

*Testimony
Of
Lee White
Executive Director
National Coalition for History*

**Information Policy, Census, and National Archives Subcommittee
Oversight and Government Reform Committee
Thursday, May 21, 2009
2154 Rayburn HOB
2:00 p.m.**

Policy Issues Facing a New Archivist of the United States

Chairman Clay, Ranking Member McHenry and Members of the Subcommittee;

I am Lee White, the Executive Director of the National Coalition for History (NCH).

NCH is a consortium of over 60 organizations that advocates and educates on federal legislative and regulatory issues affecting historians, archivists, political scientists, teachers, and other public stakeholders. As historians and conservators of American history and culture we care deeply about the programs and activities of the National Archives and Records Administration (NARA) and the National Historical Publications and Records Commission (NHPRC). Thank you for the opportunity to discuss the major issues we see facing the new Archivist of the United States once he or she is nominated by President Obama and confirmed by the Senate.

On behalf of the constituencies I represent, I want to thank you Mr. Chairman, for convening this hearing. The National Archives is at a critical point in its history. NARA faces major challenges including the transition over the next 18 months to its new Electronic Records Archives system, declassification, the backlog of records that is growing exponentially, and the reality of having more responsibilities placed upon the agency without a commensurate increase in funding.

I want to start by recognizing the service that Dr. Allen Weinstein gave to our country during his tenure as Archivist of the United States. He led NARA through difficult and often controversial times. Archivist Weinstein made the most out of every federal dollar and leveraged NARA's funds through the use of public-private partnerships. He expanded outreach and public education programs to make NARA's holdings more accessible to the American people. He served with integrity, often times in conflict with the Bush administration, to preserve NARA's reputation for openness and non-partisanship. We hope whomever President Obama selects as the new Archivist, he or she will have the integrity and vision of Professor Weinstein.

The new Archivist should possess a skill set that allows the individual to deal with many dichotomies. The Archivist must be non-partisan, but also possess the political skills needed to

serve as an aggressive advocate for NARA's programs on Capitol Hill, within the Administration, and with its stakeholders. The Archivist must be both a visionary and a hands-on manager, committed to providing the maximum amount of public access to NARA's holdings allowed by law yet make difficult resource allocation decisions that may result in delays in the processing and release of records. The individual must address an enormous logjam of records on the back end, while addressing the exponential growth of new records generated every year on the front end. No one person can be expected to do this alone, but he or she must have the management skills needed to build a strong team of archival professionals, historians, and support staff.

If this hearing had been held a year ago, the most pressing issues for our members would have been different from the ones we will discuss today. On January 21st, President Obama announced a sweeping series of transparency reforms that addressed two of our major concerns.

Symbolically, in one of his first official acts, the President issued Executive Order 13489, revoking the Bush administration's Executive Order 13233 that severely limited access by the public to presidential records. The issuance of Executive Order 13489 ended a nearly eight-year effort by historians, archivists, political scientists, and other stakeholders in federal courts and on Capitol Hill to have the Bush EO revoked on legal grounds or by statute.

While we were thrilled with the president's action, we still believe that H.R. 35, "Presidential Records Act Amendments of 2009" needs to be enacted and we will urge the new Archivist to support this effort. The legislation will make it more difficult for future presidents to manipulate the Presidential Records Act through the use of executive orders and will ensure that presidential records are treated more consistently from administration to administration. Hopefully, the Senate will soon follow the House's lead and pass H.R. 35.

In addition to revoking President Bush's executive order on presidential records, President Obama issued a Memorandum on Transparency and Open Government, and a Memorandum on the Freedom of Information Act (FOIA), directing all members of his administration to operate under principles of openness and transparency. On March 19, 2009, Attorney General Eric Holder issued comprehensive new Freedom of Information Act (FOIA) guidelines that direct all executive branch departments and agencies to apply a presumption of openness when administering the FOIA.

