome responsibilities placed on the Archivist of the United States as a designated custodian of America's national memory. For the Archivist, this role is a result of his obligation to preserve and assure timely and maximum access to our governmental records in the evolving historic saga of the American people. On a personal note, as the son of pre-World War I Russian-Jewish immigrants, if confirmed, I would view my work as Archivist as an optimal way of giving back to this great country a small measure of what the United States of America has given to me and my family.

Chairman Collins and Members of the Committee, I am keenly aware of the responsibilities involved in the position for which I have been nominated, and I welcome the challenge, Senators, as I now welcome your questions and comments. Thank you.

Allen Weinstein

April 27, 2004

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED:
SENATE GOVERNMENTAL AFFAIRS COMMITTEE

A. BIOGRAPHICAL INFORMATION

1. Name: Allen Weinstein

2. Position to which nominated: Archivist of the United States

3. Date of nomination: April 9, 2004 [Note: The White House released an "intention to nominate" statement on April 8, 2004]

4. Address: (home);
1101 15th St., N.W., Third floor, Washington, D.C. 20005 (office, c/o IFES)

5. Date and place of birth: September 1, 1937; New York City

6. Marital status: Married to Adrienne Dominguez

7. Names and ages of children: Andrew Samuel Weinstein, 33; David Meier Weinstein, 31; Alex Content (stepson), 20

8. Education:
Yale University, 1961-63; PhD, 1967; M.A., 1962
The City College (N.Y.), 9/59-8/60, B.A. 8/60
Columbia College (N.Y.), 9/54-2/57
The City College (N.Y.), 2/54-6/54
DeWitt Clinton H.S. (Bronx, N.Y.), 9/51-1/54

9. Employment record:
Senior Advisor, International Foundation for Election Systems (IFES), Washington, D.C., 9/03-to present;
President & CEO, The Center for Democracy, Washington, D.C., 1/85-8/03;
University Professor & Professor of History, Boston University, 1985-88;
University Professor & Editor, The Washington Quarterly, Georgetown University & CSIS, 1982-84;
President, Center for the Study of Democratic Institutions, University of California-Santa Barbara, 3/84-12;84;
Acting President, National Endowment for Democracy, 1/84-3/84
Editorial writer, The Washington Post, 1981;

(continued)

9. Employment record (continued)

Professor of History, Smith College, and Director of Smith's American Studies Program for many of these years, 1966-1981;

Lecturer in History, University of Maryland (College Park), 1964-1966

10. Government experience:

Founding member, Board of Directors, United States Institute of Peace and Chairman of USIP's Education & Training Committee [nominated by President Reagan in 1985 and confirmed by the U.S. Senate to fill a Democratic seat on USIP's Board; renominated by President G.H.W.Bush in 1988 and again confirmed by the U.S. Senate; kept on the Board of Directors under President Clinton as a 'lameduck' in the same seat; finally left the Board in 2001];

Chairman's Advisory Council, United States Institute of Peace, 2002-present;

Organizer, bipartisan election monitoring group [formed at the request of Senators Lugar (Chairman) and Pell (Ranking Minority member), Senate Foreign Relations Committee] to report on preparations for February 1986 Philippines' presidential election; and co-author of its report. Then, as a member of the official U.S. observer delegation to the election and advisor to its Co-chairmen, I co-authored its final report;

Vice Chairman, U.S. delegation to UNESCO conference (Tashkent, USSR), 1983;

Coordinator and Vice Chairman; U.S. delegation to the UNESCO World Conference on Culture (Mexico City), 1982

11. Business relationships:

Secretary, Dominguez Development Inc., 2003-present (an entity wholly owned by my wife);

Consultant & Trustee, The Mary Baker Eddy Library (Boston), 2001-present;

Chairman, Judging Panel, annual International IMPAC Dublin Literary Award, 1995-2003;

Chairman, annual "Global Panel" (The Netherlands--public affairs discussion. forum), 1993-98;

Director, IMPAC (Integrated Control Systems--a productivity advising firm), 1992-2002;

Editorial Advisory Board Member, Foreign Policy Association, 1982-1991;

Rubenstein Associates, Inc., historical consultant, Sept.-Nov. 2003

12. Memberships:

Member, Chairman's Advisory Council, U.S. Institute of Peace

Member, National Advisory Council, LBJ School of Public Affairs, University of Texas (Austin)

Chairman, Advisory Council, Woodrow Wilson Presidential Library Trust (Staunton, Va.)

Member, Cosmos Club (Washington, D.C.)

Member, Society of American Historians (a 250-member elective group)

American Historical Association (former)

Organization of American Historians (former)

American Civil Liberties Union (former)

Founding Officer, International Institute of Democracy (Strasbourg, France)(former)

Member, National Archivist's Scholars' Advisory Group on Administration of FBI Records, 1981-82;

Member, Joint American Historical Association/Organization of American Historians; Society of American Archivists Committee on Historians & Archives, 1975-1977

13. Political affiliations and activities

(a) None. I have never held an office in a political party nor have I ever run for public office. My public involvements over the past 25 years, in point of fact, have been largely in bipartisan and/or nonpartisan groups including The National Endowment for Democracy, The Center for Democracy, and the United States Institute of Peace.

(b) None, except that I am a registered Democrat and have been since I first voted. My public career involvements, however, as indicated above in #13(a), have been on a bipartisan basis.

(c) The only recent contribution that I have made, to the best of my knowledge, was a $250 contribution in August 2003 to the losing campaign for Mayor of Hartford, Connecticut by John Kennelly, son of my friend, former Congresswoman Barbara Kennelly. Although I cannot track any down, I may have made very occasional contributions across party lines to one or two good friends such as Senator Richard Lugar and former Senator Charles Robb. Other than these, nothing.

14. Honors and awards:

United Nations Peace Medal (for "efforts to promote peace, dialogue and free elections in several critical parts of the world"), 1986;

Council of Europe Silver Medal (for "outstanding assistance and guidance" to its Parliamentary Assembly) twice, in 1990 and 1996;

Award presented by President Violetta Chamorro of Nicaragua, for assistance in that country's democratization process, 1991;

Award presented by President Emil Constantinescu of Romania, for my advisory role on democratization issues, 2000;

Senior Fulbright Lectureship, Australia, 1968 and 1971;

(continued)

Honors and Awards (continued)

Designation by the Mayor of Boston to deliver the Bicentennial Fourth of July Oration at historic Faneuil Hall, 1987;

Commonwealth Fund Lectureship, University of London, 1981;

Fellowship, Woodrow Wilson International Center for Scholars (Smithsonian), 1980;

Fellowship, American Council of Learned Societies, 1975;

American Book Award Nomination in History (for PERJURY), 1979;

Mystery Writers of America "Edgar" Nomination (for PERJURY), 1979;

National Intelligence Study Center Best Book Award (for PERJURY), 1978;

Member, Humanities Advisory Council, Massachusetts Council on the Arts & Humanities, 1975-1977;

Harry S. Truman Library Institute Annual Award & Grant, 1974-1975;

Binkley-Stephenson Prize, best article in THE JOURNAL OF AMERICAN HISTORY, 1968

George Washington Egleston Prize, Yale University, for the best annual essay in American history (awarded to my dissertation), May 1968

The Meade Prize in History, The City College of New York, 1960

15. Published Writings:
[NOTE: As requested by the Committee, two copies of my published books have been attached. Copies of my edited collections and articles are available also, should the Committee wish to review these.]

THE STORY OF AMERICA: FREEDOM AND CRISIS FROM SETTLEMENT TO SUPERPOWER (DK Publishers, 2002), co-author, David Rubel;

THE HAUNTED WOOD: SOVIET ESPIONAGE IN AMERICA--THE STALIN ERA (Random House. 1999), co-author, Alexander Vassiliev;

PERJURY: THE HISS-CHAMBERS CASE (Random House, 1997 edition; first published in 1978);

FREEDOM AND CRISIS: AN AMERICAN HISTORY (Random House, 1974-1st ed., 1981, 3rd ed.), co-author, Frank Gatell;

PRELUDE TO POPULISM: ORIGINS OF THE SILVER ISSUE, 1867-1878 (Yale University Press, 1970);

(continued)

Published Writings (continued)

BETWEEN THE WARS: AMERICAN FOREIGN POLICY FROM VERSAILLES TO PEARL HARBOR (Berkley Publishing, 1978, written without author attribution);

TRUMAN AND THE AMERICAN COMMITMENT TO ISRAEL (Hebrew University Press, 1981), co-edited with Prof. Moshe Maoz;

AMERICAN NEGRO SLAVERY: A MODERN READER (Oxford University Press, 3rd ed., 1979) (co-edited);

CONFLICT IN AMERICA: A HISTORY OF DOMESTIC CONFRONTATIONS (Voice of America, Forum Branch, 1976);

READINGS IN AMERICAN POLITICAL HISTORY, 2 vols. (Oxford University Press, 1972);

THE SEGREGATION ERA, 1863-1954: A MODERN READER (Oxford University Press, 1970) (co-edited);

ORIGINS OF MODERN AMERICA, 1860-1900 (Random House, 1970);

THE PROCESS OF AMERICAN HISTORY, 2 vols. (Prentice Hall, 1969) (co-edited);

AMERICAN THEMES: ESSAYS IN HISTORIOGRAPHY (Oxford University Press, 1968)(co-edited);

"The Early Days of Soviet Espionage," in Brian Lamb, ed., BOOKNOTES: STORIES FROM AMERICAN HISTORY (Public Affairs Press, 2001);

"Alger Hiss," in THE SCRIBNER ENCYCLOPEDIA OF AMERICAN LIVES, VOL. 4 (Charles Scribner's Sons, 2001);

"Theodore Roosevelt" and "Harry S. Truman", in "TO THE BEST OF MY ABILITY": THE AMERICAN PRESIDENTS (DK Publishers, 2000);

"The Untold Story of a Politician Turned Spy," THE NEW YORKER, Dec. 21, 1998;

"Inclusion: A Personal Note," ELECTIONS TODAY, 9/03;

"The Inaugural Bridge," WASHINGTON POST, Jan. 12, 1993;

"King's Spirit Lives as Symbol," WASHINGTON TIMES, Jan. 18, 1991;

"The Second Bicentennial," NEWSWEEK, Aug. 5, 1985

"The Commitment to Democracy: A Bipartisan Approach," The DEMOCRACY PROGRAM's Interim Report to the U.S. Congress, April 18, 1983;

(continued)

Published Writings (continued)

"Presidential Reputations: Truman and the American Imagination," in TRUMAN AND THE AMERICAN COMMITMENT TO ISRAEL (Hebrew University Press, 1981);

"Julius and Ethel Rosenberg," in DICTIONARY OF AMERICAN BIOGRAPHY, Supplement Five, (Charles Scribner's Sons, 1977);

"Nadya—A Spy Story," in ENCOUNTER (June 1977);

"The American Revolution as a Commemorated Event: Reflections on the Bicentennial," REVUE DES LANGUES VIVANTES (1975);

"The Symbolism of Subversion: Notes on Some Cold War Ions," JOURNAL OF AMERICAN STUDIES (August 1972);

"The Vocation of Social Prophecy: Radical Critics of Gilded Age America," PACIFIC CIRCLE 2 (1972);

"Was There a 'Crime of 1873'? The Case of the Demonetized Dollar," THE JOURNAL OF AMERICAN HISTORY (Sept. 1967);

"The Democratic Faith: New Options in Central America," THE CENTER MAGAZINE, May/June 1984;

"Open Season on Open Government," THE NEW YORK TIMES MAGAZINE, June 10, 1979;

"In Defense of Perjury," THE NEW REPUBLIC, April 29, 1978;

"Was Alger Hiss Framed?: The New Evidence," THE NEW YORK REVIEW OF BOOKS, April 1, 1976;

"On the Search for Smoking Guns: The Hiss and Rosenberg Files," THE NEW REPUBLIC, Feb. 14, 1976;

"Nixon vs. Hiss," ESQUIRE, November 1975;

"Opening the FBI FILES: An Interim Report," SMITH ALUMNAE QUARTERLY, Feb. 1970 (reprinted in THE LOS ANGELES TIMES and ST. LOUIS POST-DISPATCH);

"The Alger Hiss Case: A Reassessment," THE AMERICAN SCHOLAR, Winter 1971;

"Agit-Prop and the Rosenbergs," COMMENTARY, July 1970;

"The Bonanza King Myth: Western Mine Owners and Remonetization," THE BUSINESS HISTORY REVIEW, Summer 1968

16. Speeches:
"A Generation of New Democracies: Problems and Lessons," a speech presented at Ohio University's 2004 Baker Peace Conference, April 2, 2004;

(continued)

Speeches (continued)

"The Past in Fact and Memory: Reflections on a Book," a talk delivered at the Mary Baker Eddy Library for the Betterment of Humanity in Boston, December 12, 2002 (rebroadcast on C-SPAN's "BOOK TV");

"Reflections on Education, Democracy and Normal Life," a graduation address to the Belfast [Northern Ireland] Institute of Further and Higher Education, November 16, 2001

"Negotiating Peace," remarks at a United States Institute of Peace conference panel on "Making Peace: Making It Stick," January 17, 2001

[one earlier talk but relevant to the position in question:]
"The Declaration Meets the Constitution; A Bicentennial Fourth of July," The Faneuil Hall Fourth of July Oration; the 206th Oration Before the Municipal Authorities of Boston, July 4, 1987

17. Selection

(a) Do you know why you were chosen for this nomination?

I do not know why the President chose me for this nomination and have not met directly with him since 1988, when then-Mr. Bush was briefly a participant in a Center for Democracy program. However, in my conversations with White House officials discussing the possibility of my nomination, several factors appear to me to have played a role:

1. My demonstrated record of successful service in nonpartisan or bipartisan organizations over the past two decades, initially as chief designer and Acting President of the National Endowment for Democracy, followed by my eighteen years as founder, President and CEO of The Center for Democracy, accompanied by my fifteen years as an active Director of the United States Institute of Peace;

2. My careers over three decades as a teacher and scholar of American history and civilization, and the intersection at points in this career with relevant themes and activities at or related to the National Archives and Records Administration;

3. My work as a global democracy activist which, in addition to a wide range of international relationships, also brought me into frequent and cooperative contact with numerous members of the U.S. Congress and their staffs, representing both parties and both houses, along with key officials from Administrations of both parties.

4. My demonstrated commitment over a lifetime to what the late Senator Daniel Patrick Moynihan - whose wise counsel I relied upon - described as a

"singular, and singularly American, advantage," namely, "a culture of openness."

17. (b) *What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?*

Several central aspects of my background and employment experience qualify me to become the next Archivist of the United States, should the U.S. Senate confirm my nomination. These include my scholarly research and publications over three decades, linked at important moments in my own career to NARA-related issues; decades of teaching the issues and history of American civilization at colleges, universities and periodically to younger students; my work on global democracy issues for over two decades, which reinforced for me the importance of maintaining the most accurate, accessible and thorough historical record in connecting citizens to their government; and my hands-on experience in Washington working on a bipartisan basis for the past two decades with members of Congress and their staffs, Democratic and Republican Administrations, and a wide range of NGOs.

On a personal note, my parents were pre-World War I immigrants to this country as children. If they were still alive today, they might pose the same question to me that they raised in discussing earlier educational and vocational opportunities: "Why should you be chosen?" My response in this instance would begin by explaining carefully to them the many responsibilities of the National Archives and Records Administration and its dedicated staff. I would then review for them the various elements in my background that might qualify me for the post, beginning with scholarly research and associated efforts. I would certainly mention having won in 1975 (with support from ACLU lawyers) the first major lawsuit to open FBI files of historical interest, the Hiss-Chambers FBI records, which I later donated to the Truman presidential library. I would undoubtedly point to my service on two committees of historians and archivists dealing with presidential papers and FBI files as well as my work on organizing public programs and speaking at the National Archives and at several presidential libraries over the past decades. I would note with special pride my service as a member of the editorial board and coordinator of the English-language edition of HISTORICAL ARCHIVES, published in Moscow in 1992, the Yeltsin government's first archival publication in English. Finally, on the matter of archives and scholarly access, I would note also my key role in opening the papers of Christian Science Church founder Mary Baker Eddy, papers closed to most researchers since her death almost a century ago, while helping as a consultant to develop the new Eddy Library and Archives.

Turning to my background as a teacher and writer focused on American history and civilization, I would note for my parents that the first Archivist of the United States, Professor R.D.W. Connor, was himself a professor of American history who returned to the University of North Carolina after retiring from the Archives in 1942. The educational role of the National Archivist has sometimes been overlooked or minimized, hence the relevance of my background as an historian and educator, should the U.S. Senate confirm me. The National Archivist must steer NARA with clarity of intellectual purpose, an occasionally-neglected element of the position, as well as provide administrative leadership.

With many young Americans growing to adulthood often possessing, at best, only a rudimentary comprehension of our country's past history and essential documentary heritage, the Archivist of the United States serves as a surrogate 'secretary of national memory,' charged with maintaining the records of our collective awareness as a nation while aggressively pursuing public understanding of the complete record of American 'evidence'.

Turning to the period I spent helping to create The National Endowment for Democracy, followed by my eighteen years as President of The Center for Democracy, there are numerous ways in which my international experiences and relationships can serve to enhance my ability to fulfill the role of National Archivist--beginning with my links worldwide to scholars, teachers, public administrators, government officials and legislative leaders. The National Archives and Records Administration operates within an international framework of archivists and scholars. We have much to learn from archivists elsewhere in the world and they from us, especially in the realm of "best practices" and friendly counsel. Should the Senate confirm me, I would pursue for NARA a sustained, constructive and, I believe, cost-saving international role.

I recognize that my initial months in the post, if confirmed, would be a substantial learning experience as it has been for every previous National Archivist, whatever their background and prior experiences. In this connection, I believe it would be crucial for me to support continued implementation of present Archivist John Carlin's strategic plan and other initiatives while assuming NARA's reins as deftly and sensitively as possible. In doing so, I would be guided by advice and counsel that I will seek as soon as appropriate from professional archivists and their associations, historians and their organizations, members of Congress and staffs concerned and knowledgeable on archival issues, NARA's able professional staff, key previous staff associated with the Archives, the various prime user constituencies, the leadership of the presidential libraries, concerned officials in the current and previous Administrations and other supporters of the National Archives and Records Administration.

At all times, I plan to recognize that the National Archivist's role is broadly educational as well as bureaucratic, substantive as well as procedural, centered not alone on technical expertise but on the Archivist's ability to comprehend and convey--simply yet cogently--the "first principles" inherent in the American documentary legacy and its fundamental charters. The Archivist of the United States is above all the designated custodian of all of this country's national "records that defy the tooth of time." Should the U.S. Senate approve my nomination, I believe that my background and personal experience as summarized qualify me to hold this position, to which I would then devote my entire time, energy and imagination.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Yes, immediately and totally.
2. No.
3. None whatsoever.
4. No.
5. Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. I can't think of any that would pose either a potential conflict of interest or the appearance of one.
2. I have not engaged in such activity of any sort.
3. Yes, absolutely. I welcome the involvement of the Committee and of the Office of Government Ethics in this crucial set of issues.

D. LEGAL MATTERS

1. No.
2. No.
3. No.
4. No.

E. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

AFFIDAVIT

Allen Weinstein being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Allen Weinstein

Subscribed and sworn before me this 27th day of April, 2004

Janet King

Notary Public

Janet King
Notary Public, District of Columbia
My Commission Expires
January 31, 2005

ALLEN WEINSTEIN

April 28, 2004

Additional Published Writings

Submitted to the U.S. Senate Committee on Governmental Affairs

In reviewing my files for copies of articles I wrote, copies of which the Committee has requested copies, I turned up several articles I omitted mentioning in my previous formal submission. One is a book review but on a subject that I believed would interest the Committee. As I search for copies of several articles in a continuing effort to provide the Committee with copies of all of these articles, I will be on the lookout for other omitted articles that may be scattered throughout a four decade career much of which was spent writing.

Congressman Roy Blunt, Congressman Ike Skelton, and Allen Weinstein, "Naming the State Department," an Op Ed column written by the three of us advocating that the State Department building be renamed in honor of President Truman, May 2000 [the Op Ed appeared in a number of newspapers throughout the month of May);

"The Cult of Secrecy," a review of Senator Daniel Patrick Moynihan's book, SECRECY: THE AMERICAN EXPERIENCE, in THE NATIONAL INTEREST, Winter 1998-99;

"Uncloaking the Soviet Spy Effort," THE WALL STREET JOURNAL, September 27, 1999;

="Boston is the Proper Place for a National Museum of Democracy," BOSTON GLOBE, July 11, 1986;

"Time to Act on Public Access for Presidential and Other Papers," WASHINGTON STAR, Feb. 26, 1978;

"Scholars in the Middle of Battles Over Information," THE NEW YORK TIMES WEEK IN REVIEW, July 11, 1982;

"Reopening a Cold War Mystery," THE WASHINGTON POST, November 4, 1992;

--continued--

Additional Published Writings (continued):

"Yes, the U.S. Can Afford to Help Manila," THE NEW YORK TIMES WEEK IN REVIEW, May 18, 1986;

"Aquino: When the Cheering is Over," WASHINGTON TIMES, September 24, 1986;

"The Choice of a National Archivist," WASHINGTON TIMES, May 7, 1985;

"Sandinista Pluralism?," THE NEW YORK TIMES, April 16, 1982;

"The State of Press Freedom in Sandinist Nicaragua," THE WALL STREET JOURNAL, April 14, 1982;

"Poland: Blustering Hawks, Twittering Sparrows," THE LOS ANGELES TIMES, January 1, 1982;

"Spy Hunt," WASHINGTON POST, January 25, 1980.

***U.S. Senate Committee on Governmental Affairs**
Pre-hearing Questionnaire for the
Nomination of Allen Weinstein to be
Archivist of the United States

I. Nomination Process and Conflicts of Interest

1. Why do you believe the President nominated you to serve as Archivist of the United States?

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

3. The National Archives and Records Administration Act of 1984 (P.L. 98-497) states that the

> archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. . . . The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of Congress.

Although the current Archivist, John Carlin, did not submit his letter of resignation to President Bush until December 19, 2003, press reports suggest that you were first contacted about the position of Archivist in the fall of 2003 ("Bush Picks Weinstein as Archivist," *The Washington Post*, p. A17, April 20, 2004). When were you first contacted by someone in the federal government about serving as Archivist of the United States, and by whom?

4. What specific background and experience affirmatively qualifies you to be Archivist of the United States? What skills do you bring to the job of Archivist — both to the traditional role as the nation's archivist and to the need to address the National Archives and Records Administration's (NARA) information technology challenges?

5. Please describe your previous experience with archives and records management in the United States or abroad. Would you characterize your previous experience as a user, a manager, a partner, or a stakeholder? Please explain.

6. Please describe your previous experience with the National Archives and Records Administration. How would you characterize this experience?

7. Have you made any commitments with respect to the policies and principles you will attempt to implement as Archivist? If so, what are they and to whom have the commitments been made?

**Mr. Weinstein's responses appear in sequential order on pages 53-84.*

8. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures you will use to carry out such a recusal or disqualification.

II. Role and Responsibilities of Archivist of the United States

9. What do you believe to be the roles, responsibilities, and most important functions of the Archivist of the United States?

10. What challenges will the Archivist face in the first decade of the 21st century?

11. If confirmed as Archivist, what will be your top priorities for National Archives and Records Administration (NARA)?

12. Please explain how you would build stronger relationships between NARA and key stakeholders such as the appropriate state and federal agencies, as well as historians, records managers, and other users of NARA holdings?

    - How do you intend to work with Federal agencies, Congress, the courts, and the White House to advance issues of importance to NARA's mission, such as ensuring agency compliance with record schedules and managing the preservation and accessibility of complex electronic records?

    - What specific steps would you take to develop strong working relationships with other federal agencies and state and local governments?

    - Please explain any experience you may have in working with major archival collections donors, including federal agencies, states and private collectors. What skills do you have that would ensure successful partnerships with such organizations?

    - What role should NARA play in the national and international archival and records management communities, including professional associations?

    - What role should NARA play in the international community of national archives, including the International Congress on Archives?

    - How should NARA be involved in the national and international archival and records management standards-setting communities?

13. When the Congress considered the National Archives and Records Administration Act of 1984, there was debate regarding the creation of a 10-year term for the position of

Archivist of the United States. Ultimately, although the Act did not specify a length of term for the Archivist the Conference Report (Rpt. 98-1124) stated that

> A term of office is not specified. Although the Archivist may be removed from office by the President, the conferees intend that he be an officer performing professional archival and records management functions insulated from the political orientation of a particular administration. Because of the non-political nature of the Archivist's duties, the office ought not to change hands automatically with the election of a new President.

Do you believe an Archivist can have a positive impact and provide beneficial, nonpartisan leadership without having the commitment of a specific term of office? Do you believe a specific term for the position of Archivist of the United States would be beneficial?

14. The National Archives and Records Administration Act of 1984 required that the Archivist be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties of the position. In the Conference Report accompanying the legislation, the Congress noted that the "insulation from political pressure is necessary to insure confidence and cooperation from all agencies. Public confidence in the Archivist's role will also be enhanced if the office is permitted to pursue objectively and independently the archival responsibilities necessary to insure preservation of the Nation's historically valuable records." As Archivist, how would you protect NARA from political or partisan interference? What measures would you take to ensure the political and ideological independence of NARA when confronted by political demands or pressures?

III. Policy Questions

NARA Management

15. NARA's workforce includes a workforce of more than 3100 employees and is a diverse and widely dispersed one that has experienced several reorganizations. What managerial experience can you draw on to help you lead NARA and its large, diverse workforce in the 21st century? What skills do you bring to the Archivist's role as the manager of a large organization?

16. If confirmed, how would you ensure maintaining an appropriate balance among the functions of records management, storage, accessioning, preservation, and online access at NARA?

17. In your opinion, what are NARA's greatest challenges over the next five years?

- Do you believe that these challenges are sufficiently reflected in NARA's strategic plan?
- What changes would you make in the strategic direction of the agency?

18. How would you hold NARA's senior executives accountable for implementing the goals and objectives set forth in the strategic plan?

19. Similar to other agencies in the federal government, NARA is facing the loss of experienced personnel who will soon be eligible for retirement. How will you attract new employees with the appropriate training to offset that loss?

20. Given NARA's resources, how would you address some of the agency's existing problems such as space limitations, aging facilities, deteriorating records that need assessment and stabilization, substantial descriptive backlogs, and the need for better assessment and cooperative transfer of agency holdings?

21. What are your views of NARA's effort to review and modify its processes for managing, preserving and making available records, commonly referred to as its records lifecycle Business Process Re-engineering effort?

- Will re-engineering NARA's business processes require substantial re-training or realignment of NARA's staff? Please explain.

- As the agency's senior manager, what steps will you take to minimize disruption and potential morale problems caused by rapid changes in staff roles and responsibilities?

22. What steps would you take to assure that the decision-making process of the Archivist with respect to screening and appraisal of records is free of undue external influence by the creating agency, by other executive branch agencies, by Congress, or by any other person?

Electronic Records Archiving

23. What is your understanding of NARA's program to develop the Electronic Records Archives? As Archivist, what priority and emphasis would you place on meeting the challenge of preserving and providing access to electronic records?

24. How will you enhance NARA's cooperation with other agencies, such as the Library of Congress, the Government Printing Office, and the National Library of Medicine, that are attempting to address the problem of long-term preservation of electronic files?

25. Both NARA and GPO have roles in preserving and ensuring access to electronic documents. What do you believe is the appropriate division of responsibility between the two? How will you work with GPO on this issue?

Records Management

26. What are your views on records and record-keeping systems as a means of both documenting and keeping government accountable to its citizens, and protecting citizens' rights?

27. Please discuss the support, perspectives, and needs of the historical and scholarly communities that have traditionally supported and used NARA's records resources.

28. What is your understanding of NARA's effort to redesign federal records management through its Records Management Initiative (RMI)? As Archivist, what would you do to contribute to the success of this initiative?

29. How should NARA build on the requirements of the E-Government Act of 2002, in particular with respect to public access to electronic information?

30. What is your understanding of the Electronic Records Management initiative (ERM), one of the Office of Management and Budget's e-government initiatives? As Archivist, how would you ensure the success of this initiative?

31. What steps do you think NARA should take to ensure that federal agencies retain, preserve, and manage electronic records, pursuant to statutory mandates?

32. What unique challenges are presented by the need to manage electronic records?

33. How would you address the government-wide problem of unscheduled (records not covered by a disposal schedule) electronic records?

34. What are your plans to raise awareness of and commitment to records management among senior government managers?

35. How would you ensure that NARA establishes an effective and active oversight program of inspections of agency records management programs?

Records Preservation and Access

36. The adjustment survey for the 2000 census was intended to identify and understand any errors in that census. It is unclear, however, where the instruments and records related to that survey will be retained or archived. The survey instrument used to conduct the survey exists only on U.S. Census Bureau laptop computers. The results of the survey

were released only after the agency was ordered by the courts to release the data. To date, the agency has made no provision for the permanent storage of either the survey instrument or the results of the survey, and there is little incentive for the agency to do so on its own. In addition, the technical problems of archiving the survey instrument are considerable. As Archivist, how would you handle this situation? Do you believe these survey instruments and results should be archived? If so, (a) would you use your office to persuade the Census Bureau to submit the survey instrument and results for archiving; (b) would you accept the Census Bureau's judgment that permanent archiving is not necessary; (c) would you overrule the Census Bureau's decision; and (d) how would you handle any similar future situations with any federal agency?

37. According to your article "On the Search for Smoking Guns: The Hiss and Rosenberg Files" published in *The New Republic* on February 14, 1976, you mention that during your work on a study related to the domestic impact of the Cold War during the McCarthy period, you assisted by the American Civil Liberties Union, filed a lawsuit against the Federal Bureau of Investigation and the Department of Justice under the Freedom of Information Act (FOIA) to gain access to files related to the Alger Hiss case. Eventually, the FBI released documents to the public related to both the Hiss case and the Rosenberg case. In a 1978 article in *The Washington Star* entitled "Time to act on public access to presidential, and other papers," you expressed support for a congressional examination into how to make presidential papers publicly accessible. Finally, in your 1998 review of *Secrecy: The American Experience* by Daniel Patrick Moynihan, which is described as an expanded appendix to the report by the Commission on Protecting and Reducing Government Secrecy, you expressed your belief that the recommendations of that Commission were sensible in reversing the U.S. national security "culture of secrecy."

- What are your current views with respect to public access to government records?
- Do you still adhere to the views expressed in each of those articles?
- If confirmed, what steps will you take to ensure appropriate access to government records?

38. Some scholars, historians and professional archivists have raised concerns regarding your commitment to public access, based upon experiences with two of your published historical works, Perjury: The Hiss-Chambers Case and The Haunted Wood: Soviet Espionage in America - The Stalin Era. These concerns have been raised in several newspapers and periodicals, including *Federal Computer Week* ("Politicizing the Archives," *Federal Computer Week*, p. 36, April 26, 2004) and *The New York Times* ("Bush Nominee for Archivist is Criticized for His Secrecy," *New York Times*, April 20, 2004). Scholars have asserted that you did not make available for review the records and notes you relied upon when writing Perjury and The Haunted Wood. These scholars have noted that it is customary for historians to make their research notes and record available

to other scholars so that they can fairly and accurately judge the conclusions in the book, and that your reluctance to release these notes and records raises questions about your commitment to public access.

- What records and/or notes related to Perjury and The Haunted Wood did you make available to the historical and academic communities for their review? Did you impose any restrictions on their availability? What records or notes that you relied upon when writing either book were not made available, either at all or to selected individuals or groups, and why were they withheld?

- Would you make available to other scholars immediately any and all records and notes that you relied upon when writing Perjury and The Haunted Wood? If not, why not?

- Do you believe it is important for historians and academics to make their records and notes available so that their peers can judge the accuracy of their conclusions?

- Do you believe it is important that the Archivist of the United States ensure the maximum appropriate access to government records?

- What criteria justify restricting access?

39. The National Archives will be taking custody of more than 2.5 million pages of documents and transcripts from more than 1000 interviews accumulated by the National Commission on Terrorist Attacks Upon the United States after the bipartisan panel issues its final report this summer and concludes its operations. As Archivist, when, if at all, would you release these documents, including any notes from private interviews with President Bush, Vice President Cheney, former President Bill Clinton and former Vice President Al Gore? Do you believe the timely release of all appropriate documents is in the public interest? As Archivist, what would you see as your role in working with federal agencies to facilitate the declassification of those materials that are classified?

40. How would you apply the law and policy involving the archiving, custody, and public access to documents that may contain critical infrastructure information voluntarily submitted to the federal government under the Critical Infrastructure Information Act of 2002 (6 U.S.C. §§ 131 and following)?

Presidential Records and E.O. 13233

41. What are your views on the issue of public access to presidential records?

- What interests do you believe may be served by keeping presidential records secret to maintain confidentiality of communications, what interests may be served by public disclosure, and how would you balance those interests?

- How would those views shape your approach, as Archivist, to address issues of public access to presidential records?

42. What are your views on Executive Order 13233, which authorizes former presidents (or their representatives) and the current president to invoke the principle of executive privilege to restrict public access to records of former presidents otherwise releasable under the Presidential Records Act?

    - What are your views on the order's approach to balancing the interest of preserving confidentiality with the interest of public disclosure?

    - What will you do to ensure that Presidential records, including P5 records (records relating to a President's confidential policy advice), are available to the public in a timely manner to the greatest extent appropriate?

    - In a 1978 *Washington Star* article ("Time to act on public access to presidential, and other, papers," *Washington Star*, p. C1, February 26, 1978) you stated that the argument, that increasing access to presidential papers would decrease candor in deliberations and documents had merit but that the effect referenced would be difficult to measure. However, you also raised the question, that even if such an effect caused a serious decline in the frankness of executive branch communications, "would the 'actual harm' done. . . be so great that the trade-off would not be in the public interest?" Do you still adhere to the views expressed in this article? How do you believe E.O. 13233 affects the balance you discussed in this article?

