

April 17, 2009

To:

Adrienne C. Thomas  
Acting Archivist of the United States  
National Archives and Records Administration

Subject:

Response to Request for Information: Development of Alternative Models for Presidential Libraries

Dear Ms. Thomas:

We, the undersigned organizations, are writing in response to the National Archives and Records Administration's (NARA) recent request for input (RFI) into the development of alternative models for Presidential libraries. Each of our organizations is concerned with transparency and accountability in the federal government, and recognizes that the National Archives and the Presidential Library System are essential for preserving our nation's documentary history.

In the RFI, NARA specifically refers to alternatives that "may involve changing how records are processed and made available." It is critical that NARA take full account of the effect any alternative model may have on the public's ability to gain access to important historical documents and on NARA's obligation to provide the public with timely access to important historical documents. Given the breadth of public interest in this issue, and the potentially serious impact of any changes, we request that you extend the comment period beyond the 21 days already allotted for public comments so additional voices can be heard on this crucial topic.

The legislative history of laws governing public access to presidential records clearly sets forth the primary goal for NARA to increase public access to presidential documents. Congress passed the Presidential Libraries Act of 1955 in large part to ensure presidential papers are returned to and accessible by the public; Congress strengthened the concept by making explicit that presidential papers are the property of the public when it passed the Presidential Records Act of 1978. In 2008, Congress mandated that NARA take cost-saving measures related to the physical structure and operating expenses of the libraries, but to do so without jeopardizing public access to the material. These congressional commitments to the public should continue to be fully honored.

We are especially concerned by the proposal briefly discussed in the request for information to process records systematically rather than under the Freedom of Information Act (FOIA). NARA has a responsibility under both the letter and the spirit of all laws governing public access to presidential records to avoid any actions that limit or delay access to important records. Instead of undermining the FOIA process, NARA could significantly improve its FOIA process by adopting practices common at many agencies, such as appointing FOIA public liaisons, improving management and tracking of FOIA requests, and increasing its affirmative and proactive electronic posting of released records. Further, the public would be better served if NARA used the FOIA process to identify particular groups of documents that the public is most interested in obtaining, instead of ignoring direct public input on how to prioritize record releases.

The proposals discussed in your request for information seem to not fully take into account recommendations made by the Public Interest Declassification Board (PIDB) regarding expediting the declassification of presidential records. In particular, we urge you to consider the PIDB's recommendation to centralize record processing. The PIDB notes the centralized approach NARA has taken with respect to the National Declassification Initiative has yielded promising results. We believe adopting central processing of presidential records could potentially have a significant positive effect on public access and preserve NARA's resources. Such a possibility should be thoughtfully explored with all stakeholders.

While we are aware NARA has a responsibility to report to Congress on these issues by mid-July, we note that NARA did not produce a request for information from the public until March 24<sup>th</sup>, and did not post the request on its website for almost a full week afterwards, with a deadline for comments less than 3 weeks thereafter. We believe this is not a sufficient amount of time for all stakeholders to engage in thoughtful discussions on these issues. This report presents NARA with an opportunity to explore dramatic changes in the handling of presidential documents that will improve public access and reduce costs. These options must be discussed with the broader community of stakeholders. For this reason, and those discussed above, we respectfully request that you extend the comment period beyond the current April 17<sup>th</sup> deadline. Open access to presidential records is an issue that concerns a broad swath of the public, and these interests should be allowed time to comment on this critically important issue.

If you have any questions, please contact Patrice McDermott at 202-332-6736 or at [pmcdermott@openthegovernment.org](mailto:pmcdermott@openthegovernment.org).

Thank you for your consideration of our concerns.

Sincerely,

OpenTheGovernment.org

American Association of Law Libraries

American Library Association

Association of Research Libraries

California First Amendment Coalition

Citizens for Responsibility and Ethics in Washington (CREW)

Citizens for Sunshine

Defending Dissent Foundation

Essential Information

Government Accountability Project (GAP)

iSolon.org

National Coalition for History

National Humanities Alliance

National Security Archive

OMB Watch

Special Libraries Association