While the Obama administration has made much progress with regard to improving transparency, openness, and access to government records, Congress must continue to serve its vital oversight role and press the case with the White House to follow through on its commitments. The selection and confirmation of a new Archivist provides a rare opportunity to bring continuing issues of concern to the table.

The National Coalition for History urges President Obama to nominate an Archivist of the United States who has the professional experience, managerial skill, and political acumen to address the following issues facing the National Archives and Records Administration:

1. **Resources**—At a hearing before the Senate Judiciary Committee on the Papers of the

Founding Fathers projects that are partially funded by the NHPRC, historian David McCullough said “you can tell a lot about a society by how it spends its money. Here is our chance, and it’s long overdue, to show what we care about, what we value, and what we’re proud to pay for.”

Any consideration of the issues facing the National Archives must begin with a discussion of resources, financial and human. NARA faces enormous challenges not only in processing and preserving traditional paper records, but also in making the transition to managing electronic records. As the production of records from all types of media proliferates, NARA is forced to do more with already strained resources.

We have been concerned for many years that Congress and various Administrations have placed heavier burdens on the National Archives while not providing the commensurate funding to meet these new obligations. The new Archivist will need to be a tireless advocate to ensure the agency has the resources it needs to meet its primary mission of safeguarding and preserving the records of our Government for the American people.

The top priority for the new Archivist should be to address the growing processing backlog. Congress should give NARA the resources necessary to not only process the existing backlog of historical materials, but also to keep up with the increasing flow of new materials and prevent the development of an even larger future backlog.

2. **Ensure the creation and preservation of federal and presidential records**—The Archivist of the United States will need both the full backing of the President, as well as vigilant congressional oversight, to ensure that all branches of the government adhere to the legal requirements of the Federal Records Act and the Presidential Records Act.

For years, archivists and historians have called for improved coordination between NARA and the White House with regard to the effective transfer of records and artifacts from the Executive Office of the President to NARA. There is room for significant savings over the life-cycle of presidential records and artifacts, if the issues related to the long-term arrangement, description, preservation of, and access to these materials were consistently coordinated between the White House and NARA from the beginning of each administration.

The on-going controversy and litigation over missing White House e-mails and the use of private e-mail accounts to conduct official government business during the recent Bush administration are clear examples of why NARA must work with each new administration to develop consistent records preservation procedures and standards.

3. **Complete deployment of a new system for preserving electronic records**—The long-delayed Electronic Records Archives (ERA) is an essential tool for the NARA of today and tomorrow. Mandatory use of the ERA by all federal agencies is currently scheduled to begin in January 2011. The new Archivist must act immediately to ensure that the ERA is ready to meet that deadline. Without this system NARA will be unable to manage the exponentially expanding volume of electronic records. Effective management of federal records will improve the performance of our government, save tax dollars, and ensure current and future

generations will have access to our nation's documentary heritage.

4. **Pursue efficient declassification and open access to public information**—Over-classification of government information not only denies or delays public access to records, but also squanders resources by adding to the backlog of records that need to go through the convoluted declassification process.

The new Archivist should play a key role within the administration in the development of the forthcoming government-wide Controlled Unclassified Information (CUI) policy. The addition of the Office of Government Information Services (OGIS) and the CUI offices at NARA, as provided for in the President's FY 2010 budget, will strengthen the Archivist's authority in ensuring appropriate open access to public information.

The Archivist should press for adoption of the recommendations of the Public Interest Declassification Board (PIDB) included in its "Improving Declassification" report to the President. The Archivist should support the establishment of the National Declassification Center, as called for by the PIDB, to streamline and expedite the declassification process.