Presidential Libraries

43. Individual libraries now exist for each former President, dating back to President Hoover. These libraries are maintained at public expense and overseen by the National Archives even though private organizations and foundations are responsible for establishing and building these museums.

    - The Nixon library is currently a private library but is working toward becoming a part of the Presidential Libraries system, which is overseen by NARA. The Presidential Recordings and Materials Act of 1974 required that Nixon Administration Presidential records and materials be kept in the metropolitan Washington, D.C. area. However, H.R. 2673, the Consolidated Appropriations Act, 2004, included a provision that now allows the transfer of Nixon Administration Presidential records and materials to the Nixon Library, once it is brought into the Presidential Libraries system, subject to the terms of the Presidential Library Act. What criteria must be met before NARA begins

transferring these records, and how long will the process take?

- What plans or ideas do you have concerning the future of the Presidential Libraries program?

IV. Relations with Congress

44. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

45. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

V. Assistance

46. Are these answers your own? Have you consulted with NARA or any interested parties? If so, please indicate which entities.

U.S. Senate Committee on Governmental Affairs
Pre-hearing Questionnaire for the
Nomination of Allen Weinstein to be
Archivist of the United States

ANSWERS TO QUESTIONS

I. Nomination Process and Conflicts of Interest

1. I do not know why the President chose me for this nomination and have not met directly with him since 1988, when George W. Bush was briefly a participant in a Center for Democracy program. However, in my conversations with White House officials discussing the possibility of the nomination, several factors appear to have played a role in their decision:

(1) A demonstrated record of successful service in nonpartisan or bipartisan organizations over the past two decades, initially as chief designer and Acting President of the National Endowment for Democracy, followed by eighteen years as founder, President and CEO of The Center for Democracy, accompanied by fifteen years as an active Director of the United States Institute of Peace;

(2) A career over three decades as a teacher and scholar of American history and civilization, and the intersection at points in this career with relevant themes and activities at or related to the National Archives and Records Administration;

(3) My work since 1980 as a global democracy activist and NGO administrator which, in addition to a wide range of international relationships, also brought me into frequent and cooperative contact with numerous members of the U.S. Congress and their staffs, representing both parties and both houses, along with key officials from Administrations of both parties.

(4) A demonstrated commitment over my lifetime to what the late Senator Daniel Patrick Moynihan – whose wise counsel I relied upon – described as a "singular, and singularly American, advantage," namely, "a culture of openness."

2. None

3. On September 23, 2003, I was invited to meet that day with Ms. Dina Powell, Assistant to the President and Director of Presidential Personnel, about the possibility of nomination as the next Archivist of the United States. The position was not offered to me at this meeting. In late-November and early-December, I was asked by the Office of Presidential Personnel to fill out White House and FBI investigative forms whose satisfactory checking I understood would precede any final decision to nominate me. I assume that these investigative forms were completed and checked out satisfactorily

because by January 2004, I was asked to submit materials to Christopher M. Runkel, Senior Counsel at NARA, in his capacity as ethics officer consulting with the U.S. Office of Government Ethics. Thus, although the President sent his notice of "intention to nominate" me as Archivist to the Congress on April 8, 2004, I received informal notice of this from the White House Presidential Personnel office in early-January 2004.

4. In my opinion, several central aspects of my background and employment experience qualify me to become the next Archivist of the United States, should the U.S. Senate confirm my nomination. These include my scholarly research and publications over three decades, linked at important moments in my own career to NARA-related issues; decades of teaching the issues and history of American civilization at colleges, universities and periodically to younger students; my work on global democracy issues for over two decades, which reinforced for me the importance of maintaining the most accurate, accessible and thorough historical record in connecting citizens to their government; and my hands-on experience in Washington working on a bipartisan basis for the past two decades with members of Congress and their staffs, Democratic and Republican Administrations, and a wide range of NGOs.

On a personal note, my parents were pre-World War I immigrants to this country as children. If they were still alive today, they might ask me the same question that they raised in discussing earlier educational and vocational opportunities: "Why should you be chosen?" My response in this instance would begin by explaining carefully to them the many responsibilities of the National Archives and Records Administration and its dedicated staff. I would then review for them the various elements in my background that might qualify me for the post, beginning with scholarly research and associated efforts. I would certainly mention having won in 1975 (with support from ACLU lawyers) the first major lawsuit to open FBI files of historical interest, the Hiss-Chambers FBI records, which I later donated to the Truman presidential library. I would undoubtedly point to my service on two committees of historians and archivists dealing with presidential papers and FBI files as well as to my work on organizing public programs and speaking at the National Archives and at several presidential libraries over the past decades. I would note with special pride my service as a member of the editorial board and coordinator of the English-language edition of HISTORICAL ARCHIVES, published in Moscow in 1992, the Yeltsin government's first archival publication in English. Finally, on the matter of archives and scholarly access, I would note also my key role in opening the papers of Christian Science Church founder Mary Baker Eddy, papers closed to most researchers since her death almost a century ago, while helping as a consultant to develop the new Eddy Library and Archives in Boston.

Concerning my background as a teacher and writer focused on American history and civilization, I would note for my parents that the first Archivist of the United States, Professor R.D.W. Connor, was also a professor of American history who returned to the University of North Carolina after retiring from the Archives in 1942. The educational role of the Archivist has sometimes been overlooked or minimized, hence the relevance of my background as an historian and educator. The Archivist of the United States must steer NARA with clarity of intellectual purpose, an occasionally-neglected element of the

position, as well as provide administrative leadership. With many young Americans growing to adulthood possessing, at best, only the most rudimentary comprehension of our country's past history and essential documentary heritage, the Archivist of the United States serves as a surrogate 'secretary of national memory,' charged with maintaining the records of our collective awareness as a nation while aggressively pursuing public understanding of the complete documentary evidence of American values and experience.

Turning to the period I spent helping to create The National Endowment for Democracy, followed by my eighteen years as President of The Center for Democracy, there are numerous ways in which my international experiences and relationships serve to enhance my ability to fulfill the role of National Archivist—beginning with my links worldwide to scholars, teachers, public administrators, government officials and legislative leaders. The National Archives and Records Administration operates within an international framework of archivists and scholars. We have much to learn from archivists elsewhere in the world and they from us, especially in the realm of "best practices" and friendly counsel. Should the Senate confirm me, I would pursue for NARA a sustained, constructive and, I believe, cost-saving international role. In this connection, I would plan to participate personally and actively, within the constraints of my schedule as Archivist, if confirmed, in the International Council on Archives' work, and I would encourage senior NARA employees including those on the management team to continue their own active involvement with that organization.

On one specific point, I have a different perspective than that expressed in the question, which distinguishes between the Archivist's "traditional role as the nation's archivist" and "the need to address the National Archives and Records Administration's (NARA) information technology challenges." By my count, five of the eight Archivists of the United States were trained as historians. Beginning with the first Archivist, Professor R. W. D. Connor, each confronted often-innovative "information technology" challenges in their own day as the mandate and responsibilities of the National Archives expanded in continuous fashion through the NARS phase into its current NARA incarnation. This has left precious little time since 1934 to reflect on the Archivist's supposedly "traditional role" since the dimensions of that role have continued to change and evolve with each Archivist.

I will make every effort, as have previous Archivists, should I be confirmed, to work with NARA staff and outside experts to address fully and satisfactorily the range of responsibilities—including those related to information technology—that today confront the Archivist of the United States. I should note in this connection my experience as President of The Center for Democracy in August 1991, using what were then new methods (fax machines and an early variant of transcontinental e-mail), the Center kept messages flowing in and out of Moscow's 'White House,' where an embattled Boris Yeltsin and his colleagues held back the *coup*-plotters and their military forces. These then-new technologies allowed our small office to respond to the need for accurate information on events in Moscow and to distribute this news widely throughout Washington (especially during the first two days of the attempted *coup*). The issue, in

short, was not one of prior technical expertise but whether my staff and I could imaginatively apply new technology to unanticipated circumstances. Up to now, though for the most part lacking formal technical training, most Archivists of the United States have risen to the occasion in addressing the major technological issues of their tenure in office. If confirmed, in dealing with (among other new programs) NARA's Records Management Initiative, Electronic Records Archives, ERM Initiative, and E-Government Act responsibilities, I would strive to meet the high standards set by my predecessors.

As in most professions, the Archivist of the United States and the talented employees of NARA will use new technology's tools as they become available to enhance and improve their work. From the Archives' inception, new technology has been and will continue to be employed to further NARA's mission of protecting our nation's historical record and making it as available as possible to our citizens.

I recognize that for me the initial months in the post would be a substantial learning experience as it has been for every previous National Archivist, whatever their background and prior experiences. In this connection, I believe it would be crucial for me at the outset to support continued implementation of present Archivist John Carlin's strategic plan and other initiatives while assuming NARA's reins as deftly and sensitively as possible. In doing so, I would be guided by advice and counsel that I will seek as soon as appropriate from professional archivists and their associations, historians and their organizations, members of Congress and staffs concerned with and knowledgeable on archival issues, NARA's able professional staff, key former NARA personnel, the various prime user constituencies, the leadership of the presidential libraries, concerned officials in the current and previous Administrations and other supporters of the National Archives and Records Administration.

At all times, I plan to stress that the National Archivist's role is broadly educational as well as bureaucratic, substantive as well as procedural, centered not alone on technical expertise but on the Archivist's ability to comprehend and convey—simply yet cogently—the "first principles" inherent in the American documentary legacy and the nation's fundamental charters. The Archivist of the United States is above all the designated custodian of all this country's national "records that defy the tooth of time." Should the U.S. Senate approve my nomination, I believe that my background and personal experience as summarized qualify me to hold this position, to which I would then devote my entire time, energy and imagination.

5. My background with archives and records management has several dimensions, sometimes as a user and stakeholder and on occasion as a manager. As described in my response to question 4, I won the first major lawsuit in 1975 that opened FBI files of historical interest under the Freedom of Information Act—the Hiss-Chambers case records, files later donated to the Truman presidential library. My personal files on the case have been open to serious scholars ever since and—among others—used extensively by Sam Tanenhaus in his award-winning biography of Whittaker Chambers.

As my biographical information notes, after publication of my book on the Hiss case, I served for several years on two joint committees of historians and archivists which dealt respectively with the disposition of presidential records and that of FBI files. Several unique opportunities related to Soviet archives emerged for me in the late-1980s and early-1990s. The first involved my organizing and chairing in 1988 for the United States Institute of Peace a delegation of American historians to meet with Soviet historians for a week's discussion of the origins of the Cold War, with both groups agreeing to bring the latest relevant documents from their respective archives (normal for the Americans but a first for the Soviets).

The second opportunity involved the opening of KGB archives for a brief period to allow research, writing, and publication by Western scholars of four books on various subjects. Mine, co-authored with Russian writer Alexander Vassiliev, is *The Haunted Wood: Soviet Espionage in America—The Stalin Era*, all of whose records in my possession I am donating to the Hoover Institution at Stanford University. (The Hoover Institution already has possession of one adjunct Hiss-Chambers collection, the valuable Herbert Solow papers, which I arranged to be sent from Mexico several years ago for use by scholars.) The third opportunity, also post-Soviet, involved my joining the Editorial Board in 1992-93 of *Historical Archives*, a Board chaired by then-President Yeltsin's Chief Archivist, Rudolf Pikoya. I arranged for the first (and only) English translation of that publication and its distribution in the United States under a foundation grant which I obtained.

More recently, I served as a consultant in the development of the new Mary Baker Eddy Library and Archive in Boston where the bulk of Mrs. Eddy's papers for the first time have been opened to full scholarly use, papers closed to most researchers since her death almost a century ago. I would characterize my role in the various Soviet/Russian initiatives and in the Eddy archive and library opening as that of a *de facto* manager as well as a user and stakeholder.

Another related initiative by The Center for Democracy under my direction during the 1990s also deserves mention here. In cooperation with The Council of Europe and the Furth Family Foundation, we have sponsored for the past twelve years an annual "International Judicial Conference" involving judges from the highest courts of appeal in both developed and developing democracies. As many as 140 justices from over 80 countries worldwide have attended. Four U.S. Supreme Court justices took part in the conference in the three years it was held in Washington, D.C. One of the conference's persistent themes has been encouraging the newly-democratizing judicial authorities to develop archives and records management systems that adequately address their countries' fragile institutional memories. This and other experiences during my eighteen years as President and CEO of The Center for Democracy suggest my compelling interest in the international dimension of NARA's activity.

6. Having described some of what follows in responding to previous questions, I will put into 'bullets' the major elements of my previous experiences with NARA:

- Member, Joint American Historical Association/Organization of American Historians/Society of American Archivists' Committee on Historians and Archives, 1975-77 [much of its work concerned discussion of an appropriate Presidential Records Act];
- Member, National Archivist's Scholars Advisory Group on Administration of FBI Records, 1981-82;
- Host, Launch and Reception at the National Archives building in 1986, honoring the Commission on the Bicentennial of the U.S. Constitution;
- Various lectures given at the National Archives by me from the late-1970s to the present;
- Various programs at the National Archives organized and hosted by me, including the C-SPAN-televised, Society of American Historians'-authored *To the Best of My Ability*, 1999-present;
- Acquaintanceship with various National Archivists and their key administrators going back to the late-1970s/early-1980s.

I would "characterize this experience"—which the question asks for—as a continuing, wide-ranging appreciation on my part of the significant role that the National Archives and Records Administration plays in this country's documentary and intellectual lifeblood. Looking ahead, should I be confirmed, I would perceive my earlier points of association with NARA as a valuable prelude to the work ahead.

7. I have made no commitments with respect to the policies and principles that I would attempt to implement as Archivist. However, I have held over the past several months informal discussions (in the course of making courtesy calls) with members and staff of the Governmental Affairs Committee that touched on issues of principle more often than on specific policies. I have benefited also from off-the-record informal meetings with historians, archivists, and other NARA stakeholders—including heads of professional organizations. To those on Capitol Hill and those in the professional communities, I have stated plainly, both publicly and privately, that throughout my career (and today) I favor maximum access to declassified government records consistent with legitimate and appropriate administrative, privacy and national security concerns. However, I have made no commitments of any kind at this point that relate to specific policies or programs.

Since my nomination was announced in early-April 2004, on the one occasion in which Archives personnel approached me by telephone on a pending policy matter, I referred them immediately to Governor Carlin. I have not met with any Archives staff, whether to discuss policy or personnel, except for my discussions with Archives Counsel Christopher Runkel on Office of Government Ethics review of my financial disclosure report, with which I am in compliance (copy appended). My major contact with the Archives since becoming a nominee has been limited to receipt of the small group of well-prepared briefing books via Mr. Runkel, and indirectly, the off-the-record comments by historians, archivists, and others with whom I have met informally over the past weeks. For that reason, absent the "inside" review of NARA from which I would benefit following confirmation, should the Senate confirm me, I will limit my present comments

on those policy questions posed by Committee staff which, in my judgment, require post-confirmation NARA briefings for a thorough and correct response.

8. At this point, I do not anticipate any issues from which I would have to recuse or disqualify myself because of a conflict of interest or the appearance of such a conflict. However, should such a conflict or the appearance of one occur, I would consult immediately with NARA's General Counsel, with the other lawyers charged with addressing ethics issues within NARA, and others on NARA's senior management team who could provide useful input to the discussion. After such consultations, normally, I would expect to follow NARA's lawyers' recommendations for addressing the issue(s) involved, including, if appropriate, recusing or disqualifying myself from overseeing the matter and assigning it elsewhere in NARA for adjudication.

II. Role and Responsibilities of the Archivist of the United States

9. The U.S. Government Manual states succinctly the major functions of the National Archives and Records Administration. The description opens: "[It] ensures, for citizens and Federal officials, ready access to essential evidence that documents the rights of American citizens, the actions of Federal officials, and the national experience [from the start of the country]."

The United States' three most important founding documents, often called "the charters of freedom"—the Declaration of Independence, the U.S. Constitution, and the Bill of Rights—are all housed in the Rotunda, where one of the Archivist's sacred missions is to oversee safeguarding their security and that of other precious national documents. The three charters of freedom are the essential touchstones of identity of this country, defining the balance of citizenship's rights and its obligations in the American republic. The Archivist of the United States, in addition to providing security for the charters and the rest of our governmental documentary heritage, has the privilege and responsibility of developing interesting methods of educating the American people about this heritage. Nonpartisan civic education in its broadest sense, in short, is not a tangential or minor element of the Archivist's obligation but goes to its very heart.

Then there are the many other critical functions for which the Archivist of the United States and NARA bear responsibility, also as outlined in the U.S. Government Manual:

"[NARA] establishes policies and procedures for managing U.S. government records and assists Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring non-current records; [NARA also] is responsible for accessions, [and] arranges, describes, preserves, and provides access to the essential documentation of the three branches of Government."

All of this record maintenance occurs at one of the two main NARA headquarters in Washington, D.C. and College Park, Maryland, or at the regional records centers, archives distributed across the country. To adequately manage this entire complex of programs ideally involves a significant degree of travel, visitation and oversight by the

Archivist, since NARA staff must be persuaded of the Archivist's total commitment to their effort, whether working—and at whatever level of authority—in downtown Washington, in a regional records center thousands of miles away, or online dealing with one of NARA's innovative new electronic records initiatives..

Another major aspect of the Archivist's role and responsibilities involves managing "the Presidential Library system" in addition to which, through the Federal Register, he "publishes the laws, regulations and Presidential and other public documents." In addition, the Archivist "also assists the Information Security Oversight Office (ISOO) which manages Federal classification and declassification policies, and the National Historical Publications and Records Commission, which makes grants to help non-profit organizations identify, preserve, and provide access to materials that document American history."

In addition to all of these roles and responsibilities, the Archivist is now responsible for another NARA initiative, the Redesign of Federal Records Management, whose current records management processes were designed for paper records. Today, most Federal records are created electronically and remain electronic for at least a portion of their lives. Work on this initiative involves not only program and records management staff but, also, information technology (IT) staff, who play a major role in the other NARA initiatives dealing with electronic records briefly described in response to other questions, among them: NARA's role as Managing Partner of the Electronic Records Management (ERM) Initiative; its development work on an Electronic Records Archive (ERA); and the Records Lifecycle Business Process Reengineering (EPR) Initiative.

Any serious list of the most important functions in which the Archivist of the United States is involved would surely include the following ones previously described (no ranking of importance is intended by the order of presentation):

- Security for the charters and the billions of documents and other materials in the National Archives building, the College Park facility, the twelve presidential libraries, and the nineteen Regional Archives Centers;
- Educational and public programming efforts at the Archives and nationwide;
- Strengthening the several electronic records management programs now in development and/or discussion in cooperation with the full range of U.S. government agencies and departments;
- Strengthening the relationship between NARA and the Presidential Library system;
- Maintaining at adequate budgetary levels the work of the National Historical Publications and Records Commission (NHPRC);
- Addressing the complex of issues related to the Information Security Oversight Office (ISOO).

A number of other matters call for attention, including those described in other parts of this questionnaire, but the above list in my view contains a reasonable spectrum of the most important issues confronted by the Archivist of the United States. As David

McCulloch wrote in his Introduction to Herman J. Viola's elegant and beautifully-illustrated book, *The National Archives of the United States*:

"The [NARA] collection is of us and it is for us. 'This building holds in trust the records of our national life...' reads an inscription carved in one wall, and it is that feeling of life that draws us here. That above all."

Reflecting on that feeling of "life" amidst the records described by McCulloch should also remain an ongoing and pivotal responsibility for every person privileged to become Archivist of the United States.

10. Some of the "challenges" confronting the Archives in this initial decade of the new century are unique to it; others recall challenges faced during earlier times.

Never have security issues, related especially to the three main charters of freedom but applying to any number of the Archives' treasured documents and other material in its numerous repositories, played so important a role. I need not dwell for members and staff of the Congress upon the changed security environment in which we now operate in Washington, post-9/11, an environment in which threats to the hallmarks of our legacy such as the charters of freedom must be anticipated and addressed before they can occur. Generally, NARA must work closely with its Congressional oversight committees to encourage funding adequate to these security needs. We must also address the multi-year manifold programs related to electronic records development while not creating a budgetary balance weighted more favorably for IT-linked activities and against ongoing public programs, NHPRC projects, presidential library allocations, and a whole raft of what might be seen by some potential Archivist (but not this one, should I be confirmed) as less-fashionable, non-electronic initiatives.

No one in the Archivist's role would be more supportive of NARA's major electronic initiatives: ERA, EPM, BPR, and the others awaiting creation. At the same time, I confess at this pre-confirmation stage in my limited knowledge of these initiatives, without having been briefed by those in charge of the IT programs at the Archives, that I would not have stated so categorically, as NARA's official roll-out publication on ERA did, that "there simply is no alternative [to ERA]. If we do not succeed, the Archives of the United States will cease to exist, and vital records will be lost." I have every confidence that new initiatives such as the Electronic Records Archive will succeed in the end but as one of the priority challenges confronting the Archives in the century ahead, not as the only decisive one.

11. If confirmed as Archivist, I would undertake initially a set of briefings by NARA's management team and senior staff to familiarize myself with their assessment of current priorities throughout NARA's realm of responsibility. I would expect also to schedule meetings at an early moment with representatives of NARA's major stakeholders, inside and outside of the government, to solicit their perspectives on any problems and the priorities ahead. At that time, I intend to provide this Committee and others with oversight responsibilities for NARA with an expanded and clarified response

to the question. Until that time, I would list the following evident priorities that must concern anyone confirmed today as Archivist of the United States. I do not list them in order of importance:

- providing effective security for the documents, materials and staff at the Washington, D.C. and College Park NARA headquarters and throughout NARA's installations (i.e., presidential libraries, regional records centers, *et al.*);
- completing the Redesign of the Federal Records Management initiative;
- moving forward the major electronic records initiatives (i.e., ERA, ERM, BPR, *et al.*);
- expanding NARA's educational and public programming not only in Washington but throughout the presidential library system and the regional records centers;
- supporting the NHPRC's important work at effective budgetary levels;
- addressing major internal administrative concerns at NARA, including (but not limited to) the loss of experienced personnel due to retirement, aging facilities, deteriorating records, and administrative backlogs.

Once fully briefed, however, undoubtedly other "top priorities" will join this initial list.

12. The multi-part question asked here is an extremely important one in addressing the different aspects of NARA's mission under a new Archivist's leadership. Obviously, it cannot be answered in depth and detail before I have consulted with NARA's management team and key senior officials. Nevertheless, even at this early stage, several elements in my own management style require brief explanation since they bear on the question.

In my previous work both in the U.S. and abroad—whether in developing The National Endowment for Democracy, managing The Center for Democracy for eighteen years, or helping to negotiate and resolve conflicts in Central America, Southern Africa, the Philippines, and elsewhere—I have tried to build consensus, sometimes successfully and sometimes not. When consensus proved impossible, I have been prepared where possible to take decisive action to resolve both policy and personnel issues.

One part of the question asks for an explanation of how I "would build stronger relationships between NARA and key stakeholders such as the appropriate state and federal agencies, as well as historians, records managers, and other users of NARA holdings." One crucial step in this process has already begun. Through mutual interest, I have met informally with several heads of groups in the NARA-stakeholding historical and archival professions. Should I be confirmed, I intend to continue and expand such regular meetings at which issues can be reviewed, agreements sought, and support mobilized. It would not be appropriate, absent confirmation, for me to meet formally with officials of state and federal agencies, but that process could begin immediately, following confirmation.

'Building stronger relationships' begins with developing trusted professional and personal ties, and I have every confidence that, if confirmed, I can begin immediately to

strengthen existing relationships between NARA on all fronts and with every group of stakeholders. Serious briefings on the issues involved, a rigorous schedule of meetings with pivotal stakeholders, and—importantly—careful follow-up on commitments made are all essential to gaining the desired result and building stronger relationships. There is no magic to the process, only diligence and persistence.

Yes, I intend to work with Federal agencies, Congress, the courts and the White House to advance all issues of importance to NARA's mission, including agency compliance with record schedules and managing the preservation and accessibility of complex electronic records. One way for this Committee to test the seriousness of that intention, should I be confirmed as Archivist, would be to invite me, a few months after I take up the position of Archivist, for a briefing and questioning on specific steps already taken or being undertaken on all of the above issues of importance to NARA. Since I have not had access to discussions with NARA's management team or top officials since my nomination, it would be difficult—absent information on steps already taken or initiatives planned—to comment responsibly at this juncture on "specific steps" I would launch as Archivist "to develop strong working relationships with other federal agencies and state and local governments." I assume from the question that such steps are considered crucial, if not urgent, for improving the current state of relations between NARA and the various agencies and governments. Therefore, developing such specific steps will be a priority for me after receiving appropriate briefings from the NARA management team.

The question also asks about any experiences I may have had in working with major archival collections donors, including federal agencies, states and private collections. It asks for any skills I have "that would ensure successful partnerships with such organizations." Let me respond briefly in outline form:

*In 1975, the FBI released to me the Alger Hiss files in response to my ACLU-supported lawsuit; I deposited those FBI files in the Truman Presidential Library;

*In the 1980s, I arranged for the Herbert Solow papers, a Hiss case-related collection, to be deposited and opened at the Hoover Institution Archives, Stanford University;

*Beginning in 1999, I served as consultant for (and am now a trustee of) Boston's new Mary Baker Eddy Library and Archives where I advised on the complete opening of Mrs. Eddy's voluminous collection;

*The Center for Democracy's papers (1985-2003) have been deposited at the Hoover Institution and will be opened later this year to researchers; my personal files on the Alger Hiss case and those related to my book, *Perjury: The Hiss-Chambers Case*, as well as the files related to my co-authored book, *The Haunted Wood* (with co-author Alexander Vassiliev), are also being deposited at the Hoover Institution (see my response to Question 38 for further details).

On the question of "skills" that "would ensure successful partnerships with such organizations," I should point out that I was the chief fundraiser for The Center for Democracy from 1985 to 2003, which depended for much of its eighteen-year history on private contributions from foundations, corporations, and wealthy individuals. During

this same period, my working relationships with government and intergovernmental organizations that provided program funds—i.e., USAID, UNDP, The Council of Europe The World Bank, and others—were always cooperative. I see no obstacles to ensuring "successful partnerships" with major archival collection donors, including federal agencies, states and private collectors.

The last three parts of this question are closely related, and I will respond to them collectively. They ask what role NARA should play in the national and international archival and records management (standards-setting) communities. Regarding the national communities, NARA's role would appear to be self-evident and decisive. In the years and decades to come, NARA's pioneering electronic records management initiatives and its redesign of federal records management will further consolidate NARA's leadership role.

In this connection and with the full range of its programs and initiatives, I believe that NARA should and must play a major leadership role in the international archival and records management communities, including the International Congress on Archives, but where possible a cooperative and multilateral role with the Archivists of other leading countries. As previously stated in my response to Question 4, there are many ways in which my international experiences and relationships can assist me as Archivist of the United States, should I be confirmed, beginning with my links worldwide to scholars, teachers, public administrators, government officials, legislative leaders, and NGOs.

13. I believe that a number of previous Archivists of the United States have each had "a positive impact" and provided "beneficial, nonpartisan leadership without having [had] the commitment of a specific term of office." However, I am not opposed to a fixed term in office for those who hold the position, should Congress decide to legislate on the issue. My rough calculation shows that the average term of Archivists to date has been approximately eight-to-nine years, which should be adequate for those holding the post to have had a significant impact. I suspect, though, that despite the nonpartisan nature of the Archivist's role, Presidents of both parties would view a fixed term in office as an unnecessary constraint upon their statutory authority. In short, I consider a fixed term, if approved by Congress, "beneficial" but not essential to the successful administration of NARA.

14. The questions here are of the kind that President Franklin D. Roosevelt referred to as "iffy" since it would require knowing the specific set of facts involving "political or partisan interference" (or "political demands or pressures") to understand how best to confront them and which resources could best assist in this process. Hypothetically, if confronted by almost any untoward political or partisan interference, the Archivist has powerful supporters in deflecting these pressures beginning with the oversight committees of Congress—their members and staffs—whose bipartisan composition assures the continuous monitoring of events related to NARA. The Archives' various stakeholders and constituencies have in the past also been highly sensitive to potential threats to NARA's independence, and correctly so. Should the threats come from within

a particular Administration, the Archivist has the responsibility of engaging the key figures involved, privately at first, but when necessary, publicly as well.

III. Policy Questions

NARA Management

15. The question asks "what managerial experience" I can draw upon in helping to lead NARA and its diverse workforce in the years ahead, specifically what skills I "bring to the Archivist's role as the manager of a large organization." Before responding, the historian's element of my background cannot help recalling a May 22, 1995 report by a leading Archives' stakeholder organization which noted: "The 16 [archival and historical] organizations that opposed [Governor Carlin's] nomination [stressed] the issues at stake...[including] an over-reliance on management skills at the expense of needed expertise...." The issue of a large workforce, in my view, may neglect the crucial question of the quality of managerial ability. In an era that has seen numerous cases of inept, corrupt and failed "management skills" at giant corporations in this country, the important concern should be to judge whether a nominee for Archivist possesses—in addition to the knowledge, experience and other skills being sought—the leadership abilities capable of administering NARA.

In this connection, it is important to recognize that the Archivist of the United States does not 'manage alone,' to paraphrase the popular book title, but as the head of a talented and experienced leadership team. Nor, with the exception of Professor Connor, our first Archivist, have any of his successors in the post had my experience of helping to create a major new organization (in this case, the National Endowment for Democracy) and successfully direct the campaign to gain Congressional approval with a significant funding earmark and operating procedures, the latter while NED's Acting President, all within one year. In the process, I 'managed' a bipartisan Board of Directors for the project that included the Chairmen of both political parties and the heads of the AFL-CIO and U.S. Chamber of Commerce plus members of both houses of Congress, liberal and conservative. Nor has any previous nominee for Archivist, to my knowledge, managed for eighteen years an organization whose Board of Directors included the Chairmen of both political parties, Senators and House leaders from both parties, and key figures in the business community, also from both parties. The management aspect of my work over eighteen years as President of The Center for Democracy involved hands-on oversight and staff implementation of major funded projects throughout Central America, Eastern Europe, the former Soviet Union, Southern Africa, the Philippines and China. For most of this period, I traveled internationally an estimated 3-4 months each year, supervising Center programs with staff assistance.

I do not view the administrative responsibilities as Archivist as more daunting than the 'smaller business' model from which I have drawn most of my experience. On the contrary. Moreover, although small, I worked at various moments while President of The

Center for Democracy with a range of national and world leaders: U.S. Presidents and heads of state or government from at least four dozen other countries; leaders of Congress from both parties and legislative leaders from throughout the world; similarly, leading jurists including a majority of our Supreme Court and others from over eighty countries; corporate and NGO leaders from the U.S. and international private sectors. I welcome the management challenges posed by NARA and feel confident that I can address them effectively from the very start.

In this connection, I should note that the publicly-distributed written questions posed to me after my nomination as Archivist of the United States by the leading national archivists' organizations included these:

"How would you energize and inspire an aging [NARA] workforce that has been working with immense holdings, limited resources, and many unfunded mandates?"

"How would you manage NARA's need to capture the expertise long held by soon-to-retire members of the agency's aging workforce?"

A number of management issues are best understood as issues of leadership and, if confirmed, I look forward to addressing the concerns mentioned in these questions and others raised in my informal discussions with NARA stakeholders to date.

16. This question—how to "ensure maintaining an appropriate balance among the functions of records management, storage, accessioning, preservation, and online access at NARA"—is an extremely important one and poses an ongoing dilemma for every Archivist of the United States and NARA's management team. The Archivist must strive to ensure such a balance, and at least three elements in response to the issue will prove helpful:

(1) Constant discussion and review: The issue of appropriate balance within NARA's core functions should be a subject of continuous discussion and review by the Archivist and NARA's management team; the higher the profile of an issue during internal planning meetings, the less likely it will be neglected or ignored as a priority matter.
(2) Budget focus: The issue of appropriate balance should become one of the major elements of background evaluations in preparing NARA's budget and in reviewing those budgets with OMB and Congressional oversight committees.
(3) Congressional oversight focus: Should the issue of appropriate balance among priority functions drift out of focus on NARA's radar screen and that of the Archivist, those concerned with the question as members and staff of this Committee and others in the Congress are also in a position to revive interest in it persuasively.

17. I have identified and briefly discussed the question of "NARA's greatest challenges over the next five years" in my responses to Question 9 and, especially, Question 10. To summarize, these would include (but not be limited to) security issues for NARA as a whole and not limited solely to the "charters of freedom"; strengthening

and continuing the range of electronic records management programs now in development and/or discussion; strengthening links between NARA's Archivist and central management team with the Presidential Library system; strengthening NARA's educational and public programming efforts; addressing the range of issues related to the Information Security Oversight Office (ISOO); assuring adequate funding for NHPRC; and assuring the full Redesign of Federal Records Management. These and other challenges exist for NARA's leadership in the years ahead. A number of them are reflected in NARA's current strategic plan, whether "sufficiently" or not will depend upon information that awaits me at NARA. Should I be confirmed, I can make a more informed judgment on what changes—if any—I would "make in the strategic direction of the agency." Therefore, it would not be helpful, in my view, for me to comment on that question at this point.

18. The question assumes that, at present, NARA's senior executives are not "accountable for implementing the goals and objectives set forth in the strategic plan." That may be the case, at least with some of them, though I have neither personal knowledge nor briefing materials to support this assertion. Should I be confirmed by the Senate, I would obviously expect NARA's senior executives to be fully "accountable" for implementing the strategic plan's goals and objectives with whatever adjustments in the plan that might follow. Prior to Senate action on my nomination, however, I prefer not to comment further in the absence of solid information on the question.

19. The problem of replacing experienced personnel lost to retirement or to other employment opportunities remains a serious and constant dilemma, not only for NARA but throughout the federal government, as the question recognizes. "How," the question asks, "will [I] attract new employees with the appropriate training to offset that loss?" There are various possible approaches in addressing this question. Some retiring employees may already have trained their replacement "in house," thus preserving NARA's institutional memory while avoiding the need for a new outside hire. If a replacement position has been budgeted and no NARA employee appears to have "the appropriate training," then a job search outside of government or in other federal agencies might produce a satisfactory replacement. If not already initiated, it might be useful to have a series of pro-active discussions within NARA, targeting employees close to retirement, and soliciting suggestions on replacement issues. Another approach would involve an intensive outreach effort focused on recruiting young professionals or pre-professionals with a Bachelor's degree. A modest youth recruitment program combined with a comparably modest mentoring strategy for fresh-from-college hires could prove useful in addressing the retirement issue. In the case of positions whose maintenance is urgent and required by NARA, where no suitably trained replacement can be found, it should be possible to consult with the General Counsel about the propriety of rehiring former employees or temporary hires of consultants to fill posts until more permanent arrangements can be made. Also, does NARA offer an adequate number of internships today to interest young talented and technically-able students in a career with the Archives? There are no simple or fully-satisfactory answers to the personnel problem, which must be addressed on a case-by-case basis.

20. The historians and archivists with whom I met informally in recent weeks described eloquently some of the problems confronted by NARA—"space limitations, aging facilities, deteriorating records...substantial descriptive backlogs"—mentioned in this question. NARA's current and projected budgetary resources evidently will not address these problems adequately, though the list is summary and descriptive, not detailed and precise. It would make sense in my earliest months as Archivist, if confirmed, to organize a working group comprised of NARA staff (current and former) and interested stakeholders (non-NARA archivists, historians and other researchers, *et al.*) to try and generate a priority list for the Archivist's management team of possible actions to be taken to address these existing problems if not already budgeted. Congressional members and staff interested in NARA should be kept closely informed on working group proposals and fully briefed by the Archivist and NARA's management team as developments proceed.

21. My limited knowledge at this time of NARA's Records Lifecycle Business Process Re-engineering (BPR) project comes from a summary outline provided in a NARA briefing book. As understood from this brief description, the BPR project is essential for a variety of reasons, including positioning NARA to function effectively in an E-Government environment, increasing speed and ease with which users can gain access to records and information, and decreasing the time and effort required by agencies and NARA to conduct business. In short, these and other BPR goals appear admirable. Its substantive scope—addressing "all processes associated with Federal, Presidential, Congressional, and Supreme Court materials, as well as personal papers"—appears challenging as does its scope of planned operation in NARA's Washington, DC area and regional facilities as well as in the Presidential Libraries.

It is my understanding that Phase 1 of BPR (Planning) was completed in mid-August 2003, with Phase 2 concluded in June 2004. The briefing material describes the 'product' of Phase 2 this way: "Detailed "As-Is" and "To-Be" workflows for three processes targeted for improvement: Scheduling and appraisal; Transfer and disposition; Federal electronic records processing." The BPR team has apparently devised a roadmap that identifies activities necessary to achieve the "To-Be" model, and a schedule has been established for the next two years to implement the entire BPR system, including detailed "As-Is" and "To-Be" workflows this summer for federal records management, processing non-electronic federal records and reference services. By next winter, those workflows are scheduled for development affecting Presidential Libraries, "special access and FOIA review of Federal records."

Until I am briefed by those at NARA responsible for developing the Records Lifecycle Business Process Reengineering effort, and briefed also by key NARA stakeholders on their assessment of BPR, I will not be in a position to determine the degree of retraining or "realignment" of NARA staff resources potentially generated by this program. Should I be confirmed, I would anticipate those briefings as a first order of business if only to be responsive on this question to Congress, OMB, and—especially—NARA staffs and those elsewhere who are being affected by the procedural changes in managing, preserving and making available records. At the least, NARA's "senior manager," the Archivist of the

United States, must take responsibility for committing to a minimal level of retraining and realignment within NARA while BPR's development proceeds, yet the two-page, single-spaced brief on BPR provided this nominee does not address its human dimension and costs.

I agree with the question that steps must be taken "to minimize disruption and potential morale problems caused by rapid changes in staff roles and responsibilities." One step would involve continued and targeted review of changing BPR procedures with a balance sought between greater efficiency in records management and minimal personnel disruptions. Candidly, I have no instant solutions to recommend here but pledge, if the Senate confirms me, to address the problems mentioned quickly and decisively.

22. No function is more important in maintaining the complete independence and operational integrity of NARA in its range of responsibilities than assuring that the decision-making process of the Archivist and of all NARA employees involved in the screening and appraisal of records is "free of undue external influence" from whatever source. That records eliciting lively public, political and media attention will stir considerable interest is a fact of life for those managing public records in a democracy today. One important tool useful in assuring that such "interest" does not evolve into "undue external influence" on the screening and appraisal process involves confronting the issue internally at the earliest possible moment, developing with key NARA administrators and stakeholders an adequate 'early warning system' that can flag potentially-sensitive situations and taking remedial steps to insulate those reviewing such records at NARA from improper pressures, whatever the source. Again, as in responding to earlier questions (i.e., #14) on related issues, often the counter-pressures whether from media, NARA stakeholders, or its staunch supporters in Congress can either relieve or bring an end to the undue influences involved.

Electronic Records Archiving

23. My understanding of NARA's program to develop the Electronic Records Archives (ERA) comes largely at this point from some promotional materials and detailed development schedules in NARA's briefing books. The promotional statement announcing the ERA project—for that is what it remains at this point and one in its early pre-contractual phase—could not be more sweeping in its claim, summarized thus: "ERA is NARA's strategic response to the challenge of preserving, managing, and providing access to electronic records. ERA will authentically preserve and provide access to any kind of electronic record, free from dependency on any specific hardware or software, enabling NARA to carry out its mission in the future."

NARA correctly identifies the need for developing a system or systems for preserving over time the extraordinary growth in complex digital records being created by federal agencies. As in the case of BPR and other programs, one of my earliest requests for briefings, should I be confirmed, would be a comprehensive report—strengths and weaknesses, costs and benefits—of the ERA initiative's current status. The research partnerships launched by NARA with a range of distinguished governmental and private

institutions to assist in developing ERA read most impressively, and I was comparably impressed by the detailed "risk management" data included in the briefing material, specifically "undefined ERA relationships with other NARA electronic records initiatives," "assurance of successful source selection and contract award," and "uncertain transfer load [especially involving access to restricted systems]." While proceeding with current plans for moving the ERA project forward, therefore, if confirmed, I would initiate an internal NARA-wide assessment of ERA's development to date, a component of which would be intensive consultation with key NARA research partners and stakeholders on refining and improving the ERA timetable if necessary. No single challenge is more critical to NARA, no priority more urgent, than that of preserving and providing future access to electronic records. A constructive review of the progress and problems encountered by ERA to date can only help the overall goal.

As I and the Committee recognize, my nomination as Archivist was not predicated on innate technological ability. Nevertheless, I feel a strong kinship towards those at NARA whose team efforts have developed ERA and other initiatives to date. Their efforts, reinforced by those of NRA's key research partners, must now be brought to bear in reviewing the ERA initiative's past, present and future. In this connection, if confirmed as Archivist, I would treat personally and with utmost seriousness my seat on the National Digital Strategy Advisory Board (NDSAB) and the consultative benefits accruing to NARA from close communication with that and other useful advisory groups.

As Archivist I would assume that cooperative work by NARA and the Library of Congress on a range of initiatives dealing with electronic records management would bear fruit. The Librarian of Congress, Dr. Billington, whom I have known for many years, has been a government-wide leader in developing plans for the National Digital Information Infrastructure and Preservation Program. Close collaboration between NARA and the Library of Congress on digital issues of concern to both institutions can only reinforce our common ability to meet the challenges of preserving and providing access to electronic records.

24. I would begin a personal effort "to enhance NARA's cooperation with other agencies...attempting to address the problem of long-term preservation of electronic records," should I be confirmed, by scheduling a round of meetings with the Librarian of Congress, Dr. James Billington, Mr. Bruce James, Public Printer of the United States, and others interested in cooperating with NARA on the issue. Dr. Billington and Mr. James have offered staff briefings and encouraged closer cooperative relationships on issues of mutual concern, should I be confirmed. I feel certain that their counterparts at other institutions concerned with the problem—this question mentioned specifically the National Library of Medicine—would be comparably interested not only in maintaining current working relationships with NARA but, where possible, in expanding these. Meeting grounds such as that provided by the National Digital Strategy Advisory Board (NDSAB) discussions also provide an opportunity to explore enhanced cooperation. Seeking such unprecedented cooperation among agencies confronting the crucial strategies important to long-term preservation of electronic records will be one of my immediate and achievable goals, if confirmed.

25. Absent briefing materials on the issue of NARA's and GPO's respective roles "in preserving and ensuring access to electronic documents," I cannot respond to this question intelligently at this point. Should I be confirmed, I would schedule early briefings by the NARA management team to inform me of the current dimensions of the NARA-GPO relationship. I would also request early meetings with Mr. Bruce James, Public Printer of the United States, and his key staff to explore areas of common interest and issues related to modernizing the handling of digital and printed government documents. I have delayed accepting Mr. James' generous invitation to tour GPO prior to completion of the confirmation process given my current lack of a NARA liaison, but should I be confirmed, I would expect to develop quickly a strong working relationship with GPO in addressing issues of mutual concern. Respectfully, therefore, I will delay a response to the question of my belief in "the appropriate division of responsibility" between NARA and GPO and how the two agencies would work together on this issue, until I have had the relevant briefings discussed above. Then, I would be pleased to submit my response to the Committee.

Records Management

26. The question asks me to confirm strongly-held convictions, close to self-evident, that the meticulous maintenance of records and record-keeping systems is a pivotal element in a democracy such as the United States (as the question notes), an element "of both documenting and keeping government accountable to its citizens, and protecting citizens' rights." I have had the experience over the past twenty years of observing in a range of countries transitioning from dictatorial to democratizing regimes the painful consequences of a virtual absence of reliable government records and record-keeping. In the absence of such records, even an arguably "independent" judicial system's ability to protect fundamental rights and an earnest government's ability to maintain a rule of law are seriously compromised. My personal experiences in observing regimes that ignore the importance of reliable government record-keeping and serious archival management, thereby failing their citizens—whether in post-Yeltsin Russia or throughout most of Central America (Costa Rica excepted) and in a number of other countries—informs my basic view of the subject.

27. Over the past several months, I have met informally with a number of historians and other scholars, as well as with representatives of major historical and archival organizations. In those meetings, I sought to gain greater understanding of their "perspectives and needs" while assuring those with whom I met that, should I be confirmed as Archivist, I welcomed close working relationships with all of them, including groups which for whatever reasons opposed my nomination (as most of these same groups had opposed Governor Carlin's nomination a decade earlier). I intend to continue informal discussions involving the historical, scholarly and archival communities, comprehensively and seriously, in an advisory role on the entire NARA agenda. If confirmed, I will also have the benefit of NARA staff briefings on specific initiatives of particular importance to these stakeholders if confirmed, and how the Archivist can address their concerns, which are wide-ranging.

It should be noted that different segments of the "historical and scholarly communities" display widely different NARA priority interests ranging from supplementing the NHPRC budget to expanding NARA's various electronic records initiatives, to strengthening educational and public programming to addressing various staffing and administrative issues. All deserve respectful attention and timely response.

28. The present system of federal records management, as we know, was designed for paper records, and although Federal agencies obviously still have paper records, most federal records are now created electronically and remain electronic for a portion of their lives. NARA's Records Management Initiative (RMI), recognizes the new electronic records reality—as well as the declining number of records management staff resources—by providing a comprehensive framework for new or revised records management policies and procedures throughout the records' lifecycle. A number of projects are now underway in support of the RMI. The briefing book summary provided to me includes projects dealing with documentary appraisal strategy, custody issues, mandatory destruction and advocacy, training and certification, electronic records center services, flexible scheduling, stakeholder assurances, and resource allocation among other areas of concern. Much of RMI's comprehensive program is now being implemented.

"As Archivist," the question asks, "what would [I] do to contribute to the success of this initiative?" The first step would be to schedule earliest NARA briefings to familiarize myself in detail with the overall strategies and operations of the RMI project. As a major element of these briefings, I would want to learn more about NARA's "targeted assistance" component within the RMI, described in my briefing materials thus: "NARA forms partnerships with agencies to solve specific records management problems." Which partnerships are now elements of the RMI? Which problems are they addressing, why, and in what manner? More generally, can a reinforced stress on 'partnership solutions' accelerate progress, reduce overall costs, and improve quality within the current RMI project? In this respect, it would be useful to have a response not only from RMI's internal development team but from key partners—actual or potential—in this extremely important initiative. Finally, precisely because of the initiative's importance, Congressional members and staff and OMB should be briefed "regarding problems and recommended practices" not only in NARA's annual reports but on an ongoing and timely basis, which could further "contribute to the success of this initiative."

29. As matters stand, NARA is centrally engaged with implementation of Section 207 of the E-Government Act. This section establishes an Interagency Committee on Government Information (ICGI) under the leadership of OMB and the CIO Council. NARA serves on the ICGI's Executive Committee and leads one of its working groups, the Electronic Records Policy Working Group. NARA staff provides the Secretariat to the Executive Committee. The Electronic Records Policy Working Group is also interagency. The above information is outlined succinctly in the briefing material provided to me following my nomination as Archivist of the United States.

The question asks how NARA should "build on the requirements of the E-Government Act of 2002, in particular with respect to public access to electronic information." The ICGI has a December 17, 2004 deadline to submit recommendations to the Director of OMB and the Archivist of the United States on "(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29 and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and (B) the imposition of timetables for the implementation of the policies and procedures by agencies." The Archivist must then issue the policies and procedures by December 17, 2005.

Attached to the briefing materials was the Electronic Records Policy Working Group work plan for developing draft recommendations for ICGI. Considering the tight deadlines involved, I would meet at the earliest date with all those involved at NARA and with the inter-agency teams, should I be confirmed, to discuss the draft working group plan's recommendations, asking specifically whether its recommendations adequately meet the goal of improving and strengthening public access to electronic information. At present, however, before being briefed in depth by NARA's working group on the subject, it would be inappropriate to comment more specifically. I should add, however, that on initial reading, the draft Electronic Records Policy Working Group Plan appears to be a thoughtful and comprehensive set of proposals addressing the challenges involved.

30. The Electronic Records Management (ERM) Initiative is one of two dozen E-Government initiatives begun in FY 2002 by the Office of Management and Budget. Unlike other E-Government initiatives, the ERM is not building a portal or information technology system. As I understand ERM, it is conceived as a policy-oriented project providing guidance on electronic records management that is applicable government-wide. In doing so, it assists agencies in transferring permanent electronic records to NARA in a range of electronic formats. The briefing materials listed a number of ERM projects to date and planned activities under the program for FY 2005 should funding permit.

If confirmed as Archivist, I and my NARA management team would work on several fronts to contribute to the successful continuation of the ERM initiative:

Funding. Where government agencies threaten to withdraw from the ERM initiative because of internal funding issues, for example EPA, I would work with the agencies involved to address and resolve the problem;

Interagency Agreements. Funding for work on the ERM initiative has required at least 16 interagency agreements, leading to struggles over funding and diversion from other E-Government initiatives. I would seek to develop a more collegial process in consultation with OMB and interagency participants;

Personal involvement. If confirmed, I would seek early briefings within NARA on the benefits (and costs) of the ERM initiative as prelude to a measure of personal involvement as a program advocate.

31. From what I have read, NARA has already taken important steps "to ensure that federal agencies retain, preserve and manage electronic records, pursuant to statutory mandates." The process requires significant flexibility as NARA's skilled workforce confronts on a daily basis the ever-expanding number of electronic records ranging from e-mails to electronic text documents to web sites and photographs and other visuals. A system of records management that had been developed and based on the primacy of paper documentation has required—especially in the most recent half-decade—careful redesign and regeneration within a variety of still-evolving electronic modalities.

One persuasive technique in ensuring the effective management of electronic records has involved the partnership agreements NARA has signed with a range of federal agencies, seeking cooperation in the design and implementation of innovative records management technologies. NARA's 2003 Annual Report's article on "Managing the Digital Records of Government" describes the approach this way:

"One example of a strategy [NARA has] adopted is to give agencies the flexibility to manage their records in a variety of ways depending on how the records are actually used. The rationale: it's more important that an agency has the records it needs when it needs them rather than a textbook records management program that may not serve its needs."

NARA retains a pivotal role as the essential coordinator of initiatives underway throughout the federal government to design and implement model criteria for developing an electronic records management system which meets statutory mandates while serving the needs of the agency involved. This process is still in its earliest stages, and NARA's contributions—described in response to previous questions—range across a number of important (and expensive) projects: specifically its redesign of Federal Records Management and Electronic Records Management (ERM) initiatives, its E-Government Act implementation, its Records Lifecycle Business Process Re-engineering (BPR) project, and the Electronic Records Archive (ERA) program.

In the realm of publicizing worthy electronic records initiatives with government-wide ramifications, the recent transfer from the State Department to NARA of an initial group of electronic text records—including cables related to the conduct of State Department business and American foreign policy from July 1973 to December 1974—represents not only an achievement in itself but potentially a useful government-wide model to encourage similar timely transfers of historically-important electronic documentation that can then be opened for research use.

If confirmed by the Senate, I would plan to receive early briefings from NARA's management team on the status of all existing efforts by NARA to assist federal agencies in retaining, preserving, and managing electronic records, pursuant to statutory mandates. At that point, my obligation and NARA's would be to redouble such efforts by stressing innovative technologies, partnership collaboration and maximum encouragement of staff creativity in developing design and implementation procedures.

32. A number of previous questions have addressed aspects of a sensible response when asked "what unique challenges are presented by the need to manage electronic records?" That electronic records accumulated by our executive, legislative and judicial branches of government require effective records management procedures is not in itself a 'unique challenge.' However, addressing the specific and overwhelming problems inherent in designing and implementing government-wide an adequate electronic records management system surely qualifies as a "unique" challenge. NARA's report language accompanying its recent budget request states the heart of the matter, if possibly a mite melodramatically:

> "In the Federal Government, electronic records are as indispensable as their paper predecessors to document citizens' rights, the actions for which officials are accountable, and the nation's history. Effective democracy depends on access to such records.
>
> "Electronic records, however, pose a critical challenge to NARA. In order to fulfill its mandate to provide ready access to essential evidence to the citizens and the Government of the United States, NARA must address and solve the dilemma of preserving and accessing electronic records that are complex by nature, diverse in format and exponentially increasing in volume. The rate of technological obsolescence is such that records created and accessed even two years ago may now be unreadable. Unless this challenge is confronted and surmounted, there will be no National Archives for the digital era."

Arguably, the most difficult aspect of confronting in its initial phase the "unique challenge" of electronic records management as a government-wide problem has involved conceptualizing an adequate system-wide strategy. The designers of NARA's Electronic Records Archive and other recent initiatives in the field—whether individuals working for NARA or in partnership from other government agencies or the private sector—deserve enormous credit for confronting intelligently the urgency of first seeking design solutions in their work. Archivist Carlin and his management team also deserve to be complimented for their steadfast support of NARA personnel wrestling with the design problems inherent in newly-developing projects such as the ERA.

The scope of the work that lies ahead prior to implementation of ERA remains daunting, including major administrative and cost issues that undoubtedly have to be resolved. Nevertheless, Churchill famously described a comparable point in another crucial though far different historic effort as being not the beginning of the end but, at least, the end of the beginning. Thus, we might evaluate NARA's and other government-wide efforts today to confront the "unique challenges" of designing an appropriate electronic records management system, keeping in mind NARA's own careful words, inserted in budget report language and understandably more cautious than those of the glossy promotionals produced by NARA to herald its ERA work:

> "Much remains to be done before the vision of ERA becomes a reality. The necessary projects and tasks fall in two large categories: designing the

structure and building it. ERA design activities involve researching and addressing fundamental questions in computer science, engineering, and archival theory; elaborating the archival business model that should be implemented in an ERA system, further articulating the information management architecture that needs to be put into place; and determining the specific system components.

"The ERA Program has established key partnerships with other agencies, universities, archives, libraries, and institutions to develop its vision of the Archives of the Future. NARA has engaged the IT industry in an extensive dialogue on the possibilities for building ERA.

"Building ERA will start with final acceptance of a comprehensive design along with a plan for developing, implementing, operating, and maintaining NARA's ERA application "

This year NARA will award contracts for ERA system specifications and design. In FY 2005 it plans to select a design and development team to build ERA with the goal of creating Initial Operating Capability (IOC) in FY 2007 "that will provide end-to-end functionality for managing, preserving and providing online access to NARA's electronic records." In this plan "Full Operating Capability" would be achieved by FY 2011. If confirmed, as indicated previously in my answers to this questionnaire, while continuing already-projected ERA plans, working with NARA's management team and leading experts on electronic records management, I will review in detail its current strategies and timetables with special attention to unanticipated costs, undue administrative and training burdens, unforeseen capabilities and overall design effectiveness.

A final thought on the question: The challenges of managing the government's electronic records are certainly unique in many respects, but they did not emerge only yesterday or suddenly. In that sense, the challenges are not 'new' but evolving and cumulative ones. I look forward to understanding their historical roots better by reading at an early date *Thirty Years of Electronic Records*, a book of essays tracing the evolution of NARA's various electronic records management programs since the mid-1960s. The book demonstrates the value of historical knowledge even when applied to fields burdened with the urgent tasks of futuristic systems design.

33. A first step in responding intelligently to this excellent question of addressing "the government-wide problem of unscheduled (records not covered by a disposal schedule) electronic records" involves, in my view, collecting information for a possible inventory of known records that fit this description. If confirmed, I would schedule an early meeting with NARA's management team augmented by its leading experts on electronic records administration, to brief me fully on options available to NARA in addressing this complex and costly component in electronic records management. NARA's technical expertise will undoubtedly develop adequate procedures—if that has not already been done—for responding to the unscheduled records issue. However, the first step in resolving the problem is to identify its dimensions and extent before proposing remedies.

Which agencies are most at risk in this respect? Which least? And why? I should note that my NARA briefing materials did not refer to the problem.

34. If confirmed, I will raise this issue at one of the earliest meetings of NARA's top management team members, seeking their views on the reality and depth of this problem. Only then could I develop plans to address the issue beyond any which exist today.

35. The first step in ensuring, as the question asks, "that NARA establishes an effective and active oversight program of inspections of agency records management programs" is to determine what oversight programs exist today (if any) to address these concerns. The briefing materials provided to me by NARA contained no information on this issue. If confirmed, therefore, I would convene an early meeting of top NARA managers to obtain their perspectives on the current oversight related to inspections of agency records management programs. If, on the basis of this discussion and review, it seems appropriate, I would appoint a special working group to report back in a timely manner with recommendations to strengthen oversight procedures. At present, however, it would hardly be appropriate to propose plans for resolving a problem on the dimensions of which I have no solid information.

Records Preservation and Access

36. The adequate protection of census data is—and should be—an important concern of the Congress and of all Americans as a vital component of accurate national self-awareness. The details and range of issues described in the question, involving archiving of the adjustment survey for the 2000 census, obviously require careful review and consultation with all those with an interest or stake in one or another solution. Under the circumstances, it would be premature for me—absent those details and full information on the arguments involved—to try now to pass judgment on how, if confirmed as Archivist by the Senate, I "would...handle this situation." What I can state is that, after taking office, I would request from knowledgeable NARA administrators a full briefing on the facts, issues and options involved. I would then meet also with the relevant officials of the Census Bureau and others with significant interest in the matter to solicit their perspectives. A resolution of the matter would then be based on a firm understanding of the dispute's origins, facts, arguments and interests. As for how as Archivist I might "handle any similar future situations with any federal agency," that falls in the category of FDR's "iffy" questions—i.e., ultimately unanswerable absent the situation. Still, "iffiness" aside, because of the respect in which I hold the judgment of NARA's talented 3,000+ employees and my loyalty to them and to NARA's high standards of evaluation, I would treat with the utmost seriousness evaluations and conclusions made by "our" agency in such cases should they arise again.

37. My current views concerning public access to government documents remain substantially those expressed in each of the articles cited in the question, reflecting my commitment over a lifetime to supporting what Senator Daniel Patrick Moynihan described in his book *Secrecy: The American Experience* as "a culture of openness."

Like Moynihan and his Commission's report, however, I recognize that we "are not going to put an end to [government] secrecy nor should we. It is at times legitimate and necessary. But a culture of secrecy...need not remain the norm in American government as regards national security." In other words, unnecessary or excessive secrecy is our adversary, one unintended consequence of which—Moynihan pointed out—was the reinforcement in American life of what scholars have described as a "paranoid style," not simply among extremist ideologues but among ordinary Americans. Moynihan cites in this connection the stunning example of that overwhelming majority of Americans who, as reported in a 1997 CNN-Time poll, "believe that their government is hiding knowledge of the existence of extraterrestrial life forms."

If confirmed, what steps will I take "to ensure appropriate access to government records"? One small but concrete and important step will be to urge Administration and Congressional leaders to designate (if belatedly) their appointees to the Public Interest Declassification Board (PIDB)—the so-called "Moynihan Board"—established in the 2001 Intelligence Authorization Act. Another would be to continue and expand existing efforts by the current Archivist and his staff to speed declassification procedures. At the same time, I would review the current procedures for regular meetings with Archives stakeholders—professional organizations, media, and researchers among them—to assure the adequacy of communication between these groups and the Archivist's staff on access issues. I would also seek to maintain the closest possible communication with Congressional members and staff concerned with access and declassification issues. If confirmed, I would conduct a review with Archives personnel to determine what further steps might be taken to accelerate declassification and strengthen access procedures. Finally, it would be my responsibility as Archivist to speak out plainly and continuously on the subject as a primary advocate for access.

---

38. I welcome the opportunity to set the record straight regarding my "commitment to public access, based upon experiences with two of [my] published historical works, *Perjury: The Hiss-Chambers Case* and *The Haunted Wood: Soviet Espionage in America—The Stalin Era*." Since questions have been raised concerning the books' reception by scholars and other reviewers, I have appended to this questionnaire a summary of major reviews of each book. The question is premised on the concept that scholars normally and immediately make publicly available their privately-gathered notes (as opposed to public documents) collected during research. This actually is not the case. My experiences with both books is as follows:

In 1972, with the American Civil Liberties Union as counsel, I sued the FBI (based on an article I wrote for the *American Scholar,* arguing for release of the Bureau's Alger Hiss case files). After President Ford replaced President Nixon, the Ford Justice Department settled the case and—in 1975—released tens of thousands of pages of documents to me and other requestors that allowed me to complete my book, *Perjury: The Hiss-Chambers Case.* My lawsuit set a precedent for general release without litigation of numerous other FBI files of historical interest. My copy of the FBI files on the case have been deposited at the Truman Library. My personal research files on the case have been shared with other scholars—notably Sam Tanenhaus for his important biography of Whittaker

Chambers—but outside events (primarily a lawsuit against me related to my book, since settled, and continued assaults on me personally and on my work by one magazine's editor and contributors over the last several decades) persuaded me to maintain in my personal possession (as do most scholars) personal research files and notes on the case.

On the nature of the attack on me personally and on my work, I suggest that you read the appended pages from historian William O'Neill's *A Better World--The Great Schism: Stalinism and the American Intellectuals*; and Jacob Weisberg's 1999 *New York Times Magazine* article, "Cold War Without End" (also appended).

Perjury: The Hiss-Chambers Case was reprinted by Random House in 1997, and its place in the literature of espionage seems secure: George Lardner Jr., *Washington Post*, April 19, 2004: "[Weinstein's] book exposing Alger Hiss as a liar and Soviet agent, widely regarded as definitive, also won the resentment of Hiss partisans." *The Reader's Catalogue: Perjury*: "The definitive account"; Max Frankel, *New York Times Book Review*, 2/29/04, *Perjury* is "the dispositive research of the most thorough investigation [of the case]."

With regard to *The Haunted Wood: Soviet Espionage in America—The Stalin Era*, the project began in 1993 with an agreement between my then-publisher, Random House, and the retired agents' organization of the Soviet KGB to allow limited access to KGB records for Western scholars working with designated Russian co-authors on four books. Mine was one of the four. The others concerned the Cuban Missile Crisis, Soviet espionage in England, and U.S.-Soviet rivalry in Berlin.

To address specific misunderstandings on what followed, I should clarify several key points:

*Random House paid the retired agents' group a substantial sum of money to gain access to the KGB material (I do not know the amount);

*Neither I nor any other author in the series paid the retired agents' group anything, and our authors' agreements were entirely with Random House's subsidiary, Crown Books.

All of these background details—the project's uniqueness and its scholarly limitations—are plainly spelled out for readers in the introduction and acknowledgements of *The Haunted Wood*, which I have appended. After allowing access to the KGB files for over a year, the Russian authorities ended that access, and we proceeded to completion, depending heavily for corroboration on the U.S. intelligence agencies' then-just-opened VENONA files. As to the restrictions under which we worked (for example, only the Russian co-author was allowed into the KGB archives to transcribe documents), as Professor Mark Kramer, Director of Harvard's Cold War Project recently noted, "Weinstein had absolutely no say in the matter."

To address the access issues in connection with both books, I have made the following arrangements. Years ago, I arranged to bring from Mexico to the Hoover Institution

Archives—where they are completely open to researchers—the papers of Herbert Solow, an important journalist in the Hiss-Chambers drama. Hoover has also requested—when available—deposit of my personal papers there. It is appropriate now, therefore, to deposit immediately all of my files on the Hiss-Chambers case and all of the KGB records and notes on *The Haunted Wood* at the Hoover Institution where they will be available to all researchers. (In the case of *The Haunted Wood* materials, I will write my co-author urging that he support their immediate opening to researchers as I do since the material is copyrighted jointly.)

Do I believe it is important for historians and academics to make their records and notes available so that their peers can judge the accuracy of their conclusions? Of course. Do I believe that it is important for the Archivist of the United States to ensure the maximum appropriate access to government records? Certainly. What criteria justify restricting access? Privacy considerations, national security considerations, and on occasion special circumstances (i.e., lawsuits, etc.), though in retrospect, I believe I might have sent the *Perjury: The Hiss-Chambers Case* material to an archive earlier, once the historical verdict was in.

39. This question breaks down into three parts:

1. As Archivist, when "if at all" would I release the over 2.5 million pages of documents and transcripts compiled by the National Commission on Terrorist Attacks upon the United States?

2. Do I "believe the timely release of all appropriate documents is in the public interest"?

3. As Archivist, how do I view my role "in working with federal agencies to facilitate...declassification" of classified materials from the Commission?

Response to Part 1. In time, certainly, the overwhelming amount of material compiled by the Commission will be released in an orderly manner. Given the fact that the Commission will issue its final report only late this Summer, there is still time for the Archivist of the United States and key staff to meet with Commission members and staff to discuss the details and timetable of transferring, processing, declassifying (where necessary) and releasing (where appropriate) the bulk of these records. Congress and the Administration, both before and after November 2004, also deserve to be consulted on these issues, as do those NARA stakeholders—i.e., historians' and archivists' organizations, and media, for example—with concrete interests in the future disposition of these records.

Response to Part 2. Yes, I believe that the timely release of all "appropriate" documents from the Commission is in the public interest. I also believe that all interested parties—including Commission members and staff as well as Congress—will wish to weigh in on the interpretation of that dispositive word, "appropriate."

Response to Part 3. Although always sensitive to issues of privacy and national security concerns in the declassification process, I view the Archivist's major responsibility in working on declassification issues with other federal agencies to be the prime standard

bearer and advocate of maximum feasible access on behalf of NARA's major stakeholders, working to obtain the earliest, most comprehensive and least censored release of the documentary record under NARA's oversight.

40. Information voluntarily submitted to the federal government by private sector sources under terms of the Critical Infrastructure Information Act of 2002 must be addressed with special sensitivity, especially when considering requests for access to or release of such data. Both privacy and national security concerns come into immediate play here. I assume that, with passage of the Act, NARA created a working group to develop "archiving, custody and public access" standards for such information; my briefing materials did not contain any reference to the issue. Plainly, developing specific approaches to applying the law and policy regarding such information requires close familiarity with work already done on the issue by NARA's General Counsel, its management team and others involved. If confirmed by the Senate, I would schedule an early briefing involving knowledgeable NARA personnel and on the basis of reviewing responses to date, would discuss with interested congressional members and staff both actual applications of the statute to date as it confronted access issues and potential future impacts.

Presidential Records and E.O. 13233

41. "The test of a civilized intelligence," F. Scott Fitzgerald once wrote, "is the ability to keep two opposed ideas in the mind simultaneously while retaining the ability to function." By this standard, which in Washington has a great deal to recommend it, those in government service (including the Archivist of the United States) who deal with the issue under examination—"public access to presidential records"—must surely strive to maintain Fitzgerald's double vision. They are in the continuous business of seeking appropriate balance between a robust and thorough openness toward the release of presidential records while recognizing the constraints often present on complete or early release. I described the dilemma this way in a *New York Times* "Week in Review" article over two decades ago:

> "Now honoring the integrity of the historical record is the primary obligation for all of us. Therefore, maximizing the measure of openness of information is also an obligation. But no Federal historian would be a Federal historian without recognizing an obligation to examine the legitimate concerns and purposes of one's employers in either the release or the non-release of records. Unlike other historians, Government historians are often both researcher and administrator of the records being researched." [Full article appended.]

In this article and several others, I outlined my views on the complex dilemma of maximizing openness, views which have not changed significantly in the past generation. In a *Washington Star* article I wrote in 1978 ("Time to act on public access to presidential, and other papers"), referred to in Question #42, I recognized that accelerating access to presidential records would probably decrease the degree of candor

in the deliberations of presidents and their advisors. However, I raised this question: "Would the 'actual harm' done [to a candid presidential decision-making process]...be so great that the trade-off would not be in the public interest?" The answer is not a generic 'yes' or 'no' but a calibrated measurement of the 'opposed ideas'—expedited versus measured access to pivotal recent presidential documents to be determined on a case-by-case basis. And how would I "balance these interests," should I be confirmed as Archivist? The answers are far from obvious: through careful staff work laying out the options available; by close consultation with all the major interested stakeholders—Administration officials, Congress, historical and archival groups, media, *et al.*—and in the end, coming to a decision that best serves the broader public interest and remaining available to any and all stakeholders, favorable or otherwise to the decision, to defend it. On the tough calls, nothing less complex and focused should be acceptable to the Archivist of the United States and his NARA colleagues.