5. **Improve citizens' access to government records**—NARA must expand on-line access to finding aids and digitized portions of its collections and maintain extended hours so that historians, political scientists, journalists, researchers, and members of the public can use materials that are only available at NARA facilities. In the long run, making more information available via the Internet will decrease NARA's costs for maintaining facilities, and may ultimately lead to cost-effective consolidation of storage facilities. This will also facilitate citizen access to the vast and varied historical resources held by NARA.
6. **Reform the Presidential Library System**—Last fall, Congress directed NARA to prepare a report, due this summer, that suggests alternative models for the presidential library system. In seeking public comment this past March, NARA issued a perfunctory, one paragraph notice that failed to address many of the serious challenges facing the presidential library system. The presidential library system is broken. Reforming both the operations, maintenance, and funding of the libraries should be a top priority for the new Archivist to ensure public access to presidential records and artifacts for generations to come.

I request that the National Coalition for History's comments to NARA on the presidential library system be included in the record following our written testimony.

One of NARA's suggested alternatives was, "Presidential records can be processed more efficiently if they are processed systematically rather than under FOIA during the years in which the Presidential Records Act (PRA) restrictions apply. . ." The work of systematic processing need not, and should not be done at the expense of public access to public records. The new Archivist should reject any alternative that would prioritize efforts to process records systematically over and above public access to presidential records via the FOIA during the 12-year period when the Presidential Records Act restrictions apply. On the contrary, FOIA should be given greater support.

We believe that NARA's proposed alternative accepts the current status quo where limited resources always require substantial trade-offs between preservation and access. Congress has given NARA the mission to do both, and the new Archivist should present a vision, plans, and budgets that will accomplish this objective. The Archivist should move quickly to address the growing backlogs of records at presidential libraries.

Congress last year made a strong statement that the costs associated with the construction and maintenance of presidential libraries have been spiraling out of control. Congress enacted a law increasing the endowment percentage requirement for presidential library foundations for the cost of land, construction, and installing equipment at these facilities from 40% to 60%. Unfortunately, we have seen earmarks for the maintenance of specific presidential libraries tacked on to NARA's annual appropriation at the expense of NARA's core mission. NARA must now provide Congress annually with a ten-year capital improvement plan for the Presidential Library System. The new Archivist should ensure this plan is based on demonstrated needs, not outside political pressure.

7. **Strengthen NARA's organization and culture**— Facing the upcoming retirement of a large percentage of its workforce NARA must train and employ a new generation of archival professionals with the skills and experience to face the complex technical and administrative challenges of the future. The Archivist must provide the leadership and vision to inspire creative and excellent performance throughout the agency, and continue to develop effective partnerships with professional and academic organizations and public and private sector institutions that enhance and extend NARA's ability to accomplish its mission. The archivist needs to enlist a management team that embraces the challenges of the future and brings the range of management and technical skills necessary to drive organizational change.
8. **Expand NARA's educational and outreach activities**— The records and artifacts entrusted to NARA's stewardship are truly national treasures. In recent years NARA has taken important steps to increase public awareness of, and access to, its vast and priceless holdings. To improve historical and civic literacy, NARA should build upon the expansion of its educational and public programs that were made a priority by Archivist Weinstein.
9. **National Historical Publications and Records Commission (NHPRC)**—The National Coalition for History strongly supports the grants program of the National Historical Publications and Records Commission (NHPRC). We urge the Administration and the new Archivist to work with Chairman Clay to enact his legislation (H.R. 1556) to reauthorize this program at an annual level of \$20 million for fiscal years 2010 – 2014.

We fought to preserve funding for this nationally significant program throughout the Bush Administration. The \$10 million authorization, expiring this fiscal year, has not been increased since FY 1997. Even with an authorization, the NHPRC has constantly been threatened and inflation has seriously eroded its funding level in constant dollars. The grants program must be reauthorized to prevent increased future vulnerability.

Additionally, while we are pleased that the Obama Administration's FY 2010 budget request includes \$10 million for the NHPRC, we believe that increased funding is needed. A major

new initiative to digitize and provide free access to the Papers of the Founding Fathers must be funded without threatening the progress of the ongoing NHPRC programs. A challenge for the new Archivist will be to strongly advocate to the Office of Management and Budget and Congressional appropriators that this vital program deserves increased funding.

Thank you again, Mr. Chairman, and I will be happy to respond to any questions you may have.