42. The question asks for my views on Executive Order 13233, the subject of a 2001 lawsuit (*American Historical Association v. NARA*) seeking a declaratory judgment that NARA must administer the Presidential Records Act without regard to the terms of Executive Order No. 13233 issued by President Bush on November 1, 2001. If confirmed by the Senate as Archivist, it would be my responsibility—so long as Executive Order 13233 is in place—to oversee NARA's legal team defending the Executive Order against court challenge. Therefore, prior to consulting with NARA's General Counsel and his staff, I would respectfully defer a fuller response to the question until such consultation. What I can state as a private citizen at this point, however, in response to the question of Executive Order 13233's impact on balancing the interest of preserving confidentiality with the interest of public disclosure is that, obviously, the Executive Order tilts the balance in confidentiality's direction rather than timely disclosure. That much is clear. What could be helpful is for those directly concerned with the Executive Order on all sides to step back momentarily from the current litigation to consider the possibility of a non-judicial accommodation, the terms of which would be negotiated by the principals themselves. The pursuit of consensus on the issues raised by Executive Order 13233 surely ought to be allowed a moment or two of dialogue and negotiation before proceeding on the current legal and adversarial track.

What will I do "to ensure that Presidential records, including P5 records (records relating to a President's confidential policy advice) are available to the public in a timely manner to the greatest extent appropriate"? My responses to Questions 37 and 41, among others, have already addressed this question. As previously stated, I am committed to maximizing access to all manner of government records, including presidential records, "in a timely manner" and "to the greatest extent appropriate." Clearly, disagreements will arise over the precise calendar meaning of "timely" and the precise dictionary meaning of "appropriate," but, with good will, most of these should be resolvable without major disputes or court action.

On the final part of this question, as to whether I "still adhere to the views expressed in [the 1978 *Washington Star*] article," the answer—as described in other questions as well—is 'yes.' How does E.O. 13233 affect "the balance" I discuss in the 1978 article?

As previously stated in response to this question, it tips the balance—at least temporarily—in favor of greater confidentiality and less public disclosure.

Presidential Libraries

43. The conditions set out in the Consolidated Appropriations Act for 2004 regarding transfer of Nixon Administration presidential records and materials from College Park to Yorba Linda, California are designed to assure the safety and proper maintenance of all items in the collection. In Yorba Linda, the Richard M. Nixon Presidential Library and Birthplace Foundation now operates a private Nixon Presidential Library. The Yorba Linda facility is undergoing extensive expansion and remodeling to assure adequate space in compliance with NARA requirements. Once that NARA-compliance space has been created, transfers of Nixon records from College Park to Yorba Linda will begin. Congress will then receive from NARA for its review a report on the proposed Nixon presidential library which Congress will have sixty days to review. If approved, the Nixon Library will fall under the jurisdiction of the National Archives as a new component of the presidential library system.

NARA's 2004 appropriations legislation stipulated that no records were to be transferred from the Archives' College Park facility to Yorba Linda until the Archivist certifies to Congress that the California facility can suitably house the documents and materials now in College Park and that Yorba Linda's public, staff and storage spaces meet the standards required under the Presidential Libraries Act. It is not yet clear as to when this process will be completed as retrofitting existing space and constructing new space at Yorba Linda proceed.

Since NARA personnel do not expect review of the Nixon tapes and other material in College Park to reach completion until 2008 or later, no earlier transfer appears to be anticipated, at least from the information provided me to date by NARA. Initial staffing needs for the new Nixon library are being sought in FY 2006. The library will be staffed by NARA-hired personnel once opened, employed by the federal government in accordance with federal personnel procedures. Should adequate space constructed to NARA standards be available at the Yorba Linda facility by then, however, initial transfer of 12,000 cubic feet of the total 42,000 cubic feet of records of the Nixon presidency now stored in College Park could be transferred as early as 2005 to Yorba Linda, according to one NARA expert on the process. At Yorba Linda, only NARA staff and not Nixon Foundation employees will be responsible for access to the records according to the regulations, laws and restrictions already in place on Nixon presidential documents and materials. Final staffing at the Yorba Linda facility is not expected until 2009 so that the transfer process itself from this point to completion may involve five years or more.

I have engaged in research at presidential libraries and lectured at several of them. I have enormous respect for the effective role played by the presidential libraries both within NARA and across the country. Should I be confirmed, I plan to convene a meeting of presidential library Directors to seek their candid counsel on areas in their relationship

with NARA and with one another that can be improved in the period ahead. Before responding to the question's inquiry on any "plans or ideas" which I might have concerning the future of the Presidential Library program, I would not only welcome consultation with their Directors but, also, with the Assistant Archivist for Presidential Libraries and her staff as well as with users and stakeholders of the libraries themselves. On the basis of these discussions, I would expect to report to this committee and others in the Congress within a matter of months on specific plans and ideas linked to NARA's relationship to the presidential libraries.

IV. Relations with Congress

44. Yes, and my response would come promptly. NARA has no more important and committed supporters of its work than the bipartisan members and staffs of Congress's oversight committees.

45. Yes, and the information would be compiled and sent promptly.

V. Assistance

46. The answers are entirely my own. I have not consulted with NARA (see my response to Question 7 on this point) nor with any other "interested parties" in preparing the answers to these questions. However, I have benefited from informal discussions over the past several months with a number of archivists and historians, some representing major organizations in their respective fields. Their comments helped clarify my thinking on a number of issues.

Should this Committee and the full U.S. Senate confirm my nomination, I intend to continue on a regular basis my discussions with these and other major NARA stakeholders. Finally, I have also benefited significantly from discussions over the past several months with Senators and staff of the Government Affairs Committee. I wish to thank the Committee for its thoughtful attention to this nomination process.

AFFIDAVIT

I, Allen Weinstein, being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Allen Weinstein

Subscribed and sworn before me this 6th day of July, 2004.

Notary Public

District of Columbia
Subscribed and sworn to before me, in my presence, this 6th day of July, 2004
by _____ Notary Public
My commission expires 9/30/07

APPENDICES

Allen Weinstein: Biographical Sketch

Office of Government Ethics review letters, April 15, 2004

"Scholars in the Middle of Battles over Information," The Week in Review, *The New York Times*, July 11, 1982

Review of Daniel Patrick Moynihan's book, *Secrecy*, in *The National Interest*, Winter 1998-1999.

Review of G. Edward White's *Alger Hiss's Looking-Glass Wars*, by Max Frankel, *The New York Times Book Review*, February 29, 2004

The Reader's Catalogue (1989), entry on Allen Weinstein, *Perjury*

Excerpt, William L. O'Neill, *A Better World—The Great Schism: Stalinism and the American Intellectuals* (1982)

Excerpt, Jacob Weisberg, "Cold War Without End," *The New York Times Magazine*, November 29, 1999

Reviews, *Perjury: The Hiss-Chambers Case*

Introduction and Acknowledgements, *The Haunted Wood: Soviet Espionage in America—The Stalin Era*

Reviews, *The Haunted Wood*

ALLEN WEINSTEIN: BIOGRAPHICAL SKETCH

From 1985 to 2003, historian Allen Weinstein served as President of The Center for Democracy, a non-profit foundation that he created in 1985 to promote and strengthen the democratic process, based in Washington, DC. His international awards include the United Nations Peace Medal (1986) for "efforts to promote peace, dialogue and free elections in several critical parts of the world"; The Council of Europe's Silver Medal (twice, in 1990 and 1996), presented by its Parliamentary Assembly, for "outstanding assistance and guidance over many years"; and awards from the presidents of Nicaragua and Romania for assistance in their countries' democratization processes. His other awards and fellowships have included two Senior Fulbright Lectureships, an American Council of Learned Societies Fellowship, the Commonwealth Fund Lectureship at the University of London, and a Woodrow Wilson International Center for Scholars Fellowship. In 1987 he delivered the Bicentennial Fourth of July Oration at Boston's Faneuil Hall.

He became Senior Advisor on Democratic Institutions at IFES (International Foundation for Election Systems) in September 2003.

He was University Professor and Professor of History at Boston University from 1985-89, University Professor at Georgetown University from 1981-1984 and, from 1981 to 1983, Executive Editor of *The Washington Quarterly* at Georgetown's Center for Strategic and International Studies. He served as a member of *The Washington Post* editorial staff in 1981. From 1966-81 he was Professor of History at Smith College and Chairman of its American Studies Program. In 1984 he served as President of the Center for the Study of Democratic Institutions. From 1982-84 he directed the research study that led to creation of the National Endowment for Democracy and was Acting President of the Endowment. He has also held visiting professorships at Brown, Columbia, FIU, and GWU.

Weinstein was a founding member in 1985 of the Board of Directors of the United States Institute of Peace and Chairman of its Education and Training Committee, remaining a Director until 2001, and now serves on the Chairman's Advisory Council. He was a founding officer of the International Institute of Democracy in Strasbourg from 1989 to 2001. He chaired the Judging Panel for the annual International IMPAC Dublin Literary Award from 1995-2003. He serves on the Advisory Council of the LBJ School of Public Affairs (University of Texas-Austin). He is Chairman of the Woodrow Wilson Presidential Library Advisory Council. He chaired the annual "Global Panel" in the Netherlands from 1993-98. From 1982-91 he was a member of the Foreign Policy Association's Editorial Advisory Board.

Weinstein's books include *The Story of America* (DK Publishers, 2002), *The Haunted Wood: Soviet Espionage in America – The Stalin Era* (Random House, 1999; Modern Library paperback, 2000); *Perjury: The Hiss-Chambers Case* (Knopf; Vintage paperback; Hutchinsons Ltd.; revised ed., Random House paperback, 1997), which received several citations including an American Book Award nomination; *Freedom and Crisis: An American History* (Random House, 3 eds.); *Between the Wars: American Foreign Policy from Versailles to Pearl Harbor* (Berkley paperback); *Prelude to Populism* (Yale University Press); and among edited collections, *Conflict in America* (Voice of America); *American Negro Slavery* (4th ed., Oxford University Press); *American Themes: Essays in Historiography* (Oxford); and *Truman and the American Commitment to Israel* (Hebrew University/Magnes Press).

Weinstein's articles and essays have appeared in *The American Scholar, The American Historical Review, The Business History Review, Commentary, Encounter, Esquire, The Journal of American History, The Journal of American Studies, The New Republic, New York, The New York Review of Books, The New York Times, Newsweek, Time, U.S. News and World Report, The Wall Street Journal,* and *The Washington Post*. His television credits include that of historical consultant on two History Channel programs on Soviet espionage (1998-1999), the 1988-89 PBS series *Face-to-Face: Conversations on the U.S.-Soviet Summitry* (Co-Host, Editor and Writer), *The Salvadoran Debate* (Moderator and Producer, 1984); and *Inside Washington* (Host and Creator), a 1981 PBS public affairs series. He has been a frequent commentator on CNN, C-SPAN, and other networks.

His international public service activities include chairing the Center's election observation delegations in El Salvador (1991), Nicaragua (1989-90, 1996), Panama (1988-89), the Philippines (1985-6), and Russia (1991, 1996, 2000). Weinstein organized a bipartisan group, at the request of the U.S. Senate Foreign Relations Committee, which reported on the preparations for the Philippines' presidential election; later he was a member of the U.S. Observer Delegation, advisor to the Delegation's co-chairmen, and co-author of its final report. In 1983 Weinstein served as Vice-Chairman of the U.S. delegation to a UNESCO conference in Tashkent. He was also Coordinator and Vice-Chairman of the U.S. delegation to the 1982 UNESCO World Conference on Culture.

Director

April 15, 2004

Mr. Allen Weinstein
6021 Onondaga Road
Bethesda, MD 20816

Dear Mr. Weinstein:

Congratulations on your nomination to the position of Archivist of the United States. I hope you will find that this position will be both challenging and rewarding.

Enclosed for your information is a copy of the letter sent to the U.S. Senate stating that the Office of Government Ethics has reviewed your financial disclosure report and that you are in compliance with applicable laws and regulations governing conflicts of interest. Also enclosed is "Ethics Starts Here: A Guide for Senior Officials" to provide you with an introductory guide to the Government ethics rules. We hope you will find this overview helpful.

In addition, as you may already know, all Federal agencies have a Designated Agency Ethics Official (DAEO). If, in the course of the confirmation process, you have any questions about conflicts of interest or other ethics related matters, you should contact your DAEO, Christopher M. Runkel, who can be reached at 301-837-6001.

I wish you all the best as you proceed through the confirmation process.

Sincerely,

Marilyn L. Glynn
Acting Director

Enclosures

April 15, 2004

The Honorable Susan M. Collins
Chair
Committee on Governmental Affairs
United States Senate
Washington, DC 20510-6250

Dear Madam Chair:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Allen Weinstein, who has been nominated by President Bush for the position of Archivist of the United States.

We have reviewed the report and have also obtained advice from the National Archives and Records Administration concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is a letter dated April 13, 2004, from Mr. Weinstein to the agency ethics official, outlining the steps he will take to avoid conflicts of interest.

Based thereon, we believe that Mr. Weinstein is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Marilyn L. Glynn
Acting Director

Enclosures

April 13, 2004

Christopher M. Runkel
Designated Agency Ethics Official
National Archives and Records Administration
8601 Adelphi Road, Suite 3110
College Park, MD 20740-6001

Dear Mr. Runkel:

The purpose of this letter is to describe the steps that I intend to take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Archivist of the United States (Archivist).

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially while serving as Archivist in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse; any organization in which I serve as officer, director, trustee, general partner, or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I further understand that the prohibition set forth in section 208(a) applies to any financial interests I or my spouse may have as of the date of this letter, as well as any financial interests we may acquire in the future.

As described below, I will resign from any organization in which I presently serve as officer, director, trustee, general partner, employee, or consultant. There are no persons or organizations with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign the following positions for which I receive compensation: (1) Senior Advisor for Democratic Institutions with the International Foundation for Election Systems (IFES); and (2) consultant to the Mary Baker Eddy Library for the Betterment of Humanity, Inc. (Eddy Library). Pursuant to 5 C.F.R. § 2635.502, for one year after I terminate my positions with IFES and the Eddy Library, I will not participate in any particular matter involving specific parties in which either organization is a party or represents a party, unless I am authorized to participate.

Upon confirmation, I will resign the following unpaid positions: (1) Trustee for the Eddy Library; (2) Secretary for Dominguez Development, Inc., an entity wholly owned by my wife[1]; (3) Chairman of the Advisory Council for the Woodrow Wilson Presidential Library Trust, which is affiliated with the Woodrow Wilson Birthplace Foundation; (4) Member of the National Advisory Council for the Lyndon B. Johnson School of Public

[1] I own no interest in and receive no income, including passive income, from Dominguez.

Affairs at the University of Texas-Austin; and (5) Member of the Chairman's Advisory Council for the U. S. Institute of Peace. Pursuant to 5 C.F.R. § 2635.502, for one year after I terminate my positions with these organizations, I will not participate in any particular matter involving specific parties in which any of the organizations is a party or represents a party, unless I am authorized to participate.

Upon confirmation, I will terminate my contract with Basic Books to write a book on the development of global democracy since the Second World War and will return the advance given me by Basic Books under the book contract. Pursuant to 5 C.F.R. § 2635.502, for one year after I return the advance, I will not participate in any particular matter involving specific parties in which Basic Books is a party or represents a party, unless I am authorized to participate.

In addition to her other assets listed on my SF 278, my wife owns whole or partial interests in Dominguez Development, Inc., Alta Enterprises Limited Partnership, and Aspen House Limited Partnership. Pursuant to 18 U.S.C. § 208, absent a waiver, I will not participate personally and substantially in any particular matter involving specific parties that would have a direct and predictable effect on the financial interests of any of my wife's assets, including those listed in the preceding sentence. Further, pursuant to 5 C.F.R. § 2635.502, I will not participate in any particular matter involving specific parties in which my wife or any of the entities listed above is or represents a party, unless I am authorized to participate.

Sincerely,

Allen Weinstein

ALLEN WEINSTEIN

THE WEEK IN REVIEW

Ideas & Trends Continued

THE NEW YORK TIMES, July 11, 1982

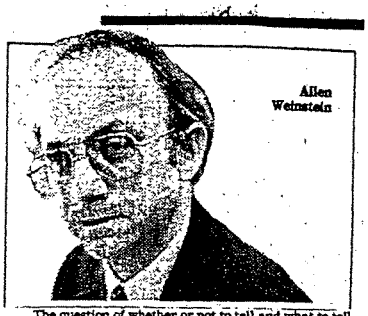
Scholars In The Middle of Battles Over Information

IT may have failed to persuade Congress that the Freedom of Information Act is too free, but that hasn't stopped the Reagan Adminstration from attempting to correct what it regards as the excesses of open government spawned by the law. An Executive Order on Classification promulgated this spring, for example, gives officials broader authority to withhold information on the ground of national security. Budget cuts are restricting the compilation and dispersal of Government statistics and slowing declassification of documents at the National Archives. And last month, Mr. Reagan signed a measure making it a crime to disclose the identity of covert agents. These moves have troubled press and public affairs groups, but they are especially vexing to Federal historians, who must mediate between the often conflicting demands of the agencies they work for, outsiders who come to them for information and, of course, history itself. At a recent meeting of The Society for History in the Federal Government, Allen Weinstein, a historian and professor at Georgetown University and executive editor of The Washington Quarterly, Alfred Goldberg, chief historian in the office of the Secretary of Defense, and Quinlan J. Shea Jr., former director of the Office of Privacy and Information Appeal and currently director and counsel for the Justice Department's Executive Office for United States Trustees, discussed the dilemmas confronting Federal historians. Excerpts follow.

Allen Weinstein

Life was once much simpler for Federal historians. Classification laws were tighter, there was a long-standing disinterest on the part of the American public in their work, even among their academic brethren. There was also a sense of bureaucratic detachment from the broader flow of historians. At one point, for better or worse, obscurity was its own reward, at least morally, in the sense that 10, 15, 20 years ago, Federal historians knew where their allegiance lay. They knew the ground rules, the preconceptions, the assumptions governing their behavior with archives, with colleagues in Government or with researchers from the outside. And there was, for some, a certain holistic attractiveness to this process. But, in W. B. Yeats's words, 'all has changed utterly.'

Suddenly, Federal historians are being thrust into the middle of public debate on various issues, ranging from Watergate to the Vietnam War to spy cases to business machinations at the highest international level. And the



Allen Weinstein

The question of whether or not to tell and what to tell in any given record has become an acute dilemma, and leads me to a phenomenon I refer to as the 'greening' of Government historians, and of archivists as well.

At a time when Federal historians are as likely to see a Bob Woodward or a Seymour Hersh as an academic colleague racing for first use, or first strike, at any records, the archives are proving to be a gold mine. At a time when this person arrives who shares your concerns and wants to find out what is happening, you find yourself walking a fine line between the concern for history from the inside and the growing obsession with historical records on the outside.

What has the model for many Government historians become? One model is the investigative reportorial model, which stresses the exposé, pursues the question of falsification, wrongful destruction or obfuscation of a reasonably factual record.

Now, honoring the integrity of the historical record is the primary obligation for all of us. Therefore, maximizing the measure of openness of information is also an obligation. But no Federal historian would be a Federal historian without recognizing an obligation to examine the legitimate concerns and purposes of one's employers in either the release or the non-release of records. Unlike other historians, Government historians are often both researcher and administrator of the records being researched.

In Washington today, however, within the ranks of many younger Government historians — and some not so young — antinomianism is widespread. By this, I refer to a change from a presumption held by many through the late 1960's and early 1970's that one's primary responsibility was to the agency or to the department with which one was identified, and through that to the Government at large.

There exists now a great question regarding the Government historian's relationship to any given set of individuals in power and the degree to which that relationship is defined in a negative context. The importance of this question has been enhanced in part because over the last 10 years, there has evolved in this country a struggle for control of the American past. It is a contest that over the last generation has turned the past itself and the understanding of the past into a battleground for debate over policy and personnel.

If you picked up The Washington Post recently, for example, you would have seen a piece on the role of former Secretary of State Henry Kissinger and Alexander M. Haig Jr., then his associate, in wiretapping journalists during the Nixon years. In his memoirs, Mr. Kissinger has offered his own interpretation of those events. Who among us could argue that what is at issue in these pieces is dead and buried and has no immediate implications for the current Administration?

What I'm suggesting is that our statesmen must write like politicians, with two eyes cocked for the posse of critical scholars and journalists at their backs, which creates a problem. For to some extent, these memoirs dilute the historical record in the name of providing effective apologias, which leaves the Federal historian trying to play umpire. And this goes to the heart of one's historical judg-

from THE NATIONAL INTEREST, Winter 1998-99 issue

The Cult of Secrecy

Allen Weinstein

Daniel Patrick Moynihan, *Secrecy: The American Experience* (New Haven: Yale University Press, 1998), 262 pp., $22.50.

THE MOST recent public service that Senator Daniel Patrick Moynihan has performed for his country was his able stewardship of the bipartisan Commission on Protecting and Reducing Government Secrecy. The commission's valuable 1997 report, "Secrecy: A Brief Account of the American Experience", contains the most sensible recommendations offered in recent years for reversing the U.S. national security "culture of secrecy", an outmoded eighty-year inheritance of two world wars and the Cold War. Moynihan's critique has special credibility because of his background as a fiercely anti-communist cold warrior during his years as U.S. ambassador to the United Nations and in the Senate. Throughout the Nixon-Ford-Carter decade of détente-oriented policies toward the Soviet Union, Moynihan called for waging a more aggressive "war of ideas" against our chief adversary. In the Reagan-Bush years, the senator was notable for his unabashed hawkishness toward the Soviets. This made Moynihan's recent work as chairman of the Secrecy Commission an adversarial event of consequence for opponents of greater "openness"—past and current American intelligence community figures—who are vehement in their complaints about Moynihan's proposals for reducing excessive government secrecy.

Now Senator Moynihan has expanded his appendix to the commission's report into an elegant, quotable, scholarly, and timely book. *Secrecy: The American Experience* should be required reading for all those, in or out of

government, who profess serious concern for the national interest. Historian Richard Gid Powers' extended introductory essay both frames the issues and sets the stage for Moynihan's eloquent exposition of the dangers and errors wrought by excessive governmental secrecy. Moynihan builds skillfully on the insights (which he cites) of Edward Shils' early Cold War landmark, *The Torment of Secrecy*, and especially on Max Weber's analysis of how government bureaucracies metastasize in their self-protectiveness: "As Weber has shown, a culture of bureaucracy will always tend to foster a culture of secrecy."

With praise having been offered, I should declare an interest. Moynihan and Powers both cite and comment favorably on my research, as they do on a number of other recent scholars of twentieth-century national security issues. Since neither man has yet read my forthcoming book on Soviet espionage in America during the thirties and the war years, however, it is worth noting that what my co-author Alexander Vassiliev and I found in Soviet intelligence archives further confirms two of *Secrecy*'s major conclusions: that a number of U.S. government officials engaged in spying of a highly damaging nature on behalf of the Soviet Union during this period, and that the Soviet espionage networks had been largely dismantled in 1945 after the defections of Igor Gouzenko and Elizabeth Bentley. Thus the "Second Red Scare" that followed—with the politically corrosive efforts of the House Un-American Activities Committee, Joe McCarthy, and others—was belated and fundamentally injurious to American national security.

Moynihan outlines crisply and with a wealth of anecdotes the evolution of government secrecy from the U.S. entrance into World War I through today's post-Cold War dilemmas. He devotes chapters to the secrecy process as it developed in World War II, with special attention given to the impact of atomic weapons research on producing a fully articulated "culture of secrecy"; to internal security issues of the Truman-Eisenhower years; the Vietnam War; Watergate; and the Iran-Contra controversy of the Reagan era. Moynihan quotes approvingly the conclusion of Glenn T. Seaborg, Atomic Energy Commission chairman from 1961 to 1971, in a 1994 *Science* article titled "Secrecy Runs Amok", that "security classification of information became in the 1980s an arbitrary, capricious, and frivolous process, almost devoid of objective criteria." Before leaving the AEC, Moynihan notes, Seaborg had his private diary and journal "cleared virtually without deletion." Several years later, however, after retrieving his journal from the Department of Energy's classifiers for a writing task, Seaborg found that—although cleared previously—now "passage after passage had been redacted, much of it explicitly public information . . . some of it purely personal (like his account of going trick-or-treating with his children on Halloween)."

A more serious example of counterproductive obsession with secrecy involved the fact that, although President of the United States, "Truman was never told of the Venona decryption", a decision made by high-ranking army generals. Because of this, Moynihan speculates, Truman questioned the reality of much Soviet spying during the war years since "all [he] ever 'learned' about Communist espionage" came not from solid U.S. intelligence data but from his Republican adversaries' investigations and speeches.

SECRECY addresses throughout the central question raised first in its introduction: "How, then, did the United States of America stumble into the shadows of a secrecy system that still produces more than six million classified documents a year and that pokes and prods some three million individuals to certify their worthiness to be trusted with papers stamped Confidential, Secret and Top Secret?" Moynihan is a particularly exuberant polemicist in describing two ironic, unintended consequences of secrecy's pervasiveness on U.S. national security issues, especially during the Cold War era: the bureau-

cratic classifiers' often inaccurate analysis of basic facts and trends, and, in the American public-at-large, the terrible damage that unnecessary secrecy wrought by encouraging widespread belief in a *Walpurgisnacht* of conspiracy theories.

Moynihan shows in some detail how, most egregiously, the CIA—abetted by various influential special government reports—dramatically overestimated both the economic and military strength of the Soviet Union for decades. These assessments by the intelligence bureaucracies resulted in a number of fundamental U.S. policies toward our chief Cold War adversary being based upon erroneous calculations of the latter's actual situation and future prospects. A public airing and debate over these findings *might* have resulted in a more objective base on which to make policy; but during the Cold War period, as Moynihan notes, "with the vast expansion in bureaucratization came a remarkable routinization of secrecy." Closer to home, Moynihan points out that U.S. support for the Bay of Pigs invasion proceeded without any attention by its planners to a major public opinion survey, which described the widespread popular support on the island then enjoyed by Fidel Castro and his recently empowered revolutionary government. Unfortunately, in this instance as in others, "open sources simply had no standing."

As for the notable spread of conspiracy mania, Moynihan identifies a range of these in arguing that excessive concern for governmental secrecy has reinforced a "paranoid style"—not simply among the usual suspects, ideologues of the extreme Left and Right, but among ordinary Americans. Fully three-quarters now blame agencies of the U.S. government for alleged involvement in John F. Kennedy's assassination, while an even greater number, according to a 1997 CNN-*Time* poll cited by the author, "believe that their government is hiding knowledge of the existence of extraterrestrial life forms."

In his final chapter, "A Culture of Openness", Moynihan restates his commission's basic and sensible recommendations for reducing unnecessary secrecy throughout Washington's departments and agencies, proposals that now await legislative consideration by the next Congress. "We are not going to put an end to secrecy", the senator concludes, "nor should we. It is at times legitimate and necessary. But a culture of secrecy . . . need not remain the norm in American government as regards national security."

MANY EXPERIENCED intelligence community professionals see no need for the reforms that Moynihan advocates, however, and have criticized the commission's report accordingly. But at a recent gathering attended by this reviewer and several of these individuals, the complaints expressed by some were more angry than analytic and involved more curses than commentary. If nothing else, the extent of the bipartisan support enjoyed by the report of the commission (one of whose members was Senator Jesse Helms!) should encourage more constructive criticism from government classifiers than foolish and self-defeating efforts to demonize Daniel Patrick Moynihan.

Fortunately, whatever actions Congress might take or decline to take with regard to the Moynihan commission's proposals, the age of instant global mass media and the Internet has overtaken efforts at self-perpetuation by the executive branch's millions of vestigial informational censors, our domestic Canutes trying desperately but unsuccessfully to hold back the tide of data that inundates us in this Information Age. What it points up is that information is not the same thing as intelligence, which is another word for knowledge in a specific setting. And that, despite the common confusion on the point, is no secret at all. □

Allen Weinstein is president of The Center for Democracy. His new book, *The Haunted Wood: Soviet Espionage in America—The Stalin Era*, with co-author Alexander Vassiliev, will be published by Random House in January.

The New York Times
Book Review
February 29, 2004

Reading Alger Hiss's Mind

A legal scholar attempts to fathom a truly impenetrable lie.

ALGER HISS'S LOOKING-GLASS WARS
The Covert Life of a Soviet Spy.
By G. Edward White.
Illustrated. 297 pp. New York: Oxford University Press. $30.

By Max Frankel

IF you are too young to care much about Alger Hiss, move on. Turn away also if you recall the case and still believe Hiss never fed secrets to Soviet agents. But if you accept Hiss's guilt, as most historians now do, you will profit from G. Edward White's supplementary speculations about why, after prison, that serene and charming man sacrificed his marriage, exploited a son's love and abused the trust of fervent supporters to wage a 42-year struggle for a vindication that could never be honestly gained.

White is a legal scholar at the University of Virginia, but in "Alger Hiss's Looking-Glass Wars" he is not just parsing legal evidence. Inspired by a chance family connection to Hiss, he felt a need to ruminate on two enduring mysteries: why Hiss persisted in his lying and why he managed to fool so many Americans for so long. White's answers, in a useful supplement to the vast Hiss literature, are plausible but beyond proof.

We will need novelists to recreate the angry idealism of the Depression years that led so many Americans to feel a kinship with Communists. A decade later, in the alarming first years of the cold war, even inoffensive "fellow travelers" came to be viciously hunted as traitors, and so the successful prosecution of Hiss greatly fanned the hysteria. In the ensuing partisan wars, believing Hiss guilty or innocent was likely to depend more on a cultural choice than a factual assessment. And Hiss, the elegant diplomat who had sat behind President Franklin Roosevelt at his Yalta meeting with Stalin and managed the conferences that created the United Nations, played the victim brilliantly.

From the moment in 1948 when his once warm friend Whittaker Chambers called him a Communist before a politically hungry House Committee on Un-American Activities, Hiss bet his life on what White calls a "reputational defense." The accused was a suave, handsome and highly credentialed government official; the accuser a fat, rumpled ex-Communist with bad teeth and a gnarled personality. When Hiss haughtily dared Chambers to repeat his charge in a legally unprotected setting, even the committee feared it had made a grievous error.

But when Chambers promptly complied, Hiss was compelled to sue for libel, forcing the accuser to present evidence. Belatedly, Chambers confessed to spying, which he had previously denied, and produced copies of documents that he had stashed away 10 years earlier to protect himself against retribution by Stalin's agents. The documents had provably crossed Hiss's desk at the State Department and been copied on Hiss's typewriter, by his wife, Priscilla.

The reputational defense managed to divide one jury (8-4 for conviction) but the evidence prevailed at a second perjury trial. Only preposterous conspiracy theories could sustain Hiss's claim that "forgery by typewriter" had done him in. Yet such theories took wing over half a century, steered by Hiss, his loyal son, Tony, and ardent supporters, some of whom were undeterred even by damning discoveries in Soviet communications. Hiss sold himself to gullible college audiences, survived the scrutiny of skeptical journalists and even the dispositive research of the most thorough investigation, "Perjury," by Allen Weinstein.

By the time of his death in 1996, Hiss had regained much of his footing, his government pension and even his license to practice law in Massachusetts. As White demonstrates, he acquired credibility as his pursuers lost theirs: Joseph McCarthy, Vietnam and Watergate proved the government capable of vicious lying and exposed the corruption of Hiss's initial prosecutors, most notably a young congressman, Richard M. Nixon.

White witnessed the success of Hiss's campaign at close quarters. His father-in-law, John F. Davis, had been Hiss's first counsel and assisted at both trials. A learned, independent man, Davis ended his career as clerk of the Supreme Court and died in 2000 still convinced that Hiss, given his evident good character and achievements, had no motive to spy for the Soviets and lie about it.

Why then did he?, the son-in-law was moved to ask.

A simple answer that White fails to explore is that Hiss, having once before eluded an F.B.I. inquiry, too hastily committed himself to denial. Never suspecting that Chambers possessed proof of their spying, he set out to face him down with an elitist back of the hand and simply became trapped. But White thinks calculation was always at work.

One available strategy would have been for Hiss to confess a youthful infatuation with Communism, to name a few names and to live happily after as president of the Carnegie Endowment for International Peace. White thinks that Hiss's fierce loyalty — to his convictions and his cultivated image of probity — made that course unattractive. Continued deception, he believes, had a positive appeal.

But why, in prison and after, did the deception continue? Hiss rejected his wife's desire that they disappear under new names. When the Soviet Union finally collapsed, he even asked the Russians to testify that he was "never a paid, contracted agent" — a sly bid indeed for one who was never paid. And he hit the jackpot: a blanket clearance from a confused Moscow historian that pumped new air into the campaign.

Hiss's "recklessness," White concludes, "was connected to his idealism, to his fanatical devotion to his goals and to his distinctive mix of ingenuousness and deceptiveness. When those characteristics are combined with Hiss's instinctive altruism, the high priority he placed on loyalty, his single-mindedness and self-control, and his strong faith in his own competence, the portrait of a person ideally suited for the life of a secret agent emerges."

If Hiss had disappeared after 44 months in prison, White continues, "he would have been just one other undercover agent who had lied, betrayed his country and gotten caught. . . . With vindication, the grace with which he had responded to these tribulations would give him an aura of nobility. He could be an inspiration to his supporters, and a reminder of the excesses of the cold war. And he could be a Soviet agent too: Those achievements, taken together, gave him a sense that his life had a completeness and a fundamental meaning. It became a beautifully integrated whole."

So, in an odd way, we are asked to admire Hiss not for his forbearance but for his colossal and magnificent chicaneries. Bring on the novelists. □

Max Frankel's "High Noon in the Cold War: Kennedy, Khrushchev and the Cuban Missile Crisis" will appear in the fall.

97

THE READER'S CATALOG

AN ANNOTATED SELECTION OF
MORE THAN 40,000 OF THE BEST BOOKS
IN PRINT IN 208 CATEGORIES

EDITED BY
GEOFFREY O'BRIEN
WITH
STEPHEN WASSERSTEIN
AND
HELEN MORRIS

JASON EPSTEIN, PUBLISHER

1989, 限出

98

A BETTER WORLD

THE GREAT SCHISM: STALINISM AND THE AMERICAN INTELLECTUALS

WILLIAM L. O'NEILL

A TOUCHSTONE BOOK
Published by Simon & Schuster, Inc.
NEW YORK
1982

The McCarthy Era

More than 30 years after his death, McCarthy has few admirers, but the abiding questions of his era—the morality of informing, the threat of native radicalism, the persecution of Communist sympathizers, the question of ultimate guilt—remain at the heart of political debate.

- Carl Bernstein
  LOYALTIES: A Son's Memoir
  The coauthor of *All the President's Men* tells his own story of life in a family all but destroyed by McCarthyism
  0–671–64942–6 Simon & Schuster $18.95

- Robert Griffith
  THE POLITICS OF FEAR: Joseph R. McCarthy and the Senate
  0–87023–555–9 Massachusetts pb $10.95

- Lillian Hellman
  SCOUNDREL TIME
  Introduction by Garry Wills
  0–316–35515–1 Little, Brown $15.95

- Albert E. Kahn
  THE MATUSOW AFFAIR: Memoir of a National Scandal
  Harvey Matusow was a star witness for McCarthy and HUAC but later recanted his testimony
  Introduction by Angus Cameron
  0–918825–38–5 Moyer Bell $18.95
  0–918825–85–7 Moyer Bell pb $9.95

- Stanley I. Kutler
  THE AMERICAN INQUISITION: Justice and Injustice in the Cold War
  0–8090–0157–8 Hill & Wang pb $7.95

- Victor Navasky
  NAMING NAMES
  The definitive liberal account of the HUAC hearings, focusing on the morality of informing
  0–14–005942–3 Penguin pb $8.95

1954 "Punch" cartoon of Joseph McCarthy, from The Image of America in Caricature and Cartoon *by Ron Tyler (Amon Carter Museum)*

- David M. Oshinsky
  A CONSPIRACY SO IMMENSE: The World of Joe McCarthy
  A detailed account recreating (often with actual dialogue) many of the Wisconsin senator's probes into government agencies
  0–02–923490–5 Free Press $24.95
  0–02–923760–2 Free Press pb $10.95

- Richard Rovere
  SENATOR JOE MCCARTHY
  A brief, analytic account, first published in 1959. "This portrait is . . . a more subtle one, perhaps, than anyone else has given us"—Donald Malcolm, *New Yorker*
  0–06–131970–8 Harper & Row pb $5.95

- Joseph Sharlitt
  FATAL ERROR: The Miscarriage of Justice that Sealed the Rosenbergs' Fate
  0–684–19059–1 Scribners $24.95

- Christopher Simpson
  BLOWBACK: America's Recruitment of Nazis and Its Effect on the Cold War
  The hushed-up story of postwar recruitment of Nazis (particularly scientists), and the government-approved immigration of ex-Nazis
  1–55584–106–6 Weidenfeld & Nicolson $19.95

- James Wechsler
  THE AGE OF SUSPICION
  0–917657–38–1 Donald Fine pb $10.95

The Hiss Case

Whittaker Chambers
WITNESS
The autobiographical account of one of the most controversial episodes of the McCarthy era
Preface by Robert Novak
0–89526–789–6 Regnery pb $11.95

Alger Hiss
RECOLLECTIONS OF A LIFE
Hiss's apprenticeship with Justice Oliver Wendell Holmes, his early days in the New Deal, his trip to the Yalta Conference with FDR, and his trial and life in prison
0–8050–0612–5 Henry Holt $19.95

Allen Weinstein
PERJURY: The Hiss-Chambers Case
The definitive account
0–394–49546–2 Knopf $20.00

CAMELOT: The Kennedy Years

- James G. Blight & David A. Welch
  ON THE BRINK: Americans and Soviets Reexamine the Cuban Missile Crisis
  0–374–22634–2 Farrar, Straus & Giroux $24.95

- Abram Chayes
  THE CUBAN MISSILE CRISIS
  0–19–519758–5 Oxford pb $5.95

TO ORDER BOOKS AS GIFTS, SEE PAGE 1

Rosenberg, a veteran of the anti-Stalinist wars, should have admitted. Only near the end of his polemic did Rosenberg offer a clue to the reason for it. Ex-Communists had been confessing to past misdeeds, but in a way unsatisfactory to Rosenberg. Communist ideologues had hated most the "independent radical intellectuals," and had missed no chance to strike at them. But now the anti-Stalinist opposition was being forgotten, not only by ex-Communists but by liberal anti-Communists also. Perhaps this accounts for the attack on Fiedler, who by paying no attention to the old anti-Stalinists became to Rosenberg part of the conspiracy of silence burying his own past.

For liberals the most important loyalty case was that of Alger Hiss, and it led to more soul-searching, as also more defensiveness, than any other. Hiss was found guilty of having perjured himself in denying under oath that he had committed treason in the 1930s. The circumstances surrounding his case were theatrical, so much so that a documentary film about it made long afterward was received by critics as less a history than a work of art.[77] The point at issue was whether Alger Hiss, while a government employee, had passed on confidential documents to Soviet intelligence. But the case was treated from the outset as if much more were at stake. *A Generation on Trial* (1950) was the title of one account of it by the journalist Alistair Cooke. Many saw it as the acid test of the whole progressive experience. Thus years later *The Nation* would devote pages and pages to an attack on Allen Weinstein's book *Perjury: The Hiss-Chambers Case*, a scholarly work.[78] This was not because of poor scholarship—to the contrary, professionals welcomed it—but because Weinstein was convinced of Hiss's guilt. Hiss must be proven innocent, it is still believed by many, so as to establish the highmindedness and dedication to right ideals of Popular Front liberalism. Philip Rahv put it this way in reviewing Whittaker Chambers' book *Witness* (1952):

> And the fierce resistance which Chambers encountered when he finally broke through with his testimony to the nation at large was essentially a symptom of the anguish of the Popular Front mind and its unreasoning anger at being made to confront the facts of political life. The importance of the Hiss case was precisely that it dramatized that mind's struggle for survival and its vindictiveness

The New York Times Magazine / November 28, 1999

With the opening of long-secret files and a spate of new books, the battle over moles and spies and Redbaiting rages on — even without Communism. For those naming names and crying smear, the political is all bitterly personal.

Cold War Without End

By Jacob Weisberg

parison with an old friend of his, David Horowitz. In his own memoir, "Radical Son," which was published two years ago, Horowitz describes how his parents met in the Communist Party in the 1930's; his father, Phil Horowitz, was suspended as a public-school teacher on the Lower East Side when he refused to sign a loyalty oath in 1952. In his book, Horowitz writes poignantly that he understood adopting his parents' politics was a condition of winning their love. Like Radosh, he did adopt them, but rebelled against them at the same time by becoming a 60's-style revolutionary critical of the Soviet Union.

Horowitz, who was active in the left in Berkeley, became co-editor of the radical magazine Ramparts in 1969. In the 1970's, he became a deeply involved supporter of the Black Panthers, even harboring a Panther fugitive in his house. When the Panthers needed a bookkeeper, Horowitz recommended a secretary from Ramparts. After she was found bludgeoned to death, presumably at the hands of the Panthers, he broke with radicalism and became increasingly conservative.

Having despised liberals from the left, Horowitz came to hate them just as violently from the right. He casts himself as a latter-day Whittaker Chambers, bearing witness against the left. Like Chambers, he is attached to the notion — farther-fetched in the 90's than in the 40's — that he abandoned the winning side for the losing one.

What's strangest about Horowitz is the way he views the 1930's through a prism of the 1960's reflected in the 1990's. In his view, un-American activities became Vietnam-era anti-Americanism and then evolved into left-wing political correctness, which he believes to be synonymous with Democratic Party liberalism. This explains Horowitz's penchant for depicting Clinton Democrats in terms borrowed from the era of high Left, and a fellow red-diaper baby, David Horowitz. In his own memoir, "Radical Son," which was published two years ago, Horowitz describes how his parents met in the Communist Party in the 1930's; his father, Phil Horowitz, was suspended as a public-school teacher on the Lower East Side when he refused to sign a loyalty oath in 1952. In his book, Horowitz writes poignantly that he understood adopting his parents' politics was a condition of winning their love. Like Radosh, he did adopt them, but rebelled against them at the same time by becoming a 60's-style revolutionary critical of the Soviet Union.

Horowitz, who was active in the left in Berkeley, became co-editor of the radical magazine Ramparts in 1969. In the 1970's, he became a deeply involved supporter of the Black Panthers, even harboring a Panther fugitive in his house. When the Panthers needed a bookkeeper, Horowitz recommended a secretary from Ramparts. After she was found bludgeoned to death, presumably at the hands of the Panthers, he broke with radicalism and became increasingly conservative.

Having despised liberals from the left, Horowitz came to hate them just as violently from the right. He casts himself as a latter-day Whittaker Chambers, bearing witness against the left. Like Chambers, he is attached to the notion — farther-fetched in the 90's than in the 40's — that he abandoned the winning side for the losing one.

What's strangest about Horowitz is the way he views the 1930's through a prism of the 1960's reflected in the 1990's. In his view, un-American activities became Vietnam-era anti-Americanism and then evolved into left-wing political correctness, which he believes to be synonymous with Democratic Party liberalism. This explains Horowitz's penchant for depicting Clinton Democrats in terms borrowed from the era of high

to the other side during his student travels in the Soviet Union. As Joshua Micah Marshall pointed out in a recent article in the The American Prospect, the liberal journal, the right portrays Talbott as a figure exactly parallel to Owen Lattimore — the China hand absurdly named as the Soviets' "top spy" in the United States by Joe McCarthy.

IT IS NOT SURPRISING, PERHAPS, THAT conservatives should be so reluctant to let go of anti-Communism, a cause that gave them unity and purpose for four decades and that sorted out a complicated world for them. But it does seem strange that instead of celebrating their victory in the cold war, many behave as if it hasn't yet ended and their side hasn't yet won. Conservatives wanted Communism to go. What some didn't realize, apparently, was that when it did, it would take with it not only anti-Communism but also an entire intellectual and emotional dwelling place constructed around it.

For those most deeply invested in this universe, clinging to anti-Communism is as much a personal as it is a political phenomenon. What comes through vividly in Horowitz's memoirs is a fierce Oedipal struggle entwined with radicalism. Horowitz wanted to antagonize his Communist father; in later years, when he was ailing, Horowitz would bait him by raising the name of Alexander Solzhenitsyn. But Horowitz also wanted to please him and win the unconditional love he never felt as a boy.

This sense of acting out of personal injury permeates everything Horowitz writes today. He is enmeshed in a kind of co-dependent relationship with the left. He wants to hurt them, and wants to be hurt back. As John Podhoretz wrote reviewing "Radical Son," Horowitz "has yet to find emotional distance from his onetime brethren on the left. They have the capacity to wound him as surely as if he were their brother still.

VICTOR NAVASKY NO LONGER DOES THE DAY-to-day editing of The Nation, but as publisher, he remains its presiding spirit. In his expansive office on Irving Place, in Lower Manhattan, he takes calls from figures representing the radical causes of many decades. He interrupts an interview to reassure Gloria Steinem about a speech and trade gossip with Tony Hiss, son of Alger, in a low, mumbling voice. He's a very furry character. With a beard that seems to envelop his entire body, he resembles an Ed Koren cartoon brought to life.

While he never had any sympathy for the Soviet Union, Navasky had even less use for its foes. The heyday for this view was the 70's, when the revisionist historians dominated academia and Navasky led a campaign to discredit Allen Weinstein's "Perjury," claiming that its evidence against Hiss was distorted. Today Navasky carries an air of a defeat that he can't quite acknowledge. At first, Navasky questioned the authenticity of the Venona documents. Now he focuses on what he believes is their misuse. Pointing out what he calls internal contradictions in the documents, Navasky says that "to try to leap to conclusions based on them to me suggests another agenda." That agenda, in his view, is "a re-revisionist history of McCarthy, HUAC and Co. that says, See, they were right all along."

On the Rosenbergs, Navasky says he now accepts, "in a very tentative way, if I were forced to choose," that "Julius was guilty of something and that Ethel probably knew about it. And that the punishment was hideously disproportionate to the crime." And instead of forcefully arguing that Hiss wasn't guilty as he once did, Navasky now acknowledges that Hiss wasn't telling the truth when he testified that he didn't know Whittaker Chambers — though his "impression would be that Hiss was innocent of whatever it is people mean by espionage."

He continued: "My larger belief is that 'espio-

nage' is one of those words that is in a kind of strange way out of context in most of its uses as a description of what went on in the 1930's. There were a lot of exchanges of information among people of good will, some of whom were Marxists, some of whom were Communists, some of whom were critics of government policy. Most of those exchanges were innocent and were within the law. Some were innocent and in technical violation of law. And there may have been and undoubtedly were an infinitesimal number of bona fide espionage agents."

Ellen Schrecker, a leading left scholar of McCarthyism, goes a bit further. I visited Schrecker, who teaches at Yeshiva University, at her Upper West Side apartment, where she lives with her husband, the radical historian Marvin Gettleman. Faced with new evidence that espionage was far more widespread than previously thought, Schrecker acknowledges that many of the accused were in fact spies. But, she contends, spying wasn't necessarily a categorical evil. American Communists, she says, spied not because they were traitors but because they "did not subscribe to traditional forms of patriotism."

Comments like this have caused Schrecker to be incorrectly described as a red-diaper baby. She was actually, she says, "a nice Jewish girl from the suburbs" who grew up outside Philadelphia, the daughter of "good A.D.A. liberals." She says she was alienated from the pro-Communist left for cultural reasons: "I hated folk music."

Just as Buckley can't decide whether to rescue McCarthy or excommunicate him, Schrecker is of two minds about how the left should think about American Communists. In her book "Many Are the Crimes: McCarthyism in America," published last year by Little, Brown, she expresses ambivalence. On the one hand, she calls it a "tragedy" that the left was so dominated by a Soviet-led party in the 30's and 40's. On the other hand, she sees much value in what American Communists did, like advocating labor unions and fighting against segregation when the Democratic Party still tolerated it. "They weren't the kinds of robots that the traditional view of Communists would have us assume that they were," she says.

If Communism was heterogeneous and creative, anti-Communism was, in Schrecker's view, purely malignant. She argues that there was no good kind of anti-Communism — including that espoused in the 1950's by varieties of socialists and by liberals. All contributed, she writes, to an unwarranted effort to quash dissent. Left-wing anti-Stalinists like the intellectuals associated with the journal Partisan Review helped "legitimize" anti-Communism, she maintains. "It was the very diversity of the anti-Communist network that made it so powerful," she writes.

06/26/97 17:42 2125724960
JUN-26-97 17:33 FROM:RANDOM HOUSE/TIMES PR ID:2125724960 PAGE 2/8

Contact: Tom Perry
212/572-2026

NEWS FROM RANDOM HOUSE 201 EAST 50TH STREET, NEW YORK, NEW YORK 10022

"The most objective and convincing account we have of the most dramatic court case of the century".
-Arthur Schlesinger, Jr.

"After this book it is impossible to imagine anything new except an admission by Alger Hiss himself"
-Alfred Kazin

"I do not envy Weinstein's critics their task any more than I would want to be a defense counsel who had listened for three days while a professor read Weinstein's book aloud to the jury and who now had to rise for rebuttal."
-Murray Kempton

"The most exciting piece of history in recent memory."
-William F. Buckley

PERJURY
The Hiss-Chambers Case
by
Allen Weinstein

Newly revised and updated - the conclusive edition

First published in 1978, **PERJURY: The Hiss-Chambers Case** by historian Allen Weinstein quickly established itself as the definitive book about the Hiss-Chambers case. Praised as a "blockbuster of fact" and "devastatingly complete and detailed", Weinstein's meticulous and objective research seemed to end the mystery surrounding one of the most riveting cases of the century. However, when the Soviet Union fell, secret files were made available and officials, once mute on the subject, were talking. A former Soviet general first announced Hiss's exoneration but then recanted, thereby reopening global interest in the case

The renewed controversy, however, presented Weinstein with the opportunity to reopen his own examination of the Hiss-Chambers case. The result is a newly revised edition of **PERJURY: The Hiss-Chambers Case (Random House; $20.00; July 17, 1997).** Incorporating recently released critical evidence from the KGB archives opened exclusively to the author, Weinstein reinforces the existing material in **Perjury**, reconfirming the involvement of both Alger Hiss and Whittaker Chambers in Soviet espionage. Weinstein has also added a new concluding chapter, 'Cold War Iconography II: From Watergate to Red Square', examining the public controversy over the Hiss-Chambers case from the 1970's through several major controversies of the 1990's until the deaths of Richard Nixon and Alger Hiss. The result is a conclusive, comprehensive and dramatic book that points to one inescapable conclusion: Alger Hiss was guilty.

A classic work of history and a compelling narrative, **PERJURY** is about much more than an accusation and a trial: It is an examination of major intellectual and political forces that shaped America in this century -- the Depression, the Communist underground and the Red Scare -- of men who accused and men who denied, of a time and place when innocence and guilt were shades of gray, not black and white. In the end, Weinstein's expert reconstitution of the past, incorporating all of the new evidence and allegations, has produced a book more compelling even than **PERJURY**'s original edition.

****

The original edition of **PERJURY** received American Book Award and Mystery Writers of America prize nominations and was a Main Selection of the History Book Club and a Book-of-the-Month Featured Alternate Selection.

****

About the Author

Historian Allen Weinstein has held professorships at Georgetown University, Boston University and Smith College among other teaching posts. He is founder, President and CEO of The Center for Democracy, a Washington-based non-profit foundation created in 1985 to help strengthen the democratic process globally. His international awards include the United Nations Peace Medal (1986) and The Council of Europe's Silver Medal (1990). His books include Perjury: The Hiss Chambers Case, Freedom and Crisis: An American History, Prelude to Populism and forthcoming in 1997 The Haunted Wood: Soviet Espionage in America with Alexander Vassiliev. He has been a Director of The United States Institute of Peace since 1985, and his other awards and fellowships include two Senior Fulbright Lectureships, an ACLS Fellowship, and the Commonwealth Fund Lectureship. He has written regularly for many scholarly and popular journals. He is married and lives with his family in Washington DC.

PERJURY: The Hiss-Chambers Case
by Allen Weinstein
$20.00 • July 17, 1997

06/26/97 17:43 2125724960
JUN-26-97 17:34 FROM:RANDOM HOUSE/TIMES PR ID:2125724960 PAGE 4/6

Praise for Perjury

The Hiss Chambers Case

by

Allen Weinstein

"Devastatingly complete and detailed...an impressively unemotional blockbuster of fact....After this book it is impossible to imaging anything new in the case except an admission by Alger Hiss."

-*Esquire*, Alfred Kazin

"Not only does Perjury argue the case with exhaustive, indeed staggering detail; it is also a work of history...a balanced account of how the case has entered our political mythology....lucidly written, impressively researched, closely argued....The result is formidable."

-*New York Times Book Review*, Irving Howe

"Allan Weinstein has come up with the facts....[he] not only amasses new and old evidence, [he] demolishes arguments of government conspiracy."

-*Newsweek*, Peter S. Prescott

"The most objective and convincing account we have of the most dramatic court case of the century."

-Arthur Schlesinger, Jr.

"Weinstein's use of his material is impeccably fair....So far as any one book can dispel a large historical mystery, this book does it, magnificently."

-*New York Review of Books*, Garry Wills

"[Weinstein] has gone as far as any historian could to establish the formal validity of the verdict....His treatment of the resulting material strikes one as both judicious and properly skeptical; he writes of it with clarity and restraint.... Weinstein's contribution, then, is major and I would say definitive."

-John Kenneth Galbraith

"A historic event....Stunningly meticulous, and a monument to the intellectual ideal of truth stalked to its hiding place."

-*Newsweek*, George Will

"If those who had been committed to the Hiss cause for three decades were susceptible to evidence, this imposing work would end the matter."

-*The New York Times*, Walter Goodman

"I do not envy Weinstein's critics their task any more than I would want to be a defense counsel who had listened for three days while a professor read Weinstein's book aloud to the jury and who now had to rise for rebuttal."

-Murray Kempton, *New York Post*

"The most exciting piece of history in recent memory."

-William F. Buckley

"Impressive....[Weinstein] makes persuasive use of this material in a narrative that is lucid, dramatic and even handed."
-*Los Angeles Times Book Review*, Robert Kirsch

"[A] superb and detailed book....I do not see how anybody can read Allen Weinstein's book and continue to believe in Alger's innocence....[Weinstein's] obligation was to history. And he has performed it brilliantly."
-*Washington Post Book World*, Merle Miller,

"Authoritative....An objective and compendious treatise....[Weinstein] has made a powerful contribution to the process of dispassionate historical analysis."
-*New York Law Journal*, Milton S. Gould

"An engrossing and revealing book about one of the most controversial court cases of modern times...the validity of Professor Weinstein's conclusions are endorsed from both the political right and the political left....fascinating."
-*Christian Science Monitor*, Roscoe Drummond

"Strong unembellished style....Stupendous....Irrefutable."
-*National Review*, D. Keith Mano

"So detailed and so thorough."
-*Wall Street Journal*, Vermont Royster,

"Meticulous and riveting...Weinstein's reexamination of the case is intriguing."
-*Business Week*, James R. Silkenat

"Calmly and elegantly reasoned."
-*Commentary*, Michael Ledeen

"An extraordinary job of disentangling the knotted strings of the case... Weinstein has sorted it out...[Perjury] should be required reading."
-*Houston Post*, Donald Morris

"If Hiss is to be exonerated, Weinstein's almost monumental book will have to be refuted first."
-*America*, Congressman Robert F. Drinan

"Weinstein's research and presentation are superb."
-*The Miami Herald*, Alyn Brodsky

"Allen Weinstein has closed the unclosable case. The new evidence is startling. The old evidence is transformed by rigorous scholarship and deep compassion."
-Charles McCarry

"The most dispassionate, step-by-step account of [the case]"
-*American Heritage*, Geoffrey Ward

06/26/97 17:44 2125724960
JUN-26-97 17:35 FROM:RANDOM HOUSE/TIMES PR ID:2125724960 PAGE 6/6

Alger Hiss commits *Perjury* again

Almost fifty years later, the Alger Hiss-Whittaker Chambers case still incites controversy, most recently when former National Security Adviser Anthony Lake announced on *Meet the Press* last year that he was not certain of Hiss's guilt. The media erupted.

To clarify his thinking, Lake paid a personal visit to the acknowledged expert on the Hiss-Chambers case, historian Allen Weinstein, author of PERJURY *The Hiss-Chambers Case* (Random House, June). After reading *Perjury*, Lake told the author, he recognized that Hiss had indeed been a Soviet agent.

JUNE PUBLICATION

First published in 1978, *Perjury* was hailed by critics at both ends of the political spectrum, from Irving Howe to George Will. Weinstein has now revised and updated the book, adding a new chapter that takes the story up to the 1996 death of Alger Hiss. "There is significant new evidence in this edition," says Weinstein, who recently gained access to Soviet files on both Hiss and Chambers.

Weinstein was planning a larger book on the Cold War when, in 1969, he read a paper to the American Historical Association in which he raised questions suggesting that Hiss may have been innocent. His paper garnered attention from certain FBI officials, who started a file on the historian. Weinstein has since read that relatively thin file. In the margins of a *Washington Post* article about his Hiss paper, FBI Director J. Edgar Hoover had written, "What do we know about Weinstein?"

Weinstein's verdict after five years of research and writing: The jury was correct in finding Hiss guilty of perjury. "*Perjury*," said *Newsweek*, "makes it possible for liberals to accept Hiss's guilt without decreasing by an iota their contempt for Nixon, HUAC, Hoover, Joe McCarthy, and the whole cold-war mentality."

Weinstein's book influenced one noteworthy reader profoundly—Sam Tanenhaus, author of *Whittaker Chambers*, which Random House published earlier this year to much acclaim. "Had I not read *Perjury*, I would not have written my biography," Tanenhaus said. "That book excited me about the Hiss case and made me want to learn more about Chambers."

Founder and president of The Center for Democracy, a Washington-based foundation created to strengthen the democratic process globally, Weinstein is now at work on *The Haunted Wood: Soviet Espionage in America*, which Random House will also publish. *The Haunted Wood* is the first study of the subject to make extensive use of material from Soviet intelligence archives provided exclusively to Weinstein and his Russian co-author. "We are not dealing with absolute monsters or absolute saints in this secret world," Weinstein says. "The moral shadings have become far more interesting as I grow older."

THE HAUNTED WOOD

Soviet Espionage in America— the Stalin Era

ALLEN WEINSTEIN
ALEXANDER VASSILIEV

RANDOM HOUSE
NEW YORK

ACKNOWLEDGMENTS

The authors are deeply grateful, above all, for the humane balance, insights, and editorial skill of Robert D. Loomis, Random House's executive vice president and senior editor. He read successive drafts of *The Haunted Wood* and significantly improved every page. As a result, he is greatly responsible for the book's strengths, while its flaws remain entirely attributable to the authors.

This narrative history of major Soviet intelligence operations in the United States during the Stalin era, the first to be based upon an examination of files in the KGB archives, began as part of a larger Random House project a half-decade ago. Alberto Vitale, the company's president, negotiated an agreement with the KGB's retired agents' group, as a result of which the Russian Foreign Intelligence Service, a KGB successor agency, allowed a small group of Western and Russian scholars—among them the authors of *The Haunted Wood*—access to previously unavailable Soviet intelligence files. We remain indebted to Mr. Vitale's initiative.

Several authors working under the umbrella of this agreement on other books—the late John Costello, Timothy Naftali, and David Murphy—also participated in an informal dialogue and exchange that provided critical help in developing our book.

At its inception and for several years thereafter, the editorial gadfly and ringmaster of the entire project was James O'Shea Wade, to whom we re-

main deeply appreciative. Both John Hawkins, representing Alexander Vassiliev, and Bob Barnett, representing Allen Weinstein on this book, have provided timely and sensible counsel.

Without Donna Gold's unstinting efforts in editing and preparing the manuscript, this book might never have been completed. No acknowledgment or expression of thanks can adequately compensate Ms. Gold for the devotion and time she has contributed to *The Haunted Wood*. Our thanks also to production editor Dennis Ambrose for his precise and thoughtful handling of this book on the road to publication. Every page of the book reflects also the sensitive copyediting done by Jane Herman and the proofreading by Adrian Wood.

Strongly supportive of this project from the beginning, though probably not of every specific conclusion in *The Haunted Wood*, were then–Russian Foreign Intelligence Service (SVR) Director Yevgeny Primakov, now Russia's Prime Minister, and two other SVR officials who have contributed to better Russian-American understanding: General Vadim Kirpichenko, who coordinates the senior counselors' group of retired officers within that service, and General Yuri Kobaladze, head of the SVR's press bureau.

The archivists, historians, and officials of the Russian Foreign Intelligence Service, with whom the authors dealt during their research, especially the following (in addition to those previously mentioned), deserve our appreciation for cooperating in this unprecedented opening of materials in the KGB archives for this book: Serguey Guskov, Vladimir Karpov, Boris Labusov, Tatiana Samolis, and Oleg Tsarev. In similar manner, we appreciate the efforts of archivists and historians at the Central Intelligence Agency and National Security Agency—specifically Robert Louis Benson, Brian Latell, Michael Warner, and their colleagues—for their work on processing the VENONA intercepts for release. These two sets of concordant materials—dispatches read first in Moscow from the KGB archives and later found in deciphered versions in the VENONA materials—appear in tandem for the first time in *The Haunted Wood*.

Finally, over the past five years, three young Russians who served as assistants and translators—Julia Astashkina, Alexander Kravtsov, and Sergei Stepanov—helped to bridge the cultural gap between our two societies, for which the American co-author, whom they assisted so ably, will always be grateful.

—ALEXANDER VASSILIEV, *Western Europe*
—ALLEN WEINSTEIN, *Washington, D.C.*

CONTENTS

ACKNOWLEDGMENTS *xi*

INTRODUCTION *xv*

CAST OF CHARACTERS *xxi*

PART ONE: Burden of Innocence: The New Deal Years *1*

1 Communist Romantics, I: The Reluctant Laurence Duggan *3*

2 Creating the Soviet Networks: Hiss, Chambers, and Early Recruits *22*

3 Love and Loyalties, I: The Case of Martha Dodd *50*

4 Communist Romantics, II: The Exuberant Michael Straight *72*

5 Love and Loyalties, II: Elizabeth Bentley and Jacob Golos *84*

6 Double Agent/Hollywood Hustler: The Case of Boris Morros *110*

7 "Crook": A Soviet Agent in Congress *140*

PART TWO: The Third Front: Soviet Espionage in the Second World War *151*

8 Harvest Time, I: The Silvermaster Network in Wartime Washington *153*

9 Atomic Espionage: From Fuchs to the Rosenbergs *172*

10 Harvest Time, II: The Perlo Group *223*

11 OSS and NKGB: Penetration Agents *238*

12 Harvest Time, III: Hiss, Glasser, and Warning Signs *265*

PART THREE: Discovery: Cold War Confrontation 281
13 Flight from Exposure, I: The Washington Sources 283
14 Flight from Exposure, II: The Atom Spies 311

EPILOGUE: Aftermath and Legacy 339

NOTES 345
BIBLIOGRAPHY 377
INDEX 383

INTRODUCTION

Tucked into a quiet side street a few blocks from Moscow's notorious Lubyanka prison and the grimy buildings of the Soviet Union's KGB stands an unmarked four-story house, until recently the Press Bureau of Russia's Foreign Intelligence Service (or SVR). From 1994 to 1996, my Russian co-author, Alexander Vassiliev, and I pursued research on *The Haunted Wood* in this sanctum of secrets through a unique 1993 agreement between Random House and the SVR's "old boy" organization of former KGB agents, the Association of Retired Intelligence Officers (ARIO).

In return for payments made to that group, the SVR agreed to permit Vassiliev, a journalist who had once worked for Soviet intelligence, and me substantial and exclusive access to Stalin-era operational files of the KGB and its predecessor agencies.

Our contract allowed Vassiliev, who had retired from the KGB in 1990 because of his opposition to Soviet leadership, to review archived documents and to make summaries or verbatim transcriptions from the files, including their record numbers. The documentary material, organized into topical areas, was then submitted to a panel of the SVR's leading officials for review and eventual release. Throughout this process, I worked alongside Vassiliev during more than two dozen visits to Moscow: monitoring the information found, prodding the SVR to expedite release of material submitted, and organizing Western primary and secondary research data essential to the book.

As relations between the United States and Russia grew strained, the SVR became less cooperative about providing timely release of the reviewed documentary materials. By late 1995, there were no more releases, and SVR officials had begun to express concern about the extensive and revealing data previously turned over: "The problem is that you know too much," one leading official told me while examining a gift copy of an earlier book of mine, *Perjury: The Hiss-Chambers Case*. In 1996, Alexander Vassiliev accepted a journalist's assignment abroad and moved with his family to England.

By that time we had received a critical mass of the released KGB material. Using Vassiliev's initial draft and translations while incorporating new Western documentation, I wrote the English-language manuscript, and Vassiliev is now preparing *The Haunted Wood*'s Russian-language edition. The book was not submitted for SVR scrutiny before publication.

During many visits to Moscow, I benefited also from the SVR's hospitality, which increased my knowledge of Soviet intelligence practices. Often, I was hosted in the Press Bureau's plush upstairs dining and reception rooms by General Vadim Kirpichenko, head of the senior officials' influential advisory group to then–SVR Director Yevgeny Primakov (now Russia's Prime Minister) and by General (then Colonel) Yuri Kobaladze, chief of the Press Bureau and Russian intelligence's public relations mastermind. Occasionally, Director Primakov himself would join these luncheons or dinners, which always provoked spirited discussion of current Russian-American relations.

Sometimes there were surprise guests. On one occasion, convicted Soviet agent George Blake, who had escaped from an English jail to KGB sanctuary in Moscow, proved a fluent and gracious dinner partner. On another evening, General Kirpichenko escorted me to a nearby SVR hospital for a rare visit with the aged and ailing Morris Cohen (a.k.a. Peter Kroger) who, along with his wife, Lona Cohen, served Soviet intelligence both in the United States (Lona was a courier in the atom spy ring) and later as an active agent in England. Cohen, who died shortly after this visit, provided fascinating stories of his life as an American Communist.

In 1993, during the brief honeymoon period of Russian-American intelligence relations prior to the exposure of Aldrich Ames, both Kirpichenko and Kobaladze—joined by another Soviet general, Konstantin Gueyvandov, the head of ARIO—visited the United States as my guests. Their meetings included a private talk with then–CIA Di-

rector R. James Woolsey at my home; a visit, hosted by former CIA Director William Colby, to the New York office of OSS founder General William "Wild Bill" Donovan (whose personal and agency entanglements with Soviet intelligence are described in these pages); and conversations with leading CIA and FBI counterintelligence officials at the request of those officials.

In Moscow, meanwhile, a great deal of additional and important unreviewed KGB material reached us informally from other, non-KGB sources during our research and has been incorporated into the book. We thank those responsible for this help and have honored their requests for anonymity.

Adding to the SVR's evident distress concerning this book, the release in 1995–96 of the previously classified VENONA cables—2,900 translated intercepts sent by Soviet agents in the United States to Moscow about their intelligence efforts during World War II—allowed us to corroborate further a number of episodes in *The Haunted Wood*. Over forty intercepted VENONA cables that match those found in the KGB archives in Moscow are quoted in text footnotes to allow readers to compare the two versions, and dozens of additional VENONA cables are cited where appropriate in the backnotes. Much of the inside history of Soviet espionage in the United States, until now seen (if at all) through a glass darkly, thus emerges with fresh clarity in these pages.

Readers with an ideological axe to grind regarding Soviet espionage will find little comfort in *The Haunted Wood*. The book neither denounces nor defends Moscow's American espionage in the overheated manner that has characterized much Cold War literature on this subject. Rather, we have tried simply to relate the story found in the KGB archives' documents themselves. The Soviet records are filled with struggles for control among contending operatives, love affairs among the agents, dramatic personality conflicts, and occasionally even vivid accounts of plotted or actual murders. In the end, the underground world that emerges was far more contentious, chaotic, and confused than previous accounts by both Russian and Western writers would suggest.

A small sampling of the Americans who served as Soviet agents and sources during this era, described in these pages, would include:

- the passionate daughter of the American Ambassador to Nazi Germany;
- an influential (and surprising) member of Congress;

- one of President Roosevelt's personal assistants;
- a close family friend of Eleanor and Franklin Roosevelt (who had been recruited for Soviet intelligence by members of England's "Cambridge ring");
- the leader of a group of agents—all U.S. government officials—who shared his wife with one of his sources in a ménage à trois; and
- the head of the American Communist Party, who also served as an agent and recruiter of other covert sources.

Soviet operatives in the United States during these years ranged from many who were highly sophisticated practitioners of tradecraft to bumbling amateurs. One steered Moscow into a Hollywood producer-source's music publishing company while others considered similar "joint ventures" with the producer in various film projects. One hapless Washington station chief spoke almost no English while another operative plotted "cover" identities in the business world and a third worked both as station chief and as Soviet Ambassador to the United States!

But "the haunted wood" normally experienced far more tragedy than comedy. Thus, while hounded by both Soviet and U.S. intelligence operatives, one troubled former American agent of Moscow's jumped (or fell) to his death at his office building. During the bloody 1936–39 purge years in the USSR, several loyal station chiefs and operatives obeyed instructions to return home despite their recognition that arrest, torture, and execution probably awaited them. Others stalled and remained at their posts in the United States, thereby saving their lives. For those, whether in Western Europe or in the United States, who defected from Soviet intelligence and refused to suffer voluntarily Stalin's vengeance, assassins were sent to hunt them down—successfully sometimes, as in the murder of station chief-in-hiding Ignatz Reiss in Switzerland, and sometimes not, as in the failure to eliminate American defectors Elizabeth Bentley and Whittaker Chambers.

Normally, Soviet operatives and their American agent-sources pursued valuable (occasionally breakthrough) information—scientific, technical, military, and governmental—while, on occasion, their assignments approached the bizarre. Stalin was obsessed, for example, with a need to infiltrate every small and pathetic Russian pro-monarchist group in the world two decades after the overthrow of the Romanovs, and years after Soviet intelligence succeeded in killing his arch rival Leon Trotsky, the pursuit of Trotskyists continued unabated.

For the most part, however, Soviet operatives and their American agents collected during the 1930s and 1940s a remarkable range of material on U.S. industrial and military production culminating in the data provided by its sources within the atomic research program during World War II. Moreover, during the New Deal and war years, the Soviets benefited from a voluminous amount of information coming from its key agents in a range of U.S. government agencies, including the Office of Strategic Services (OSS), America's major foreign intelligence agency from 1942 to 1945.

Often the most insightful personal material on its American agents was contained in the "autobiographies" Moscow requested from these individuals for inclusion in their personnel files, and which are quoted throughout this book. The "cast of characters" will provide readers with some indication of the range of remarkable, occasionally improbable, people whose human dramas crowd the following pages. Their intersecting stories, drawn from the archives of the KGB, form the narrative heart of *The Haunted Wood.*

Notwithstanding the significant amount of previously unknown material, this account does not claim to be a definitive history of Soviet espionage in the United States during the Stalin era. That book awaits unlimited access not only to Soviet archives but to still-restricted British and American intelligence files. Only then can a complete, dispassionate, and multiarchival history of the subject be written.

In the end, research for this book benefited enormously from the fact that from 1993 to 1995, before they shut down, Russia's intelligence archivists and officials often released pivotal files that more attentive guardians might have withheld. Fortunately, the archivists who assisted us appeared to be as unfamiliar with the history of Soviet intelligence during the Stalin era as were those FBI agents who reviewed Bureau records at my request in the mid-1970s concerning the Bureau's earlier history. (With help from the American Civil Liberties Union, in 1974, I won the first Freedom of Information Act lawsuit concerning historical records requested from the FBI.)

Or did some historically minded archivists in Moscow actually wish to assist the authors in producing a more complete and accurate account of Soviet intelligence than the one found in the existing literature of both countries? That, after all, has been, from the start, our major reason for writing *The Haunted Wood.*

—ALLEN WEINSTEIN

Excerpts from reviews of
The Haunted Wood: Soviet Espionage in America—
The Stalin Era

Better than any Le Carré novel are the true events recounted in this fascinating new book....This is a relentlessly powerful book and an eye-opener for all readers.

Library Journal, November 15, 1998.
"The Spy Who Came in from the Cold War." By Edward Goedeken.

The experience of reading "The Haunted Wood" is rather like looking into the new edition of a book from which half the pages had previously been torn out. What emerges most sharply is proof of the guilt of certain Americans whose spying for the Soviet Union has been the subject of debate for over half a century....

The authors found in the archives of the K.G.B. a virtual hemorrhage of Allied atomic secrets....

It has been said that all World War II histories written before the revelation of Ultra, the British success in breaking German codes, are incomplete. The work of Weinstein, Vassiliev and their colleagues mining the Soviet lode begins to approach the significance of an Ultra. Histories of Soviet-American relations written without benefit of Soviet secret files now available are, to some degree, books with missing pages.

The New York Times Sunday Book Review, January 3, 1999
"The Kremlin Connection." By Joseph E. Persico.

Historian Weinstein (*Perjury: The Hiss-Chambers Case*) and retired KGB agent Vassiliev offer new background for such controversial figures as Alger Hiss, Whittaker Chambers and Julius and Ethel Rosenberg....It is also packed with plenty of intriguing characters and cloak-and-dagger tales of secrecy, subversion and betrayal. This is an important contribution to the history of the Cold War.

Publishers Weekly, November 16, 1998.

Weinstein, the author of the definitive book on the Hiss-Chambers case (*Perjury*, 1978), and Vassiliev, a former KGB officer turned journalist, have very effectively raided the KGB archives to gather the fullest account to date of Soviet espionage in the U.S. up to the '50s....it is the most able, careful and comprehensive account we are likely to have for a long time to come.

Kirkus Reviews, November 1, 1998.

Some of our most familiar assumptions about the Cold War are mutating, and books like "The Haunted Wood" are partly responsible....[N]ow, with "The Haunted Wood," we are moving toward a new understanding of Stalinism's long reach into the West....Until recently, almost the whole story has been learned from defectors or non-Soviet sources. "The Haunted Wood" changes that.

"The Haunted Wood"...is indispensable. Here is definite evidence, a small arsenal of once-smoking guns, documenting the clandestine work of 58 American agents, including Hiss and the Rosenbergs, who worked for the NKVD (later the KGB) or its sister services. The evidence presented in "The Haunted Wood" ends the old did-they-or-didn't-they debate; until recently, the most basic issues about some of these people's guilt were still being argued in an endless, mind-numbing back-and-forth of denial and invective. We have left that kindergarten. A new history has begun.

Los Angeles Times, January 31, 1999. Book Review.
"Case Closed." By Stephen Koch.

Allen Weinstein, who previously wrote the best book on [Alger] Hiss, has teamed up with a former member of the Soviet secret police, Alexander Vassiliev, to investigate Russian records that confirm Soviet messages decrypted by the United States in the late '40s (the Venona documents). Their book, "The Haunted Wood," shows how extensive was Soviet espionage in World War II.

The New York Post, January 8, 1999.
"There Were Spies in Our Midst." By Garry Wills.

What Allen Weinstein and Alexander Vassiliev have to offer here that is truly extraordinary is their unprecedented (and probably never to be repeated) access to NKVD (now KGB) files.

Weinstein is a brilliant historian whose masterwork is *Perjury*, the definitive account of the Hiss-Chambers case, and who now heads The Center for Democracy....His co-author, Vassiliev, is a retired Soviet intelligence official turned journalist. Their book also benefited from the CIA's release in 1995-96 of thousands of intercepted NKVD messages between the U.S. and Moscow during World War II (the VENONA cables)—and they have been able to match up dozens of the CIA's transcripts (sometimes incomplete) with the NKVD originals.

These unique records tell the inside story of the espionage networks that Moscow created in the United States, especially after Franklin Roosevelt's establishment of diplomatic relations with the USSR in 1934.

The Haunted Wood deserves an honored place in the literature.

National Review, January 25, 1999.
"The Spying Game." By Peter W. Rodman

As I read the somber pages of this important book of revelations all I could think of were the utterly wasted lives of a group of American men and women who found nobility in treason....The importance of this book cannot be overstated because it is based on Stalin-era operational files of the Soviet secret police.

The Washington Times, January 6, 1999.
"Soviet espionage uncovered." By Arnold Beichman

[This book] will transfix intelligence buffs and be closely read by professionals. The authors have skillfully synthesized the material into a narrative of what the Soviets did and didn't achieve in penetrating the U.S. government.

Booklist, November 15, 1998.
By Gilbert Taylor.

Did the KGB (and its predecessor, the NKVD) really have top level agents at the heart of the federal government in Washington in the 1930s and '40s?

This question and others are addressed in "The Haunted Wood," an investigation by the historian Allen Weinstein and the former Soviet KGB agent Alexander Vassiliev. Together they tell the previously unknown saga of those pro-Soviet Americans "who sacrificed country for cause in 'the haunted wood'" of espionage and who devoted themselves with "inglorious constancy to a cruel and discredited faith."

The Wall Street Journal, January 5, 1999
"Spies After All." By Ronald Radosh

Starting with the publication of Allen Weinstein's "Perjury: The Hiss-Chambers Case" in 1978 and Ronald Radosh and Joyce Milton's "The Rosenberg File" in 1983, we have had at our disposal solid and sober accounts of the two most famous cases of Communist espionage. Not that either book settled every question to everyone's satisfaction; there were sufficient ambiguities and blank spots in the available evidence to offer a last ditch in which the remaining defenders of Alger Hiss and Julius Rosenberg could take their stand.

With the publication of Mr. Weinstein and Alexander Vassiliev's "The Haunted Wood: Soviet Espionage in America—The Stalin Era" that ditch just disappeared. Mr. Weinstein, the founder and director of The Center for Democracy in Washington, D.C., and Mr. Vassiliev, a Russian journalist and a former KGB agent, draw upon newly opened intelligence archives in Moscow and the recently released transcripts of decoded Soviet diplomatic cables known as the Venona files. They make it abundantly clear that the Soviet Union recruited most of its spies in the United States in the years leading up to and during World War II from the ranks of the Communist Party or among its close sympathizers—an effort in which top party leaders were intimately involved.

Forward, January 29, 1999.
"Guess What—They Really Were Spies." By Maurice Isserman.

Post-hearing Question Submitted by
Susan M. Collins, Chairman
for the Nomination of Allen Weinstein to be
Archivist of the United States

Q. It is my understanding that NARA is responsible for setting the standards that commercial records facilities must meet before they may store federal records, and that NARA has worked hard over the past several months to address concerns raised by the records storage industry regarding those standards. Are you committed to continuing to work with private industry to ensure that the NARA standards are not unduly onerous and that they are applied in a sensible manner?

A. Yes, I am absolutely committed to continuing the work with private industry to ensure that the NARA standards "are not unduly onerous and that they are applied in a sensible manner." If confirmed, I will review the progress of negotiation on these issues to date with those at NARA who are involved and, if useful, meet also with records storage industry representatives to assure that the negotiations reach a mutually-satisfactory solution in the shortest possible time.

QUESTIONS OF SENATOR FRANK R. LAUTENBERG
SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS
HEARING ON NOMINATION OF
ALLEN WEINSTEIN TO BE U.S. ARCHIVIST
Thursday, July 22nd, 2004

QUESTION ONE FOR MR. WEINSTEIN:

You acknowledge that you were first contacted about the Archivist position by White House personnel in September 2003. That's three full months before the current Archivist, Governor Carlin, suddenly and unexpectedly announced that he would step down as soon as a replacement has been "nominated and confirmed."

Do you think that President Bush is anxious to replace a Clinton appointee with someone he hopes will be less willing to release government records from the "Bush 1" and "Bush 2" administrations – particularly documents relating to the Gulf War, 9-11, and the War with Iraq?

ANSWER: I have no knowledge of President Bush's reasons for deciding to nominate me as Archivist of the United States, not having met with him on the subject, any more

than I know why President Clinton decided to replace Acting Archivist Trudy Peterson with John Carlin in 1995. Responding to the heart of the question, however, I will state categorically that, if confirmed, presidential records from every Administration will be declassified and processed for release in strict and timely compliance with the Presidential Records Act and with special responsiveness to documents and topics in which the American people have expressed deep concern and interest. I would re-state here, as previously expressed in my hearing testimony and written responses to the Committee's questionnaires, that the Archivist of the United States is ultimately responsible to the American people, notwithstanding his or her appointment by a particular President, and more specifically responsible to the appropriate bipartisan oversight committees of the U.S. Congress. The records of every presidency—past, present and those to come—would receive identical treatment under the law on my watch as Archivist.

QUESTION TWO FOR MR. WEINSTEIN:

The National Archives and Records Administration Act of 1984 clearly directs the President to consult with "recognized organizations of archivists or historians" prior to nominating a new Archivist. President Bush has failed to follow this procedure.

To your credit, you have reached out to these groups since being nominated. But do you think President Bush should have solicited their input first?

Also, this Committee refused requests by the heads of several of these organizations to testify at this hearing in person. Do you think that is a mistake?

ANSWER: I recognize the understandable concern of various archival and historical organizations regarding the absence of prior presidential consultation, which characterized not only my nomination as Archivist by President Bush but President Clinton's nomination of John Carlin and perhaps others. As the question acknowledges, I have reached out to these groups since my nomination in hopes of developing (if confirmed) close and cooperative working relationships with them on a wide range of subjects. As for President Bush, I have no knowledge of whom in the historical and archival professions he may have consulted personally. On all matters of interest, great and small, to those professionals, however, their organizational and individual leaders would find me as Archivist responsive and generally supportive.

As for the Committee's having "refused requests by the heads of several of these organizations to testify" at my confirmation hearing, I am under the impression that for a number of years, time constraints and the extraordinary volume of business conducted by the Committee has limited such supplemental testimony. Personally, I would have had

no objection to such additional witnesses, assuming that (if these wished to testify in opposition to my nomination) I could bring to the microphone by way of balance supplemental witnesses in support of my nomination.

QUESTION THREE FOR MR. WEINSTEIN:

You are well aware of the controversy surrounding the notes and records you used to write *Perjury* and *The Haunted Wood*. In responding to your pre-hearing questionnaire, you committed to depositing all of these materials to the Hoover Institution at Stanford University. Why did you choose Hoover, which has a well-deserved reputation as a conservative "think tank"? Will Hoover provide unfettered access to these documents to outside scholars?

Perjury was published 26 years ago, in 1978; *The Haunted Wood* was published five years ago, in 1999. Why didn't you make such arrangements long ago?

ANSWER: I chose the Hoover Archives as a repository for several practical reasons:

1. It is the repository for the papers of The Center for Democracy, the organization I headed for eighteen years.
2. It has done an excellent job of cataloguing the Center's papers.
3. No other archive contacted me offering not only to take the papers but to assume the costs of shipment and cataloguing as Hoover has done.
4. I brought an earlier collection of papers related to the Hiss-Chambers case, the Herbert Solow papers, to Hoover, where it has been well organized and long-opened for research.

I would note a basic distinction between the Hoover Institution's think tank, which the question describes as having "a well-deserved reputation as a conservative think tank" and the Hoover Institution's Archives, which has an equally-well-deserved reputation internationally for its extensive collections dealing with war, revolution and peace, including a major collection on Soviet Communism and espionage issues, into which both the Hiss-Chambers and *Haunted Wood* materials fit solidly. All scholars wishing to use these collections are provided unfettered access to the documents, and I cannot imagine an archivist at the Hoover Archives asking a researcher to identify his or her political affiliation.

Responding to the second part of the question—"Why didn't you make such arrangements long ago?"—I would point out that (in part) I did. I deposited the FBI files that I received on the Hiss-Chambers case at the Truman Library and, much later, arranged to bring the Hiss-related Herbert Solow files to the Hoover Archives. For the

first few years after *Perjury* was published, one actual lawsuit (settled before trial) and the threat of others made me sensitive to handing over notes and personal files to any archive. Also, by the early 1980s, I had moved on to other projects and distanced myself from the Hiss case.

Although political arguments over the case cooled during the 1980s, they ignited briefly once again in the early 1990s when a Russian general/historian announced that he found no proof of Hiss's being a Soviet spy, only to quickly retract his conclusion under closer evidentiary scrutiny. Once more, the persistent political passions underlying the Hiss-Chambers case led to vitriolic public debate, and I made every effort, again, to avoid getting caught up in it. Fortunately, these passions cooled quickly when the Russian general disclosed that one of Alger Hiss's lawyers had encouraged a cursory search of what turned out to be the wrong Soviet intelligence records in order to "vindicate" Hiss publicly before his death.

With what one hopes is a permanent cooling of political arguments surrounding the case, I feel more comfortable today about donating my research files and notes to the Hoover Archives for scholarly use. I should note, however, that I believe that if the names of any dozen or one hundred historians were chosen at random, the overwhelming majority of them would have all of their notes and private research papers comfortably stored under their personal supervision in garages, basements, or commercial storage lockers, not donated to archival repositories.

QUESTION FOUR FOR MR. WEINSTEIN:

The Bush administration has a penchant for secrecy; you claim to be dedicated to promoting what our former colleague Pat Moynihan called "a culture of openness" within the Federal Government.

According to the Information Security Oversight Office – an agency that will be under your jurisdiction if you are confirmed – the Federal Government -- excluding the Central Intelligence Agency – spent $6.5 billion on classifying information in Fiscal Year 2003, but just $54 million on declassifying information.

What specific steps are you prepared to take to reverse the Bush administration's clear preference for cloaking its operations in secrecy? Are you willing to disobey the administration if the public interest demands disclosure and transparency, particularly with regard to documents associated with both Bush presidencies?

ANSWER: The figures cited by the Information Security Oversight Office (ISOO) of federal spending (excluding the CIA) in Fiscal 2003 of $6.5 billion on classifying information but only $54 million on declassifying information appear dramatically unbalanced. Increasing the volume of declassified documents government-wide will be a

priority for me, if confirmed, and I would ask to be judged—by my colleagues at NARA and elsewhere in the government, Congress, interested stakeholder groups, the media and others—by actual results achieved, year by year. To achieve these results past January 2005, whether with a Bush or Kerry Administration, I would take the following specific steps:

1. Convene an early-2005 conference on declassification issues with relevant NARA officials, key members of the Administration and Congress, stakeholder groups, and others to establish targets and procedures that would regularize the goals set at the meeting.

2. Continue existing efforts by NARA officials to speed declassification procedures.

3. Launch a priority effort by Administration and Congressional leaders to make bipartisan changes in the law to implement a significantly accelerated schedule of document declassification

4. Persuade Administration and Congressional leaders to designate their appointees to the Public Interest Declassification Board (PIDB)—the so-called 'Moynihan Board'—established in the 2001 Intelligence Authorization Act.

5. Use the Archivist's "bully pulpit" more regularly and vigorously in urging public support for accelerated declassification, for example by engaging in an extensive speaking schedule on the subject.

In answer to the question's last part, let me respond plainly. If confirmed, I am not willing to act counter to the law under pressure from any President or Congress, whether Democratic or Republican. Nor under any circumstances am I willing to allow outside authority of whatever source to subject NARA to improper political pressures which threaten its independence and operational integrity. I would be prepared to confront any undue or improper outside influences both internally—through an early warning system that can defuse the attempt—or, if necessary, publicly through a range of counter-pressures. If necessary, I would resign before doing anything illegal. One hopes, however, that such counter-pressure will never prove necessary. Moreover, I have not submitted my name and reputation for the high privilege of obtaining the U.S. Senate's approval of my confirmation only to serve as the cat's-paw of vested interests intent upon preventing documents from being legitimately declassified. Nor would anyone even vaguely familiar with my background and experience credit such assertions. Despite the dismal record of declassifying documents evident in the ISOO figures cited in the question compared to the funds spent on classification, I believe that sustained and broad-based efforts by the Archivist of the United States can significantly close the gap between those two figures, a result to which—if confirmed—I would devote myself.

In response to your last query—"Are you willing to disobey the administration, if the public interest demands disclosure and transparency, particularly with regard to documents associated with both Bush presidencies?"—as Archivist I must be prepared to enforce the laws regarding access to public records at all times and in all instances,

including those of the presidencies, past and current, in both political parties. A combination of dialogue, persuasion, counter-pressures and legal recourse should correct most situations caused by disregard of the law. Hopefully, the problems I would face within NARA can be resolved short of direct confrontation with any Administration.

Senator Daniel K. Akaka
Questions for the Record
Allen Weinstein
Nominee for Archivist of the United States
July 22, 2004

Question 1. In response to the Committee's pre-hearing questions, you noted that you were invited to meet with Ms. Dina Powell, Assistant to the President and Director of Presidential Personnel, on September 23, 2003, about the possibility of being nominated as the next Archivist of the United States.

a. Prior to this meeting, did you contact the White House to seek this or any other position in the Administration? Please explain.

b. Did anyone, whether an Administration official or not, contact you prior to the September 23, 2003, meeting to inquire about any interest that you might have in serving the Administration? If so, who contacted you and what was discussed?

ANSWER:

a. No.
b. I have had no partisan interest "in serving the [Bush] Administration" or any previous one, either Democratic or Republican, and have spent the past two decades happily heading a bipartisan global democratic assistance NGO. What did interest me about the September 23, 2003 meeting was service to my country in a bipartisan manner. It remains of keen interest today: namely being confirmed by the U.S. Senate as the Archivist of the United States, working for the American people and reporting to Congress.

The background of my involvement began last Spring. I serve as a Trustee of the new Mary Baker Eddy Library for the Betterment of Humanity in Boston, in whose development—including the complete opening of Mrs. Eddy's papers—I have acted as adviser. Dr. Don Wilson, a former Archivist of the United States, also serves as Library Trustee. One day in April or May 2003, Dr. Wilson informed me that he had heard the Bush Administration was seeking to identify candidates for the position of Archivist since Governor Carlin was approaching his ninth year (a normal tenure) in the post. Dr. Wilson asked whether he could mention my name along with several others as someone

willing to be considered for the position. Frankly, I was flattered and, after some reflection, agreed that he could forward my name.

Months passed without any word from the White House, and in a conversation that August with former Congressman Bob Livingston, the Republican Co-Chair of The Center for Democracy's Board of Directors, I mentioned Dr. Wilson's earlier inquiry. Mr. Livingston offered to contact the White House, which he did, to recommend that I be considered for the position. The following month I received a call inviting me to the September 23 meeting with Ms. Powell. I should note that the Democratic Co-Chair of the Center's Board, former Congresswoman Barbara Kennelly, also subsequently wrote recommending my nomination, and my three references, once the White House and FBI vetting process began, were Dr. Joseph Duffey, former Clinton Administration USIA Director, Ambassador Max Kampelman, and New York public relations executive Howard Rubenstein. Letters in support of my nomination as Archivist to the White House and to this Committee have included a cross-section of current and former Democratic and Republican members of Congress, scholars, archivists, and others.

I should note, also, that in reflecting on having become a candidate for the post of Archivist, I saw nothing unusual in the process: Governor Carlin had already served nine years in a position whose predecessors had similarly served on the average between eight and nine years. I was not privy to any White House discussions with Governor Carlin on the manner or timing of his resignation. Finally, I made it clear in my meeting with Ms. Powell and my meeting with Judge Gonzales that I was a life-long registered Democrat, should that make a difference in their interest. It did not appear to do so.

Question 2. I understand that you also met with Judge Alberto Gonzales about the position of Archivist of the United States. Who requested the meeting? Did Judge Gonzales indicate the reason for his interest in your potential nomination for this position?

ANSWER: A staff member in the White House Office of Presidential Personnel called me to say that Judge Gonzales would like to meet briefly with me. Judge Gonzales did not "indicate the reason for his interest in [my] potential nomination for this position." The meeting lasted about 20 minutes and mainly concerned my description of my professional background as this might relate to my qualifications for the post of Archivist of the United States.

SUSAN M. COLLINS, MAINE, CHAIRMAN

TED STEVENS, ALASKA
GEORGE V. VOINOVICH, OHIO
NORM COLEMAN, MINNESOTA
ARLEN SPECTER, PENNSYLVANIA
ROBERT F. BENNETT, UTAH
PETER G. FITZGERALD, ILLINOIS
JOHN E. SUNUNU, NEW HAMPSHIRE
RICHARD C. SHELBY, ALABAMA

JOSEPH I. LIEBERMAN, CONNECTICUT
CARL LEVIN, MICHIGAN
DANIEL K. AKAKA, HAWAII
RICHARD J. DURBIN, ILLINOIS
THOMAS R. CARPER, DELAWARE
MARK DAYTON, MINNESOTA
FRANK LAUTENBERG, NEW JERSEY
MARK PRYOR, ARKANSAS

MICHAEL D. BOPP, STAFF DIRECTOR AND CHIEF COUNSEL
JOYCE A. RECHTSCHAFFEN, MINORITY STAFF DIRECTOR AND COUNSEL

United States Senate
COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510–6250

July 21, 2004

The Honorable John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphia Road
College Park, MD 20740-6001

Sent via fax to 301-837-3218

Dear Mr. Carlin:

The Senate Committee on Governmental Affairs has been asked to consider the nomination of Allen Weinstein to be Archivist of the United States. As part of that process, I believe it is important to understand the circumstances under which Mr. Weinstein was nominated for this position. To increase that understanding, please provide the following information.

(1) Did you initially approach the Administration or did the Administration initially approach you about resigning from your position?

(a) Please describe this initial conversation or meeting, including the date it took place, who was present, and what was said.

(b) If the Administration initially approached you about resigning from your position, please describe what reasons were provided. If you initially approached the Administration about resigning, please describe your reasons for this action.

(2) Are there tasks that you would like to complete in your current position prior to concluding your service to the country? If so, please describe them and an estimate of the amount of time they would require to complete.

Thank you for your assistance in this matter.

Sincerely,

Carl Levin

Carl Levin

CL:ejb

National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

July 22, 2004

The Honorable Carl Levin
Committee on Governmental Affairs
United States Senate
Washington, DC 20510-6250

Dear Senator Levin,

I am writing in response to your letter, which was faxed to me late yesterday.

In answer to the first question the Administration initially approached me. On Friday, December 5, 2003, the Counsel to the President called me and told me the Administration would like to appoint a new Archivist. I asked why, and there was no reason given.

As to the second question, there are initiatives I would like to complete before concluding my service as Archivist of the United States. First, we are engaged in an exciting campaign to raise $22 million to fund new public programs that will open the doors of the National Archives to the public in ways never before possible. Specifically, I am in the midst of raising the money to complete our interactive permanent exhibit called the Public Vaults, which will open in November.

Second, we are on the verge of awarding a contract for the design of the Electronic Records Archives, a groundbreaking system that will allow the Government to manage and preserve any kind of electronic records, now and in the future. The design is just the first step. We have been working very hard to secure the support and funding for systems development, and I would like to see that budget request through to fruition over the next four months.

Sincerely,

John W. Carlin
Archivist of the United States

National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

December 19, 2003

Dear Mr. President,

Through two Administrations, I have had the honor to lead the National Archives and Records Administration as the Archivist of the United States. Upon taking the position in June 1995, I made a commitment to our staff and stakeholders to remain at NARA long enough to see its transition from an agency primarily focused on paper records to one positioned to deal with the challenges posed by the electronic records now being created by our Government. At the time I estimated that such a transformation would take eight to ten years. In June I will complete my ninth year as Archivist and with the completion of a major initiative this fall, I believe it will be time for me to look for other opportunities.

Given the historical difficulties of finding and confirming an Archivist since NARA become an independent agency in 1985, I respectfully suggest that the process start this spring. Based on the painful history of acting archivists running the agency for extended periods of time since 1985 (more than two years in both cases), I strongly believe that the best interests of the agency are served by a smooth transition of leadership from me to my successor. Therefore, I will submit my resignation upon the confirmation and swearing in of the Ninth Archivist of the United States.

I want to thank you for the critical support you and your Administration have provided to NARA by recognizing the importance of records and records management to the operations of Government, particularly E-Government, in the 21st century. Your Administration has made us a key partner, through providing budgetary resources and visibility, in addressing many critical Government-wide records issues. During my tenure, I have particularly appreciated the fact that you supported NARA's independence, which is so critical to the credibility of this agency, which is charged with preserving and making available the records that protect citizens' rights, ensure accountability in Government, and tell the story of our history as a nation.

NARA holds in trust for the American people those records that lie at the heart of our democracy. I am immensely grateful for the opportunity I have had to lead this uniquely important agency, which serves not only the citizens of today but all those citizens yet to come.

Sincerely,

JOHN W. CARLIN
Archivist of the United States.

KAY BAILEY HUTCHISON
UNITED STATES SENATOR
WASHINGTON, D.C. 20510-4304

May 12, 2004

The Honorable Susan Collins
Chairman
Committee on Governmental Affairs
United States Senate
SD-340
Washington, D.C. 20510-6250

Dear Susan:

I was pleased to learn that my good friend, Allen Weinstein, has been nominated to serve as the National Archivist.

I have known Allen for many years, and had the pleasure of working with him on numerous issues during his tenure as the President of the Center for Democracy. I can say without reservation that he will bring to the Archivist position a wealth of experience and knowledge. He is extremely smart, great to work with, and is totally committed to the preservation of American ideals.

His expertise and recognition in the field of history, along with his long association with members of Congress, make him particularly well suited for this position.

I hope you will give his nomination every consideration and agree that he is a true historian of American democracy and would be an outstanding Archivist.

Sincerely,

Kay

Kay Bailey Hutchison

KBH/jb

ARMA International
13725 W. 109th St., Suite 101
Lenexa, KS 66215
913.341.3808 • Fax: 913.341.3742
800.422.2762 (U.S. and Canada)
hq@arma.org • www.arma.org

The Association for Information Management Professionals

Board of Directors 2002-2003

Executive Council

President
Joanna M. Seidman, CRM, FAI
Records Management
Orange County Sanitation District
10844 Ellis Avenue, PO Box 8127
Fountain Valley, CA 92728

President-Elect
Gisele L. Crawford
City of Edmonton
Corp. Records, 3rd Floor City Hall
1 Sir Winston Churchill Square
Edmonton, AB T5J 2R7
CANADA

Treasurer
Cheryl L. Pederson
Cargill, Inc.
P.O. Box 5624 Law Dept.
Minneapolis, MN 55440-5624

Chairman of the Board
Terrence J. Coan
Accuprec Software, Inc.
350 S. Figueroa Street, Suite 141
Los Angeles, CA 90071

Directors

Carol E.B. Choksy, Ph.D., CRM
IRAD Strategic Consulting, Inc.
4153 Golden Grove Road
Greenwood, IN 46143

Barbara L. Cooper
Toyota Motor Sales USA
19001 South Western Avenue
Torrance, CA 90509

Patrick Cunningham, CRM
Hewitt Associates, LLC
100 Half Day Road
Lincolnshire, IL 60069

John P. Frost, CRM
American Airlines
4333 Amon Carter Blvd. M.D. 5241
Fort Worth, TX 76155

James A. Long III
Next Century Corporation
8101 Sandy Spring Road
Laurel, MD 20707

Gail Ann McCreary, CRM
Mississippi Power Co.
PO Box 4079
2992 W. Beach Blvd.
Gulfport, MS 39501

Susan McKinney, CRM
University of Minnesota
502 Morrill Hall, 100 Church St. SE
Minneapolis, MN 55455

Fred A. Pulzello, MBA, CRM
Morgan Stanley
1633 Broadway, 29th Floor
New York, NY 10019

Claudette E. Samuels
Caribbean Examination Council
Records Management Department
The Garrison
St. Michael 10
BARBADOS

Rick Alexander Sterling
Central Business Equipment Systems
402 1st Avenue, North
Saskatoon, Saskatchewan S7K 1X6
CANADA

Helen M. Strack
Genentech, Inc.
1 DNA Way
South San Francisco, CA 94080

Susan B. Wheneria, CRM
UnumProvident Corporation
1 Fountain Square
Chattanooga, TN 37402

Headquarters

Executive Director/CEO
Peter A. Hermann, CAE

27 April 2004

HAND DELIVERED

The Honorable Susan M. Collins
Chair
Senate Committee on Governmental Affairs
Washington DC 20510

The Honorable Joseph I. Lieberman
Ranking Member
Senate Committee on Governmental Affairs
Washington DC 20510

RE: Nomination of Allen Weinstein to be Archivist of the United States

Dear Chairwoman Collins and Ranking Member Lieberman:

On behalf of the over 10,000 records and information management professionals which comprise the membership of ARMA International, I am writing to underscore the importance of the office of the Archivist of the United States and to urge you to use your congressional oversight and confirmation responsibilities to ensure that any presidential nominee demonstrates an appropriate understanding of the essential role of that office in maintaining, preserving and providing appropriate public access to the information that provides current and future generations of Americans with an understanding of our national heritage.

The mission of the National Archives and Records Administration (NARA) is to ensure, "for the citizen and the public servant, for the President and for the Congress and the Courts, ready access to essential evidence." NARA plays the important and invaluable role of housing the vital documents necessary to the healthy functioning of our democratic republic. For this reason, the Archivist of the United States must be completely committed to NARA's mission of maintaining our national archives in a nonpartisan manner that allows the American people the widest possible access to the materials contained therein. To this end, we respectfully request that the Committee assure itself and the American people that the recent nomination of Allen Weinstein presents the professional qualifications and capabilities necessary to perform the duties of the office of the Archivist and to promote the important function of preserving for public access the documentation and information within the jurisdiction of NARA.

In particular, ARMA International would urge you to explore the nominee's understanding of the role and function of NARA, as well as his understanding of relevant statutory regimes such as the Freedom of Information Act, the Presidential Records Act, Executive Order 13233 (which amended the Presidential Records Act and expanded

executive privilege over presidential records), the Paperwork Reduction Act, and the U.S.A. PATRIOT Act. These statutes require a delicate and frequently difficult balancing of the public's right to access valuable information, individual rights of privacy, as well as critical national security concerns. It is our hope that the next Archivist of the United States will approach all of these boundaries in a respectful manner.

Rapid changes in the information technology field as well as fiscal challenges are two of the major hurdles faced by NARA. The Committee must be assured that the nominee has a practiced understanding of these challenges. For example, how will NARA proceed with its Electronic Records Archives initiative? Under the guidance of current Archivist John Carlin, NARA began its Strategic Directions for Federal Records Management Program. Will Professor Weinstein continue this program? NARA has also sought to reach out to federal agencies through its Targeted Assistance initiative. The program seeks to help federal agencies with their records management policies. Would Professor Weinstein continue to vigorously pursue to goals of this program? NARA has also endorsed Department of Defense Standard 5015.2. What are Professor Weinstein's thoughts on this standard? Finally, NARA's Electronic Records Management Initiative plays a central role in President Bush's e-Government program. With shrinking federal resources, how does Professor Weinstein propose to maximize NARA's commitment to this program?

Established in 1956, ARMA International is the oldest and largest association for the records and information management profession. ARMA serves as an international forum for establishing policies, processes and technology standards to ensure responsible records management. Its members are responsible for the efficient maintenance, retrieval, and preservation of vital information created in public and private organizations in all sectors of the economy.

ARMA has long supported policies that provide for the efficient and appropriate management of records and information in all forms and in all settings. These include policies that allow information to flow between different systems, sectors, and entities, reduce barriers to access to public information, and preserve vital

records and information resources that document the history and heritage of public and private institutions and organizations.

Maintaining the public's trust and confidence that the Archivist of the United States is watching over our national treasures is of utmost importance to the American people. We understand that the Committee has initiated its initial review of the nominee, and we would welcome an opportunity to assist the Committee in meeting this important responsibility of reviewing the President's nominee for the Archivist of the United States.

Sincerely,

Juanita M. Skillman, CRM, FAI
Chairman
ARMA International

Statement for the Record

Submitted by

ARMA International

to the

Committee on Governmental Affairs
United States Senate
Washington, DC

Regarding the Nominations Hearing of
Professor Allen Weinstein
to be
Archivist of the United States

July 22, 2004

About ARMA International

Established in 1956, ARMA International (ARMA) is the non-profit membership organization for the information management profession. The 10,000 members of ARMA include records and information managers, imaging specialists, archivists, hospital administrators, legal administrators, librarians, and educators. ARMA provides education, research, and networking opportunities to information management professionals and provides guidance to policy makers on issues involving information management.

ARMA serves as a recognized standards developer for the American National Standards Institute (ANSI) towards the development of records and information management standards. ARMA was a charter member of the information and documentation subcommittee of the International Organization for Standardization (ISO) towards the development of its records management standards.[1]

Because of the essential role of effective and appropriate information management in agencies and departments of the Federal Government, ARMA International has a strong interest in the role of the Archivist of the United States and the National Archives and Records Administration (NARA) in providing guidance and assistance to Federal agencies on matters related to information management.

ARMA International supports public policy that recognizes the importance of –

- Increasing the efficiency of information management systems.
- Reducing compliance burdens placed by the government on the public.
- Supporting the flow of information.
- Protecting personal privacy, intellectual property rights, and proprietary information.
- Preserving vital records and the information resources that document our heritage.
- Promoting the further development and use of information technology and the information infrastructure.

Implementing these policy goals for the Federal Government falls within the responsibilities of the Archivist and NARA.

ARMA offers this statement for the hearing record on the nomination of Professor Allen Weinstein to emphasize the leadership role of the Archivist and NARA in developing and implementing information management for the Federal Government.

The Role of Information Management for Federal Agencies

[1] ARMA was a charter member of ISO Technical Committee ISO/TC 46, Information and documentation, Subcommittee SC 11, Archives/records management and participates in the development of ISO standards on records management. In its updated strategic plan, the National Archives and Records Administration indicates, as a specific strategy, that it will base its approach to records management on the ISO Records Management Standard 15489. See "Ready Access to Essential Evidence: The Strategic Plan of the National Archives and Records Administration (1997-2008) (Revised 2003)".

Congress has long required Federal agencies to establish information management programs.[2] In 1968 Congress required that –

- The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.[3]

- The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of records of the agency, including the effective controls over the creation and over the maintenance and use of records in the conduct of current business.[4]

- The head of each Federal agency shall establish safeguards against the removal or loss of records determined to be necessary and required by regulations of the Archivists.[5]

- The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency.[6]

A primary responsibility of Federal agencies is managing and maintaining the integrity of an ever-growing amount of information over which they have jurisdiction and custody. The information management issues raised include the implementation of clearly stated and understood policies and procedures that continuously address new technology needs and retention and disposition challenges for recorded information, addressing increasing concerns about protecting personally identifiable information, and improving access to publicly-held information for stakeholders and the public. Best practices require that everyone involved with the maintenance and management of information be informed of and acknowledge the importance of the policies in place. Adequate investment in technology, development and dissemination of best practices for information management, and training of personnel responsible for information management are all important elements of effective information management by Federal agencies and other offices of the Federal Government.

The task of developing and ensuring proper implementation of these information management policies and procedures falls in part on the National Archives and Records Administration (NARA), headed by the Archivist of the United States. As discussed below, NARA and the Archivist are tasked with providing assistance and oversight of the information management programs implemented by our Federal agencies. ARMA believes that effectively implemented information management regimes by the Federal Government

---

[2] See Public Law 90-620 (October 22, 1968). See generally 44 U.S.C. Chapter 31.
[3] 44 U.S.C. 3101.
[4] 44 U.S.C. 3102.
[5] 44 U.S.C. 3105.
[6] 44 U.S.C. 3106.

will require strong leadership of the Archivist. Governmental organizations that embrace information management, with the assistance of NARA, as being strategic and mission critical will ensure their ability to successfully meet their stewardship and management responsibilities relative to the information and records in their care. Effective policies and procedures create integrity in the process of information management and instill confidence in those both within the organization and public stakeholders.

The Role of the Archivist of the United States in Information Management

The Archivist of the United States is perhaps best known for his role at NARA in the acceptance and preservation of records of historical significance.[7] The Archivist is given a number of well-recognized responsibilities, including the preservation of Presidential Records,[8] the acceptance of records and other media of national or historical significance,[9] and the custody of congressional records.[10] The Archivist, serving as the head of an independent agency of the Federal Government, must be guided by the mission to ensure that all Americans have ready access to the essential evidence of our government. ARMA recognizes this essential role of the Archivist.

In its Strategic Plan updated in 2003,[11] NARA confirms its role as "our national recordkeeper" and that this mission "is a public trust that safeguards the records on which the people of a democratic republic depend for documenting their individual rights, for ensuring the accountability and credibility of their national institutions, and for analyzing their national experience".

The Archivist is also charged with specific responsibilities relating to information management at Federal agencies. NARA confirms that its mission is "to ensure, for the Citizens and the Public Servant, for the President and the Congress and the Courts, ready access to essential evidence".

> "This statement acknowledges our statutory responsibility for records in all three branches of the Federal Government. The statement acknowledges our statutory responsibility to help Federal officials manage records effectively for their own use as well as for the public's. And the statement acknowledges our commitment to making it as convenient as we can for officials and the public to get access to what [current statutory provisions] call evidence of essential transactions of the Federal Government."

The National Archives and Records Administration Act of 1984 itemized certain responsibilities for the Archivist that bear directly on the information management functions of Federal agencies.[12] The Archivist is directed to "provide guidance and assistance to

---

[7] See 44 U.S.C. 2107, passed as Public Law 98-497 (October 19, 1984), establishing the National Archives and Records Administration. See also 44 U.S.C. 2108.
[8] See 44 U.S.C. Chapter 22. See also 44 U.S.C. 2111, 2112.
[9] See 44 U.S.C. 2107.
[10] See 44 U.S.C. 2118.
[11] See "Ready Access to Essential Evidence: The Strategic Plan of the National Archives and Records Administration (1997-2008) (Revised 2003)".
[12] Public Law 98-497 (October 19, 1984). See generally 44 U.S.C. Chapter 29.

Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition."[13] In pursuit of this responsibility, the Archivist is directed to, among other things, promulgate standards, procedures and guidelines with respect to information management, provide information on training programs, technological developments, and other activities relating to information management, direct continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management, and conduct information management studies with respect to establishing systems and techniques designed to save time and effort in records management.

The Archivist is further directed to inspect the records or the records management practices and programs of any Federal agency for the purpose of providing recommendations for the improvement of records management practices and programs.[14]

The responsibilities of the Archivist relating to Federal agency information management were further emphasized by Congress with passage of the E-Government Act of 2002.[15] Section 207 of the Act instructs the Archivist to "[require] the adoption by agencies of policies and procedures to ensure that [the statutory provisions regarding records management by Federal agencies] are applied effectively and comprehensively to Government information on the Internet and to other electronic records." The E-Government Act further assigned NARA as a member of the Interagency Committee on Government Information, with the purpose of improving the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

NARA is furthermore involved in initiatives related to cutting edge issues regarding information management. One initiative in particular is of interest to ARMA – the E-Government Electronic Records Management Initiative, for which NARA is the managing partner. E-Government is one of five key elements of the President's Management Agenda aimed at making it simpler for citizens to receive high-quality service from the Federal Government, while reducing the cost of delivering those services.[16] NARA's Electronic Records Management Initiative is one of 24 initiatives under the President's E-Government initiatives. Records management is an important part of the infrastructure that will make E-Government work.

Conclusion

For these reasons, the Archivist of the United States must take a leadership position in his responsibilities regarding the information management functions and capabilities of the Federal Government. He must be committed to NARA's mission of not only maintaining our national archives, but also providing guidance to Federal agencies regarding the retention and disposition of the recorded information in their custody, in a manner that preserves its integrity and allows the American people access to the materials contained therein.

---

[13] 44 U.S.C. 2904.
[14] 44 U.S.C. 2906.
[15] Public Law 107-347 (December 17, 2002).
[16] See "The President's Management Agenda (Fiscal Year 2002)".

To this end, ARMA respectfully requests that the Committee assure itself and the American people that the recent nomination of Professor Allen Weinstein presents the professional qualifications and capabilities necessary to perform the duties of the office of the Archivist, and that the Committee ensure that the nominee will have an appropriate level of understanding of the importance of information management as a function of Federal agencies and the role of NARA in establishing guidelines and standards for information management by the Federal Government.

Respectfully submitted,

ARMA INTERNATIONAL

By David McDermott, CRM
Its President

ARMA International
13725 W. 109th Street, Suite 101
Lenexa, KS 66215
913.341.3808

Government Relations Counsel
SmithBucklin Government Relations
2025 M Street, NW, Suite 800
Washington, DC 20016
202.367.1175

Statement for the Record on the Nomination of Allen Weinstein to Become Archivist of the United States

Society of American Archivists
July 22, 2004

Although the Society of American Archivists (SAA) would have preferred a process in which we were permitted to testify at the hearing regarding the appointment of Allen Weinstein to become the next Archivist of the United States, we thank the Senate Committee on Governmental Affairs for the opportunity to comment. The choice of a qualified nominee to become the Archivist of the United States is an important decision that ultimately benefits all Americans by ensuring that our history will be preserved and that our citizens will be able to hold their government accountable for its actions and decisions through the careful and impartial management of the records of government.

To that end, we express our intent to cooperate with Professor Weinstein and to work with him if he is appointed Archivist of the United States.

However, we also wish to convey again the strong reservations that the Society of American Archivists and thirty other archives, history, and library organizations have expressed about the manner in which this nomination was made. As noted in a Statement developed by SAA, the National Association of Government Archives and Records Administrators, and the Council of State Historical Records Coordinators (issued shortly after the April 8, 2004, announcement of Professor Weinstein's nomination), Congress created the National Archives and Records Administration—and the position of Archivist of the United States—to be both independent and non-partisan. In the National Archives Act (Public Law 98-497), Congress intended that filling the position of Archivist of the United States should involve an open process, with consultation with appropriate professional organizations that could speak from knowledge and experience concerning the qualifications of nominees. Attached are copies of the "Statement on the Nomination of Allen Weinstein to Become Archivist of the United States"(including the names of the organizations that supported it), as well as "Joint Statement on Selection Criteria for the Archivist of the United States" and "Joint Statement on Questions to Ask the Nominee for Archivist of the United States." We ask that these documents be entered into the permanent record of these hearings.

It is our view that this nomination was undertaken outside both the letter and the spirit of the law. We believe that the evidence is clear that the White House effectively removed John Carlin when it asked him for a letter of resignation in December 2003 after having already identified a replacement in the fall of that year. It is within the power of the President to remove the Archivist, but if he takes this action, the law calls for him to provide Congress with an explanation of his reasons for doing so. To date, no such explanation has been provided. **We hope that the Committee will ask the White House to fulfill its obligation under the law rather than create another precedent that erodes the power and authority of the United States Congress.**

tel 312/922-0140 fax 312/347-1452 e-mail info@archivists.org web www.archivists.org

We also hope that the Committee will begin working with interested professional associations to **establish a more formal procedure that can be used for future nominations.** Development in advance of a list of qualifications and other considerations would make the process smoother and ensure that the Archivist position does not become politicized.

Let us be clear: We do not believe that the manner in which the nomination has been handled reflects negatively on Professor Weinstein or his interest in this position. But we do believe that **the failure to follow the process outlined in law threatens the tradition of independence and non-partisanship that enables the Archivist of the United States to fulfill his obligations effectively to the benefit of all Americans.**

We offer Professor Weinstein our best wishes and our hand of friendship and cooperation. Should he be appointed, the Society of American Archivists and other professional organizations that have an interest in his work will do everything in our power to support him in leading the National Archives and Records Administration, to offer advice and counsel if he requests it, to share our expertise and experience with him, and, if necessary, to make every effort to ensure that he is treated better by future administrations than his predecessor has been by this one.

Thank you.

Statement on the Nomination of Allen Weinstein to Become Archivist of the United States

April 14, 2004

We are concerned about the sudden announcement on April 8, 2004, that the White House has nominated Allen Weinstein to become the next Archivist of the United States. Prior to the announcement, there was no consultation with professional organizations of archivists or historians. This is the first time since the National Archives and Records Administration was established as an independent agency that the process of nominating an Archivist of the United States has not been open for public discussion and input. We believe that Professor Weinstein must—through appropriate and public discussions and hearings—demonstrate his ability to meet the criteria that will qualify him to serve as Archivist of the United States.

When former President Ronald Reagan signed the *National Archives and Records Administration Act of 1984* (Public Law 98-497), he said that, "the materials that the Archives safeguards are precious and irreplaceable national treasures and the agency that looks after the historical records of the Federal Government should be accorded a status that is commensurate with its important responsibilities." Earlier in 1984, when the National Archives Act was being discussed, *Senate Report 98-373* cautioned that if the Archivist was appointed "arbitrarily, or motivated by political considerations, the historical records could be impoverished [or] even distorted."

P. L. 98-497 clearly states that, "The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist." In 1984, *House Report 98-707* noted, "The committee expects that [determining professional qualifications] will be achieved through consultation with recognized organizations of archivists and historians." The law also states that when the Archivist is replaced, the President "shall communicate the reasons for such removal to each House of Congress." President Bush has not given a reason for the change, and there is no evidence to suggest that it is being made because of John Carlin's resignation.

We agree with these statements and believe that the decision to appoint a new Archivist should be considered in accordance with both the letter and the spirit of the 1984 law.

We call on the Senate Committee on Governmental Affairs to schedule open hearings on this nomination in order to explore more fully 1) the reasons why the Archivist is being replaced and 2) Professor Weinstein's qualifications to become Archivist of the United States. Among other issues, we believe it is important to learn more about Professor Weinstein's:

- Knowledge and understanding of the critical issues confronting NARA and the archival profession generally, especially the challenges of information technology, and the competing demands of public access to government records, privacy, homeland security, and ensuring the authenticity and integrity of all records.
- Thoughts on how NARA should balance competing interests for protecting sensitive or confidential information with those seeking to gain access to records created by government agencies.
- Ideas for continuing essential programs as well as important new archival initiatives, such as the Electronic Records Archives project.
- Thoughts on fully supporting the National Historical Publications and Records Commission (NHPRC), whose grants have been instrumental in starting and supporting the production of published editions of historical documents and in helping to raise the level of archival practice at state and local levels.
- Experience and demonstrated ability to lead and manage a large government agency such as NARA.
- Plans for protecting the professional integrity and political non-partisanship of NARA as a governmental agency.

Society of American Archivists
ericson@sois.uwm.edu

American Association of Law Libraries
haish@law.georgetown.edu

American Association for State and Local History
davis@aaslh.org

American Library Association
fdifulvio@alawash.org

American Historical Association
ajones@historians.org

American Studies Association
asastaff@theasa.org

Association of American University Presses
pgivler@aaupnet.org

Association for Documentary Editing
esther.katz@nyu.edu

Association of Moving Image Archivists
mshetter@earthlink.net

Association of Research Libraries
prue@arl.org

Conference of Inter-Mountain Archivists
gordon_daines@byu.edu

Coordinating Council for Women in History
jscanlon@bowdoin.edu

Council of State Historical Records Coordinators
tslavin@coshrc.org

Illinois Library Association, Social Responsibility Forum
cgulyas@colum.edu

Michigan Archival Association
reynoldsg@hope.edu

Mid-Atlantic Regional Archives Conference
lisa@soroptimist.org

Midwest Archives Conference
smcshane@jun.edu

National Association of Government Archives and Records Administrators
tellis@slco.org
timothy.slavin@state.de.us

National Humanities Alliance
jhammer@cni.org

New England Archivists
http://nils.lib.tufts.edu/newengarch/

Northwest Archivists, Inc.
jodi.allison-bunnell@umontana.edu

Organization of American Historians
oah@oah.org

Progressive Librarians Guild
iskra@earthlink.net

Seattle Area Archivists
Peter.Schmid@providence.org

Society of California Archivists
jmartine@mail.sdsu.edu

Society of Florida Archivists
mflekke@flsouthern.edu

Society of Ohio Archivists
mccabe@ohiou.edu

Special Libraries Association

DNewcomb@sla.org

Twin Cities Archives Roundtable
daardi.sizemore@mnsu.edu

Wisconsin Library Association
wla@scls.lib.wi.us

See also:

- Statement for the Record on the Nomination of Allen Weinstein to Become Archivist of the United States (July 22, 2004)
- Joint Statement on Selection Criteria for the Archivist of the United States (August 26, 2004)
- Joint Statement on Questions to Ask the Nominee for Archivist of the United States (August 26, 2004)

NATIONAL COALITION FOR HISTORY
Executive Offices: 400 A Street, SE
Washington, D.C. 20003
(202) 544-2422 ext. 116 · Fax: (202) 544-8307
Webpage: http://www2.h-net.msu.edu/~nch/ · e-mail: rbcraig@historycoalition.org

The Honorable Susan M. Collins, Chair
The Honorable Joseph I. Lieberman, Ranking Member
Governmental Affairs Committee
United States Senate
340 Senate Dirksen Office Building
Washington, D.C. 20510

28 April 2004

Dear Senator Collins and Lieberman:

I am pleased to forward to the Senate Governmental Affairs Committee two documents relating to the pending nomination of Dr. Allen Weinstein to be Archivist of the United States -- a "Joint Statement on Questions to Ask the nominee for Archivist of the United States" and a "Joint Statement on Selection Criteria for the Archivist of the United States." These two items represent a collective effort by the Society of American Archivists, The National Association of Government Archives and Records Administrators, and The Council of State Historical Records Coordinators, all three of which are members of the seventy-plus organizations that comprise the National Coalition for History (NCH). In coming weeks, these Joint Statements will be considered and I expect endorsed in their present or possibly slightly modified form by additional archival and history-based organizations.

By advancing these statements to your committee and with this letter, we wish to initiate the formal process of "consultation" as specified on page 6 of House Report 98-707 that accompanied the "National Archives and Records Administration Act of 1984" (P.L. 98-497). This "consultation" is also fully consistent with the wishes of the United States Senate as reflected in Senate Report 98-373 that also accompanied the Act.

While the report language specifies that the Archivist shall be appointed without regard to political affiliations and solely on the basis of his or her professional qualifications" and that this is to be achieved "through consultation with recognized organizations of professional archivists and historians" neither the report nor the statute specifies exactly how this consultation is to be initiated and carried out. Though we had hoped that the White House would consult prior to advancing the name of a nominee, this did not occur. We hope that your committee will now move forward and initiate the process of formal consultation with members of our communities.

Please let me know how the committee would like to proceed with the consultation process. I would be pleased to arrange a meeting with key representatives of the archival and historical communities to discuss this matter with you if that seems like a logical first step. If I can answer and questions or be of serve to the committee in any way during this process, please do not hesitate to contact me at (202) 544-2422 Ext # 116.

Sincerely,

R. Bruce Craig

Dr. R. Bruce Craig
Executive Director

Attachments (2)

Sustaining Supporters: American Association for State and Local History; American Council of Learned Societies; American Historical Association; American Political Science Association; American Studies Association; Council of State Historical Records Coordinators; The History Channel; Midwest Archives Conference; National Council on Public History/IUPUI Department of History; Organization of American Historians; Society of American Archivists; Society for Historians of American Foreign Relations; Society for Military History; Southern Historical Association. **Institutional Supporters:** Association For Documentary Editing; Gilder Lehrman Institute of American History; History Associates, Inc.; Society for History in the Federal Government; Society of American Historians; Western History Association. **Contributing Supporters:** Over fifty other historical and archival organizations

Joint Statement on Selection Criteria for the Archivist of the United States

The Society of American Archivists
The National Association of Government Archives and Records Administrators
The Council of State Historical Records Coordinators

April 26, 2004

The Archivist of the United States leads one of the most significant non-partisan agencies of the United States government, the National Archives and Records Administration (NARA). As custodian of the nation's essential legal and historical records, NARA performs a critical role in:

- Ensuring adequate documentation of the government's actions and decisions;
- Holding government officials and agencies accountable for public service;
- Safeguarding the rights and privileges of individual citizens as well as many groups and communities of interest in society; and
- Preserving the cultural heritage and historical memory of government for the best interests of all citizens.

The individual holding this trust on behalf of the American people must hold the highest possible confidence of the people in his/her ability to fulfill these duties in an open, fair, and nonpartisan manner.

With the announcement that Archivist of the United States John Carlin will be stepping down and that President George W. Bush has nominated Professor Allen Weinstein to be the next Archivist, the review of Professor Weinstein's qualifications for this position becomes a paramount concern. The next Archivist must address both the leadership and management challenges at NARA and the critical challenge of stewardship of the nation's archival record in today's rapidly changing electronic information environment. In order to ensure this result, the nomination and confirmation process must conform to legal requirements and must address concerns raised by professional archivists, records managers, and historians concerning the person nominated to be Archivist of the United States.

The leadership of SAA, NAGARA, and COSHRC offer the following joint recommendations on the selection of the next Archivist of the United States.

Selection Process

On April 8, 2004, the White House nominated Dr. Allen Weinstein to become the next Archivist of the United States. Prior to the announcement, there was no consultation with professional organizations of archivists or historians. This is the first time since the National Archives and Records Administration was established as an independent agency in 1985 that the process of nominating an Archivist of the United States has not been open for public discussion and input. We believe that Professor Weinstein must—through appropriate and public discussions and hearings—demonstrate his ability to meet the criteria that will qualify him to serve as Archivist of the United States.

When former President Ronald Reagan signed the *National Archives and Records Administration Act of 1984* (Public Law 98-497), he said that, "the materials that the Archives safeguards are precious and irreplaceable national treasures and the agency that looks after the historical records of the Federal Government should be accorded a status that is commensurate with its important responsibilities." Earlier in 1984, when the National Archives Act was being discussed, *Senate Report 98-373* cautioned that if the Archivist was appointed "arbitrarily, or motivated by political considerations, the historical records could be impoverished [or] even distorted."

P. L. 98-497 clearly states that, "The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist." In 1984, *House Report 98-707* noted, "The committee expects that [determining professional qualifications] will be achieved through consultation with recognized organizations of archivists and historians." The law also states that when the Archivist is replaced, the President "shall communicate the reasons for such removal to each House of Congress." President Bush has not given a reason for the change, and there is no evidence to suggest that it is being made because of John Carlin's resignation.

SAA, NAGARA, and COSHRC recommend to the President and the White House Personnel Office that they:

- Endorse an open and transparent process for selecting, nominating, and confirming the next Archivist of the United States.
- Present Professor Weinstein's nomination to the Senate for formal consideration and review.
- Ensure that the review and selection process is consistent with the provisions of the National Archives Law (44

USC 2103), which indicates that the Archivist's appointment must be made without regard to political affiliation and solely on the basis of professional qualifications required to perform the responsibilities of office.

SAA, NAGARA, and COSHRC call on the Senate Committee on Governmental Affairs to schedule open hearings on this nomination in order to explore more fully:

- The reasons why the Archivist is being replaced, and
- Professor Weinstein's qualifications to become Archivist of the United States.

Suggested Selection Criteria

In evaluating the nomination of Professor Allen Weinstein, or any other nominee, as the next Archivist of the United States, SAA, NAGARA, and COSHRC believe that the following qualifications are essential for this important position of public trust:

Leadership and Advocacy

- Demonstrated ability to provide leadership and advocacy on behalf of NARA's dual role in preserving cultural heritage and in ensuring that public records serve the purposes of evidence, accountability, and authenticity in protecting the rights of all citizens.
- Demonstrated vision for the future of government archives and information management, including development and implementation of information policy and provision for the management of electronic records, such as the Electronic Records Archives project.
- Proven ability to articulate a compelling defense of informational resources, and the importance of strong, impartial programs for their care and management, to public officials, resource allocators, users, and the general public.

Management

- Proven ability as an administrator capable of managing an extensive and diverse government agency with broad responsibilities, including an ability to ensure effective implementation of NARA's mandate and efficiency and productivity in its operations and use of resources.
- Experience in working effectively with legislators, government officials, trustees, and government and private resource allocators in ways that ensure adequate support for programs, even in time of financial stringency.
- Experience in seeking the advice and counsel of constituent and user groups, including professional associations, and in responding to constituent needs.
- Commitment to working creatively with other offices of the federal government, with state and local governments, and with other archival programs, including those in foreign countries, to effectively address shared responsibilities and concerns.

Professional Knowledge and Values

- Demonstrated commitment to protecting the professional integrity and political non-partisanship of NARA as a governmental agency in carrying out its essential functions.
- Unquestioned commitment to open and equal access to governmental records by all citizens, in accordance with all governmental regulations and in compliance with privacy protections for individuals.
- Strong commitment to the principles of public ownership of governmental records and to the goal of holding public leaders accountable to the people through documentation and records of their actions.

Personal Expertise and Reputation

- Knowledge and understanding of the critical issues confronting NARA and the archival profession generally, especially the challenges of information technology, and the competing demands of public access to government records, privacy, homeland security, and ensuring the authenticity and integrity of all public records.
- A reputation for excellence, leadership, and effectiveness within the individual's profession, including appropriate scholarly credentials, and sufficient national stature to enable the Archivist to be seen as a leader by a wide range of constituent groups.

See also:

- Statement for the Record on the Nomination of Allen Weinstein to Become Archivist of the United States (July 22, 2004)
- Joint Statement on Questions to Ask the Nominee for Archivist of the United States (August 26, 2004)
- Statement on the Nomination of Allen Weinstein to Become Archivist of the United States (April 14, 2004)

Joint Statement on Questions to Ask the Nominee for Archivist of the United States

Prepared by
The Society of American Archivists
The National Association of Government Archives and Records Administrators
The Council of State Historical Records Coordinators

April 26, 2004

The Archivist of the United States plays a vital role in protecting and preserving essential records of government action. It is a position of trust for the American people and thus requires the highest level of skills and knowledge regarding leadership and management of records vital to protect the rights of citizens, hold government officials and agencies accountable, and preserve evidence of the role of government in American life. In evaluating the nomination of Professor Allen Weinstein, or any other individual, as the next Archivist of the United States, NAGARA, COSHRC, and SAA recommend asking the nominee the following questions, based on a list of qualifications that we think are essential for this important position of public trust. This list of questions supplements the three organizations' "Joint Statement on Selection Criteria for the Archivist of the United States."

Leadership and Advocacy

1. *Demonstrated ability to provide leadership and advocacy on behalf of the National Archives and Records Administration's (NARA's) dual role in preserving cultural heritage and in ensuring that public records serve the purposes of evidence, accountability, and authenticity in protecting the rights of all citizens.*
   - How should NARA pursue its dual role of protecting cultural heritage and preserving governmental records for evidence, accountability, and authenticity?
   - How have you demonstrated your ability as a leader of a very large, diverse, and dispersed nationwide staff that has experienced frequent reorganizations?
   - What have been the biggest challenges and accomplishments of NARA in the last decade, and what will they be for the next decade?
   - What is the appropriate balance among the functions of records management, accessioning, archival arrangement, description, reference, preservation, and online access in a major national recordkeeping program, and how does a manager ensure that this balance is appropriately maintained?
2. *Demonstrated vision for the future of government archives and information management, including development and implementation of information policy and provision for the management of electronic records, such as the Electronic Records Archives project.*
   - What would be your top three priorities as Archivist of the United States, and how would they differ (if at all) from the current direction being followed by NARA as spelled out in NARA's strategic plan and explained in its annual report?
   - What initiatives should NARA undertake in meeting the challenges of electronic recordkeeping systems and such electronic record types as e-mail and database systems?
   - How would you energize and inspire an aging workforce that has been working with immense holdings, limited resources, and many unfunded mandates?
3. *Proven ability to articulate a compelling defense of informational resources, and the importance of strong, impartial programs for their care and management, to public officials, resource allocators, users, and the general public.*
   - How would you explain to Congress and the executive branch the mission and significance of NARA and its programs in order to ensure its strategic positioning within the government?
   - What steps would you take to secure the enhanced resources necessary for NARA to fulfill its mission?

Management

1. *Proven ability as an administrator capable of managing an extensive and diverse government agency with broad responsibilities, including an ability to ensure effective implementation of NARA's mandate and efficiency and productivity in its operations and use of resources.*
   - Please explain your previous experience in managing large organizations and what skills you would bring to this process.
   - What is your management style and how do you implement it?
   - Please provide some specifics on how you would manage NARA's crumbling buildings (particularly those leased from GSA), deteriorating records requiring substantial assessment and stabilization,

substantial descriptive backlogs, and need for better assessment of and cooperative transfer of agency holdings.
    - How would you manage NARA's need to capture the expertise long held by soon-to-retire members of the agency's aging workforce?
    - Please explain your previous experience in working with internal foundations and friends groups. What key skills do you have that would ensure successful partnerships between NARA and these key groups?
2. *Experience in working effectively with legislators, government officials, trustees, and government and private resource allocators in ways that ensure adequate support for programs, even in time of financial stringency.*
    - Please explain your experience in working with the federal government and how you would work with Congress, the courts, and the White House to further archival issues, and specifically those related to NARA (e.g., records schedule compliance, the Electronic Records Archives, and needed resources).
    - Please explain your experience and skills in the resolution of intractable problems, and give examples of your successes and failures in problem resolution.
3. *Experience in seeking the advice and counsel of constituent and user groups, including professional associations, and in responding to constituent needs.*
    - Please explain your experience in working with the community of archival users, including academic historians, tribes, lawyers, the press, federal agency staff, educators and students, veterans, cultures and communities documented in federal records, local and family historians, publishers, and others. What key skills do you have that would ensure successful partnerships with these various user groups?
    - Please explain your experience in managing, requesting funds from, and working collaboratively with fundraising and distribution bodies such as the National Historical Publications and Records Commission (NHPRC), the National Endowment for the Humanities (NEH), the Institute for Museum and Library Services (IMLS), the National Endowment for the Arts (NEA), and private foundations. What key skills do you have that would ensure successful partnerships with these bodies?
    - Please explain your previous experience working with the local, national, and international communities of archivists and records managers and their professional organizations. What key skills do you have that would ensure successful partnerships with these groups?
    - Please explain your experience in working with consortia for description (such as RLIN, OCLC), preservation (such as RAP and REALACT), and online electronic publishing and exhibition work (such as OCLC and Online Library of California). What key skills do you have that would ensure successful partnerships with these groups?
4. *Commitment to working creatively with other offices of the federal government, with state and local governments, and with other archival programs, including those in foreign countries, to effectively address shared responsibilities and concerns.*
    - What specific steps would you take to develop strong working relationships with federal agencies and state and local governments?
    - Please explain your experience in working with major archival collections donors, including federal agencies as records creators. What skills do you have that would ensure successful partnerships with such donors?
    - What role should NARA play in the national and international archival and records management communities, including professional associations?
    - What role should NARA play in the international community of national archives, including the International Congress on Archives?
    - How should NARA be involved in the national and international archival and records management standards-setting communities, such as NIST, NISO, ARMA, and AIIM?

Professional Knowledge and Values

1. *Demonstrated commitment to protecting the professional integrity and political non-partisanship of NARA as a governmental agency in carrying out its essential functions.*
    - How would you protect NARA from political or partisan interference in regard to such issues as establishment of presidential libraries, access to public records, and government ownership and control of public records?
    - What are the biggest challenges facing the archival and records management professions in the 21st century?
2. *Unquestioned commitment to open and equal access to governmental records by all citizens, in accordance with all governmental regulations and in compliance with privacy protections for individuals.*
    - How should NARA work to maintain a balance between access and usage restrictions, including new antiterrorism legislation and the USA PATRIOT Act, and the public's right to protect the privacy of their own records and to access records of their federal government?
    - How would you make NARA more relevant to the general public and build support for NARA's needs?

- What is your viewpoint on the recent copyright term extensions? How might the U.S. best balance copyright creators' rights to gain an equitable benefit from their work against the need for a public domain of copyright-free work to foster public creativity as described in the U.S. Constitution?
- What is your viewpoint on proposals for cultural copyright or cultural privacy laws to protect tribal cultural patrimony in the U.S.? How best might the U.S. balance the wishes of numerous tribal and cultural groups for a form of cultural protection scheme (as proposed by UNESCO or as currently is law in Australia, New Zealand, and Panama) and the need for a broad public domain to foster public creativity as described in the U.S. Constitution?

3. *Strong commitment to the principles of public ownership of governmental records and to the goal of holding public leaders accountable to the people through documentation and records of their actions.*
   - How might NARA convince courts, Congress, the White House, and the public that an open democracy requires the speedy availability of federal records to all interested citizens?
   - What measures would you take to ensure the political and ideological independence of NARA when confronted by political demands or pressures?
   - Please discuss your commitment to the provisions of the Presidential Records Act and other legislation that provides for public ownership of governmental records.

Personal Expertise and Reputation

1. *Knowledge and understanding of the critical issues confronting NARA and the archival profession generally, especially the challenges of information technology, and the competing demands of public access to government records, privacy, homeland security, and ensuring the authenticity and integrity of all public records.*
   - Please describe your previous experience with archives and records management in the United States or abroad. Would you please characterize this as a user, a manager, a partner, or a stakeholder, and explain your response?
   - Please describe your previous experience with the National Archives and Records Administration and characterize this experience. What, if anything, did you find notable or interesting in this experience?
   - Please describe your experience and knowledge of electronic records issues. Why is electronic records management crucial to the federal government, to NARA, and to the nation? What useful initiatives are either underway or should be developed to create standards, systems, organizations, consortia, protocols, best practices, and procedures to deal with these records?
2. *A reputation for excellence, leadership, and effectiveness within the individual's profession including appropriate scholarly credentials, and sufficient national stature to enable the Archivist to be seen as a leader by a wide range of constituent groups.*
   - Why are you interested in this position? What will you bring to the job that will make a difference to NARA, the archival and records management professions, records-creating organizations/individuals, and NARA's users and stakeholders?
   - What professional credentials and experience best prepare you for the position of Archivist of the United States?
   - As an academic historian, how will you ensure that the needs and concerns of other interest groups—including legal researchers, genealogists, public officials, and private citizens—receive adequate support and attention?
   - How would you apply ethical principles, such as those articulated in the Society of American Archivists' Code of Ethics, to the operation of NARA in respect to relations with donors and records-creating agencies, restrictions on access, appraisal, description, privacy, and research use?

See also:

- Statement for the Record on the Nomination of Allen Weinstein to Become Archivist of the United States (July 22, 2004)
- Joint Statement on Selection Criteria for the Archivist of the United States (August 26, 2004)
- Statement on the Nomination of Allen Weinstein to Become Archivist of the United States (April 14, 2004)

NATIONAL COUNCIL on PUBLIC HISTORY

Sharon Babaian - President
Canada Science and Technology Museum
P.O. Box 9724, Station T
Ottawa, ONT Canada, K1G 5A3
613-991-3029, 613-990-3636 (Fax)
Email: sbabaian@nmstc.ca

Vice-President
Robert Weible
Pennsylvania Historical and Museum Commission

Secretary/Treasurer
Harry Klinkhamer
American Association for State and Local History (AASLH)

Past-President
James Gardner
National Museum of American History

Executive Director
David G. Vanderstel
Indiana University - Purdue University Indianapolis

Board of Directors

Paul Ashton
University of Technology
Sydney, Australia

Marianne Babal
Wells Fargo Historical Services

Billie Gaines
National Museum Fellows Program

Emily Greenwald
Historical Research Associates, Inc.

Kim Hoagland
Michigan Technological University

Donna M. Neary
Donna Neary, Inc.

Don Stevens
National Park Service

Anne Valk
Southern Illinois University
Edwardsville

Amy Wilson
Chemung County Historical Society

16 July 2004

The Honorable Susan Collins
Chair, Senate Governmental Affairs Committee
United States Senate
Room SD-340
Washington, D.C. 20510

Dear Senator Collins,

I am writing to you on behalf of the National Council on Public History, the largest international professional organization of public history practitioners and educators. NCPH wishes to express its concern with the process by which Allen Weinstein has been nominated to become the Archivist of the United States. This is an important national appointment and one which must be made—and be seen to be made—in an open, balanced and fair manner, in keeping with the spirit of the *National Archives and Records Administration Act of 1984* (Public Law 98-497). We are concerned that the process by which the present nomination was initiated and is being carried forward does not meet this high standard. The administration's apparent desire to expedite the appointment, bypassing all consultation with professional organizations of archivists and historians, is deeply worrying to us. As others have pointed out, this is the first time since the creation of the National Archives and Records Administration that the process of nominating an Archivist of the United States has not been open to public discussion and input.

We fear that these actions may create a perception of arbitrariness and unfairness in the appointment process and, by doing so, risk undermining the credibility of the office. Also any lasting controversy and criticism arising from the process will almost certainly have a negative impact on the distinguished reputation of the National Archives and Records Administration. To avoid these risks, we believe it is essential that your Committee hold public hearings that will allow archivists, historians and their professional organizations to discuss the proposed appointment fully and frankly. This openness will, in the long run, benefit not only the archival and historical communities but also Dr. Weinstein and all future candidates for the position of Archivist of the United States.

Sincerely,

Sharon Babaian,
President

cc. The Honorable Joseph I. Lieberman
Ranking Minority Member
Senate Governmental Affairs Committee

National Committee to
Preserve Social Security
and Medicare

Barbara B. Kennelly
President &
Chief Executive Officer

April 27, 2004

DELIVERED MAY 0 9 2004

The Honorable Susan M. Collins
United States Senate
Washington, DC 20510

Dear Senator Collins:

I am writing to enthusiastically support the nomination of Dr. Allen Weinstein to serve as the National Archivist of the United States. I have written many recommendations during my years in public service, but few with as much delight and confidence as this one.

Dr. Weinstein and I have known each other for over twenty years. Since 1999, together with former Congressman Bob Livingston, I served as co-chairman of the Board of directors of the Center for Democracy, which Dr. Weinstein founded in 1985. As a member of Congress I served on its board of directors from 1990-1998. In order to monitor elections and encourage democracy, I have traveled with Dr. Weinstein from China to Russia to Dade County, Florida. Everywhere, I have been awed to witness his ability to convey the beauty and challenge of democracy in non-threatening, eminently understandable ways.

Dr. Weinstein will bring three specific perspectives to the position of leading the National Archives and Records Administration: preeminent professor and author, original researcher, and dedicated international democracy activist. As a history professor and author, he knows how to communicate our collective story. Thousands of young adults learned American history in his lectures and seminars at some of our finest colleges and universities. Millions more learned the genesis of American values through his works of popular history such as *The Story of America*.

As a tough-minded researcher who has produced brilliant studies based on original research, Dr. Weinstein knows first hand the importance of well-organized, accessible archives. He will most certainly be a pro-access archivist. And, as an activist who has projected our democratic system for the citizens of other countries to emulate, he knows the democratic promise is dependent on accountable institutions governed by the rule of law.

Dr. Allen Weinstein has lived, taught and advanced our great democratic project. It is now time for him to help preserve this treasure as our National Archivist.

Sincerely,

Barbara B. Kennelly
President and CEO

10 G Street, NE. Suite 600 • Washington, DC 20002-4215 • 202-216-0420 • www.ncpssm.org

Maine State Archives
Department of the Secretary of State
Cultural Building
84 State House Station
Augusta, ME 04333 0084

Dan A. Gwadosky
Secretary of State

James S. Henderson
State Archivist

May 13, 2004

Ms. Bonnie Heald
U.S. Senate Committee on Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Ms. Heald,

Thank you very much for the opportunity to suggest questions as you review the qualifications of the nominee for Archivist of the United State.

As an active member of the Council of State Historical Records Coordinators, I fully agree with the joint statement issued by the Council, the National Association of Government Archives and Records Administrators, and the Society of American Archivists. The Maine State Archives is a member of all three organizations. I have attached the "Selection Criteria" portion of that statement as a resource for questions.

Over the past fifteen years, the Maine has had a very good relationship with the National Archives, and the National Historical Publications and Records Commission (NHPRC). Based on grant proposals, Maine has received over $850,000 from the NHPRC, of which $670,000 went to small and large institutions (historical societies, archives, libraries, and colleges) and to the State Archives, which received and additional $184,000. We certainly want to be assured that this relationship continues and develops.

Suggested questions:

What knowledge does the nominee have about NARA's mission and the statutory authority under which it operates?

What knowledge does the nominee have about NARA's organizational structure and its relationship to federal agencies and to the Executive Office of the President?

What experience does the nominee have in managing a large agency such as NARA with over 2,500 employees, eighteen regional offices, twelve presidential libraries, and relationships with fifty state archives?

What experience does the nominee have to indicate an ability to provide leadership and advocacy on behalf of NARA's dual role in preserving cultural heritage and in ensuring that public records serve the purposes of evidence, accountability, and authenticity in protecting the rights of all citizens.

Has the nominee reviewed *The Strategic Plan of the National Archives and Records Administration* and does he support that vision or have suggestions for change?

What role should NARA play in relation to state archives?

What role should NARA play in relation to national and international archival professional organizations?

What is the nominee's vision for the future of government archives and information management, including development of information policy and provision for managing electronic records, such as NARA's Electronic Records Archives project.

What is the nominee's plan for providing public access to the 911 Commission's records, which will be turned over to NARA in the near future?

I hope these will be helpful to your good work. Thanks again to you and Senator Collins for the opportunity.

Sincerely,

James S. Henderson
Director, Maine State Archives

2201 Old Ivy Road
PO Box 400406
Charlottesville VA 22904-4406

434.924.7236 voice
434.982.2739 fax
millercenter.virginia.edu

Timothy J. Naftali
Associate Professor
Director, Presidential Recordings Program
and Kremlin Decision-making Project

Senator Susan Collins
Chairman,
Committee on Governmental Affairs
US Senate
Washington, DC
Fax: 202 228 5653

May 4, 2004

MILLER CENTER
GOVERNING COUNCIL

Daniel K. Frierson, Chairman
John P. Acherly III, ex-officio
Michael R. Beschloss
Mortimer M. Caplin
John T. Casteen III, ex-officio
Thomas E. Donilon
Milton T. Edgerton
John W. Galbraith
Andrew D. Hartz, Jr.
A. Linwood Holton, Jr.
Glenn D. Kay
Sylvia M. Mathews
Leigh B. Middleditch, Jr.
Alan Murray
Lt. Gen. Brent Scowcroft
Betsy Scripps Harney
Richard D. Sumpter
Bob Woodward

Philip D. Zelikow, Director

Dear Senator Collins:

I am writing in support of the President's nomination of Dr. Allen Weinstein to become Archivist of the United States. Dr. Weinstein is a widely respected American historian whose work on Soviet espionage activity in the United States raised uncomfortable but important questions about our past. Historians carry heavy moral responsibilities. We sit in judgment of individuals who are usually no longer around to defend themselves or their actions. That burden is especially heavy when treason is the historian's field of inquiry. Anyone who looks closely at Dr. Weinstein's books sees how a master empiricist can bear that responsibility with probity and skill.

Dr. Weinstein has many admirers in the scholarly community who would second what I have written about his work. What I can share with the Committee on Governmental Affairs that is perhaps unusual is a personal observation of how Allen strove to convince the Russians of the importance of open government and accessible archives. In the mid-1990s we were both invited to participate in a project negotiated by the Crown division of Random House with the Russian Association of Retired Intelligence Officers. Each of us was assigned a Russian co-author and was told that we would be getting information on our respective topics. How much information and its quality depended on how well we could persuade our Russian co-author and the archival authorities of the importance of getting the truth out. Allen understood that this was a narrow window. Indeed, just as we feared, the Russians later reverted to Soviet practice in the archival field. But for a few short years we managed to get quite a bit into the public domain that would have otherwise remained closed.

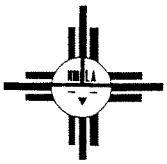
As Director of the Center for Democracy, Allen made similar pleas for openness to various ministries in other post-Soviet regimes. Allen tirelessly explained that the health of a democracy can be judged by its degree of openness. Transparent institutions are much more likely to engender public trust. And the protection and release of the historical record is a necessary bulwark against returning to the civil rights abuses of the past.

At a time when building a more peaceful world requires that we share our democratic experience, I cannot imagine a better prerequisite for this country's chief Archivist than a career spent advocating open and accessible records both at home and abroad.

I would greatly appreciate if you shared this letter with your colleagues. Thank you for giving this nomination the careful consideration it deserves.

Sincerely yours,

Timothy J. Naftali



new mexico library association

6 May 2004

Susan M. Collins, Chairman
Senate Committee on Governmental Affairs
172 Russell Senate Office Building
Washington, D.C. 20510

Re: Appointment of Allen Weinstein

Dear Senator Collins:

We, at the New Mexico Library Association, are concerned about the appointment of Allen Weinstein as Archivist of the United States; an appointment that was made without regard to the spirit and letter of the 1984 law that created the National Archives and Records Administration as an independent agency (Public Law 98-497).

We are asking your committee, the Senate Committee on Governmental Affairs, to hold open hearings on this nomination in order to explore more fully 1) the reasons why the Archivist is being replaced and 2) Professor Weinstein's qualifications to become Archivist of the United States. Among other issues, we believe it is important to learn more about Professor Weinstein's:

* Knowledge and understanding of the critical issues confronting NARA and the archival profession generally, especially the challenges of information technology, and the competing demands of public access to government records, privacy, homeland security, and ensuring the authenticity and integrity of all records.
* Thoughts on how NARA should balance competing interests for protecting sensitive or confidential information with those seeking to gain access to records created by government agencies.
* Ideas for continuing essential programs as well as important new archival initiatives, such as the Electronic Records Archives project.
* Thoughts on fully supporting the National Historical Publications and Records Commission (NHPRC), whose grants have been instrumental in starting and supporting the production of published editions of historical documents and in helping to raise the level of archival practice at state and local levels.
* Experience and demonstrated ability to lead and manage a large government agency such as NARA.
* Plans for protecting the professional integrity and political non-partisanship of NARA as a governmental agency.

Sincerely yours,

Heather Gallegos-Rex
President, New Mexico Library Association

LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS
THE UNIVERSITY OF TEXAS AT AUSTIN
P.O. Box Y • Austin, Texas 78713-8925 • (512)471-4962 • FAX (512) 471-1835

May 6, 2004

The Honorable Susan M. Collins
United States Senate
Committee on Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

My dear Senator Collins:

I write in extremely strong support of the candidacy of Allen Weinstein of Washington, D.C., for the position of Archivist of the United States. I met Dr. Weinstein in the 1980s when President Reagan chose both of us to be founding members of the Board of the United States Institute of Peace (USIP). We remained associates at the Peace Institute throughout the two terms I served, including the period when I was Chairman of the Board. At all times, Dr. Weinstein was an outstanding colleague whose balance and informed contributions helped USIP fulfill its delicate mission as the Cold War ended. Although separated by geography, I have kept in touch with Weinstein's scholarly and professional work and now serve again with him on an Advisory Council at the University of Texas, where my late husband, Walt Rostow, and I taught since 1969.

Let me state precisely why I am enthusiastic about President Bush's nomination of Allen Weinstein. First of all, in this juncture when the United States is concerned with promoting democratic institutions abroad, it is uniquely important to have as National Archivist a respected historian who understands the vitality of democracy and has worked for over 20 years to widen its scope at home and abroad. Dr. Weinstein's many books and articles testify to his scholarly credentials, including extensive archival research and concern with protecting and conserving our national documents. The extraordinary track record of the Center for Democracy (which Weinstein founded and presided over throughout its existence) demonstrates both his managerial skills and his ability to work effectively on a nonpartisan basis. Few people, if any, could match his career as a learned and active citizen/ scholar/administrator. At the Archives, he will provide a steady hand from the onset.

To me, the prime qualifications for the Archivist include a sense of fairness, good judgment, and unusual professional diligence, all qualities imperative at this crucial moment in our history. As a brilliant and responsible exponent of our country's values, no better individual could be named for the sensitive position of Archivist of the United States than Allen Weinstein.

Yours most sincerely,

Elspeth Davies Rostow

Elspeth Davies Rostow
Stiles Professor Emerita
The Lyndon B. Johnson School of Public Affairs
University of Texas at Austin
Austin, Texas

THOMPSON COBURN

Thompson Coburn LLP
Attorneys at Law

One US Bank Plaza
St. Louis, Missouri 63101
314-552-6000
FAX 314-552-7000
www.thompsoncoburn.com

May 14, 2004

Thomas F. Eagleton
314-552-6030
FAX 314-552-7030
EMAIL teagleton@
thompsoncoburn.com

Senator Susan Collins
Chairperson
Senate Governmental Affairs Committee
154 Russell Senate Office Building
Washington, DC 20510

Dear Madame Chairman:

The President has nominated a former professor, Allen Weinstein, to be the next Archivist of the United States. The Bush administration apparently wanted to "fast track" this nomination, hoping for approval without a Senate hearing; thankfully, that effort has apparently been thwarted.

Nevertheless, the President still apparently intends to proceed without fulfilling the requirement we wrote into the 1984 legislation when we made the National Archives an independent agency in order to protect it from political considerations. I was the author of the 1984 legislation. I am concerned that the present Archivist, former Kansas Governor John Carlin, is being forced out prematurely. I was the author of the 1984 legislation. Under normal circumstances, the law requires the President to write a letter to the Senate and House explaining the reasons that have led to a decision to replace an Archivist "with cause" and to notify both the House and Senate of those reasons. That has not occurred and the Senate ought to hold the administration to this.

I personally believe that Governor Carlin should be allowed to step down on his timetable (I understand he had made statements that he intended to step down in the summer of 2005, upon his 65th birthday and after serving in the position a full ten years). When he does step down an interim Archivist should be appointed, and only then should the search begin for a new Archivist. This is how we have filled vacant positions in the past and this informal procedure has merit in keeping the position from being politicized.

Confirmation of a new Archivist in the middle of a presidential campaign would also set a terrible precedent. I hope that John Carlin will do the National Archives and the public a huge service by asserting strongly his intention not to leave until the letter and spirit of the law have

been honored and by describing any personal pressure that has been placed on him or any threat to the welfare of the National Archives that is known to him. I understand Carlin is reluctant to do this or to speak openly about the pressure he is under. To get to the bottom of this controversy, Governor Carlin should be asked to testify under oath before the Senate Governmental Affairs Committee about the pressure he reportedly is receiving from the White House. My understanding is that he will testify truthfully and completely.

Organizations of professional archivists and historians have serious reservations over Carlin's replacement and the Weinstein nomination for several reasons: first, there are questions that need to be addressed relating to professor Weinstein's own records access practices it appears that he may have violated professional ethical guidelines by withholding information about certain documentary sources he used in his more controversial writings; second, it is not clear that Weinstein has either interest in or knowledge about archival matters (management of electronic records, for example) that are critical to the ongoing work of the National Archives; and third, in the procedural realm, professional archival and historical associations were not given an opportunity to provide their views about qualifications and candidates for this position so central to their operations prior to the advancement of a nominee's name as we outlined in Report Language (House Report 98-707) when we passed the National Archives and Records Administration Act of 1984 (P.L. 98-497). The archival and historical professional organizations fear that they will not have the opportunity to provide mandated "consultation" to ascertain Weinstein's views on a wide range of issues prior to his confirmation. These are all important issues and the Senate should be mindful of them in its review and consideration of this nomination.

So far as anyone can tell, the president's sudden surprise action on this matter solely is due to his desire to have an Archivist of the United States friendly to his interests when certain records are due to be opened, including archives from his father's administration as well as his own. Of particular concern to the administration is the opening of President Bush's father's records (especially the P-5 "confidential communications") that should be opened in January 2005 (the 12-year closure period having come to an end) in accordance with provisions of the Presidential Records Act. Historians and Archivists fear that, just as the Bush administration did in delaying the confidential communications relating to the Reagan administration (these records were opened only as a result of a lawsuit brought by historical groups), that once again administration officials will pressure the Archivist of the United States to withhold or slow the release of these records. This type of political manipulation of our nation's documentary heritage directly contradicts the Senate's intent in adopting the 1984 law, an effort in which I very much was involved.

I hope that you will honor the letter of the law and the intentions of the Senate by not considering the nomination of a new Archivist of the United States until you are given a sufficient reason for removing the present Archivist, or upon the actual resignation of Governor Carlin in July or August 2005. In either event, a Senate confirmation should not be made until sufficient time has passed after the next presidential election.

Sincerely yours,

Tom E

Thomas F. Eagleton

THE LEADING ADVOCATE FOR THE MARYLAND LIBRARY COMMUNITY
Margaret C. Carty, Executive Director

June 9, 2004

Honorable Susan Collins
172 Russell Senate Office Building
United States Senate
Washington, DC 20510

The Maryland Library Association supports the American Library Association in its expression of concerns about the appointment of Professor Wienstein for the Archivist of the United States. This important appointment has a great impact on Maryland particularly since we have two important archival institutions, the National Archives at College Park and the Washington National Records Center in Suitland, and of course, in DC the National Archives Building.

Attached is a resolution in support of American Library Association as approved by the Maryland Library Association Executive Board on May 17, 2004.

Sincerely,

Daraka S. Cook
President

Enclosure

Maryland Library Association/ 1401 Hollins Street/ Baltimore/ Maryland/ 21223
(410) 947-5090 Fax (410) 947-5089 mla@mdlib.org Web Site www.mdlib.org

THE LEADING ADVOCATE FOR THE MARYLAND LIBRARY COMMUNITY
Margaret C. Carty, Executive Director

RESOLUTION

The Maryland Library Association shares the concerns raised by the American Library Association and numerous professional history and archival organizations regarding the nomination of Allen Weinstein to be Archivist of the United States, and urges the Senate Committee on Government Affairs to schedule an open hearing on this nomination in order to more fully explore the reasons why the current Archivist is being replaced and if Professor Weinstein possesses the requisite qualifications to become the Archivist of the United States. The fact that the National Archives at College Park (Archives II) and the Washington National Records Center in Suitland are both located in Maryland and the close proximity of the National Archives Building in the District of Columbia heightens the concern of the Maryland Library and archival communities and their users regardng the appointment.

Adopted by the Maryland Library Association Executive Board
May 17, 2004

Maryland Library Association/ 1401 Hollins Street/ Baltimore,/ Maryland/ 21223
(410) 947-5090 Fax (410) 947-5089 mla@mdlib.org Web Site www.mdlib.org

THE
IVINGSTON
GROUP, L.L.C.

April 13, 2004

Honorable Susan Collins
Chairwoman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Madam Chairwoman:

Enclosed is the resume' of Dr. Allen Weinstein, historian, author, humanitarian, and world-renown peacemaker and interlocutor. Allen is a personal friend on mine, and has been since we observed the Philippine elections resulting in the ouster of Ferdinand Marcos in the mid-1980's. Most recently, Allen has been named by President Bush to serve as the next Director of the U.S. Archives, a position requiring Senate confirmation.

Allen is one of those unique people who because of his demeanor and dedicated service to the public good enjoys broad and deep bipartisan support. I hope that you will provide him with your most serious attention and expeditious consideration. While I realize that the Senate is locked in much pre-election stalemate, Allen Weinstein's confirmation would be very much in the nation's interest, and should progress regardless of ideological or political differences on other issues.

Many thanks for your consideration.

Sincerely,

Robert L. Livingston

Enclosure

499 S. Capitol Street SW, Suite 600, Washington, DC 20003 Telephone: 202-289-9881 Telefax: 202-289-9877

ALLEN WEINSTEIN: BIOGRAPHICAL SKETCH

From 1985 to 2003, historian Allen Weinstein served as President of The Center for Democracy, a non-profit foundation that he created in 1985 to promote and strengthen the democratic process, based in Washington, DC. His international awards include the United Nations Peace Medal (1986) for "efforts to promote peace, dialogue and free elections in several critical parts of the world"; The Council of Europe's Silver Medal (twice, in 1990 and 1996), presented by its Parliamentary Assembly, for "outstanding assistance and guidance over many years"; and awards from the presidents of Nicaragua and Romania for assistance in their countries' democratization processes. His other awards and fellowships have included two Senior Fulbright Lectureships, an American Council of Learned Societies Fellowship, the Commonwealth Fund Lectureship at the University of London, and a Woodrow Wilson International Center for Scholars Fellowship. In 1987 he delivered the Bicentennial Fourth of July Oration at Boston's Faneuil Hall.

He became Senior Advisor on Democratic Institutions at IFES (International Foundation for Election Systems) in September 2003.

He was University Professor and Professor of History at Boston University from 1985-89, University Professor at Georgetown University from 1981-1984 and, from 1981 to 1983, Executive Editor of *The Washington Quarterly* at Georgetown's Center for Strategic and International Studies. He served as a member of *The Washington Post* editorial staff in 1981. From 1966-81 he was Professor of History at Smith College and Chairman of its American Studies Program. In 1984 he served as President of the Center for the Study of Democratic Institutions. From 1982-84 he directed the research study that led to creation of the National Endowment for Democracy and was Acting President of the Endowment. He has also held visiting professorships at Brown, Columbia, FIU, and GWU.

Weinstein was a founding member in 1985 of the Board of Directors of the United States Institute of Peace and Chairman of its Education and Training Committee, remaining a Director until 2001, and now serves on the Chairman's Advisory Council. He was a founding officer of the International Institute of Democracy in Strasbourg from 1989 to 2001. He chaired the Judging Panel for the annual International IMPAC Dublin Literary Award from 1995-2003. He serves on the Advisory Council of the LBJ School of Public Affairs (University of Texas-Austin). He is Chairman of the Woodrow Wilson Presidential Library Advisory Council. He chaired the annual "Global Panel" in the Netherlands from 1993-98. From 1982-91 he was a member of the Foreign Policy Association's Editorial Advisory Board.

Weinstein's books include *The Story of America* (DK Publishers, 2002), *The Haunted Wood: Soviet Espionage in America – The Stalin Era* (Random House, 1999; Modern Library paperback, 2000); *Perjury: The Hiss-Chambers Case* (Knopf; Vintage paperback; Hutchinsons Ltd.; revised ed., Random House paperback, 1997), which received several citations including an American Book Award nomination; *Freedom and Crisis: An American History* (Random House, 3 eds.); *Between the Wars: American Foreign Policy from Versailles to Pearl Harbor* (Berkley paperback); ~~*Prelude to Populism* (Yale University Press); and among edited~~ collections, *Conflict in America* (Voice of America); *American Negro Slavery* (4th ed., Oxford University Press); *American Themes: Essays in Historiography* (Oxford); and *Truman and the American Commitment to Israel* (Hebrew University/Magnes Press).

Weinstein's articles and essays have appeared in *The American Scholar, The American Historical Review, The Business History Review, Commentary, Encounter, Esquire, The Journal of American History, The Journal of American Studies, The New Republic, New York, The New York Review of Books, The New York Times, Newsweek, Time, U.S. News and World Report, The Wall Street Journal,* and *The Washington Post.* His television credits include that of historical consultant on two History Channel programs on Soviet espionage (1998-1999), the 1988-89 PBS series *Face-to-Face: Conversations on the U.S.-Soviet Summitry* (Co-Host, Editor and Writer), *The Salvadoran Debate* (Moderator and Producer, 1984), and ~~*Inside Washington* (Host and Creator),~~ a 1981 PBS public affairs series. He has been a frequent commentator on CNN, C-SPAN, and other networks.

His international public service activities include chairing the Center's election observation delegations in El Salvador (1991), Nicaragua (1989-90, 1996), Panama (1988-89), the Philippines (1985-6), and Russia (1991, 1996, 2000). Weinstein organized a bipartisan group, at the request of the U.S. Senate Foreign Relations Committee, which reported on the preparations for the Philippines' presidential election; later he was a member of the U.S. Observer Delegation, advisor to the Delegation's co-chairmen, and co-author of its final report. In 1983 Weinstein served as Vice-Chairman of the U.S. delegation to a UNESCO conference in Tashkent. He was also Coordinator and Vice-Chairman of the U.S. delegation to the 1982 UNESCO World Conference on Culture.

american political science association

1527 New Hampshire Avenue, NW, Washington, DC 20036-1206 • p: 202.483.2512 • f: 202.483.2657 • www.apsanet.org

APSA Council, 2003-2004
Susanne Hoeber Rudolph, *President*
University of Chicago
Margaret Levi, *President-Elect*
University of Washington
Rodney E. Hero, *Vice President*
University of Notre Dame
Ira Katznelson, *Vice President*
Columbia University
Gary King, *Vice President*
Harvard University
Judith L. Goldstein, *Secretary*
Stanford University
Henry E. Brady, *Treasurer*
University of California-Berkeley
John Aldrich
Duke University
Manuel Avalos
Arizona State University West
Robert Axelrod
University of Michigan
Judith Baer
Texas A&M University
Martha Crenshaw
Wesleyan University
Christian Davenport
University of Maryland
Shirley M. Geiger
Savannah State University
Frances Hagopian
University of Notre Dame
John W. Harbeson
CUNY-City College and The Graduate Center
Marion Orr
Brown University
Marsha Pripstein Posusney
Bryant College
Wilbur C. Rich
Wellesley College
Joanna Vecchiarelli Scott
Eastern Michigan University
Gary Segura
University of Iowa
Jack Snyder
Columbia University
Jeff Spinner-Halev
University of Nebraska Lincoln
Atul Kohli, Princeton University
Anne Norton, U of Pennsylvania
Annual Meeting Program Co-Chairs
Lee Sigelman, *Editor,*
American Political Science Review
The George Washington University
Jennifer L. Hochschild, *Editor,*
Perspectives on Politics
Harvard University
Michael Brintnall
Executive Director

July 26, 2004

The Honorable Susan Collins, Chair
Senate Governmental Affairs Committee
United State Senate
Room SD-340
Washington, DC 20510

Dear Senator Collins,

The American Political Science Association and its section on the presidency, the Presidency Research Group, are interested in issues related to the operation and management of the National Archives as well as in the nomination of Allen Weinstein to be Archivist of the United States. We hoped to present our views at your July 22nd hearings on the Weinstein nomination, but the short-notice session allowed no room to place on the public record the views of the constituents of the National Archives. We are disappointed those who use the Archives have been shut out of the nomination and oversight process and hope there are plans by the committee to hold hearings about Archives management issues.

Our organizations represent 15,000 scholars and others interested in issues related to the acquisition and availability of governmental records. We believe the proper accumulation, maintenance, and dissemination of records are issues of great importance not only to the scholarly community, but ultimately to governmental officials and to the public as well. In a representative government, the public needs to have information available in order to understand the actions and decisions of government officials.

Under the leadership of Archivist John Carlin, the National Archives made substantial advances in the management of the institution. He settled the many distracting lawsuits that long plagued the Archives, established firm relations with the Congress and with the Office of Management and Budget, developed strong budgets supported within a variety of public and private sectors, instituted an electronic records program, achieved great advances in funding the preservation of audiovisual records, and developed a strategic plan. All of the above were important management practices that can and should be built upon by Archivist Carlin's successor. There are several specific issues requiring all of our attention as the National Archives moves into the next phase of its history.

Access Issues in the Presidential Libraries. Records are often difficult to access because of the lack of resources available to review them. After fourteen years, only 20% of the presidential records in the Ronald Reagan Library have been processed. It is important to have resources available commensurate with the obligations of the National Archives. The presidential library system is barely treading water when it comes to the processing of records as there are so many Freedom of Information Act requests and now electronic records in their newer libraries that the libraries' resources are stretched beyond what they can deliver.

Important questions remain for the implementation of Executive Order 13233 on presidential records. The executive order has slowed down the release of records and their subsequent availability.

In recent months, the President's Daily Brief has come into public discussion. The PDB has long been regarded as a document belonging within the collection of presidential records and available through the individual libraries. In the last three administrations, however, the presidents returned the individual PDB documents to the Central Intelligence Agency at the behest of the Agency. The original rules should apply where the PDB remains with the President's records as it is a presidential record in the full sense of the term and is important to an understanding of his administration and its policies. The PDB is a document created for the use of the President and should remain with his records.

Networking a World of Scholars

Digitizing Records. The National Archives has yet to develop a strategy for delivering documents on the web. In that effort, the Archives should seek partners in order to bring in the most effective ways to digitize records. While the Archives could not be expected to have digitized four billion pages, a better strategy is needed for making available important historical documents beyond the walls of the Archives building.

There is a great deal of work needing to be done on the Electronic Records Archives (ERA). Within the presidential library system, the electronic records found in the libraries of Presidents Ronald Reagan and George H. W Bush remain unavailable to the public and to archivists as well. In order to effectively manage their digital resources, partnerships with private industry should be explored.

Staff Training. There has not been an archival training class in six years, which means they have not been developing staff to replace retiring archivists. Through training, archivists learn what developments are taking place outside of the National Archives at places in foreign and state archives, historical societies, universities, and staying up with the latest research.

Encouraging Use of Records through Outreach. The Archives is an important research resource yet its holdings are not well known to those who are potential users of its records. They need to expand the use of the Archives to those beyond the scholarly community to citizens who can learn to use primary resources. Increasing the education programs in the National Archives would benefit all those interested in the workings of government and in public service.

We would be happy to talk to you about these issues as you prepare for oversight hearings and to assist you in any way as you work through the nomination process. Constituent groups have a great deal of information on archival issues and can be a effective resource for you as you develop information relevant to the nomination of Allen Weinstein to be the Archivist of the United States. We would like our letter to appear as part of the public record on the Allen Weinstein nomination.

Sincerely,

Susanne Hoeber Rudolph
President, American Political Science Association

Michael A. Genovese
President, Presidency Research Group,
a section of the American Political Science Association