

The National Security Archive

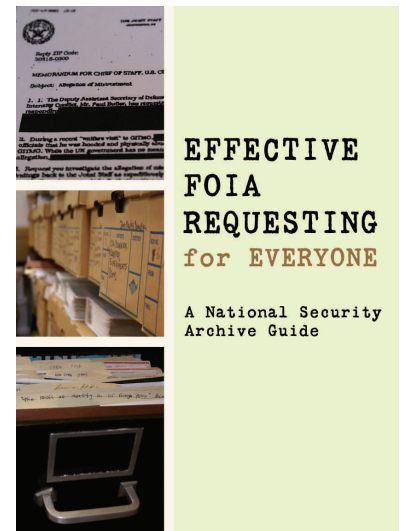
The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7000
Fax: 202/994-7005
www.nsarchive.org
nsarchiv@gwu.edu

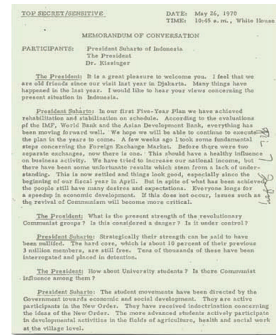
Annual Report for 2008

The following statistics provide a performance index of the Archive's work in 2008:

- ◆ Freedom of Information and declassification requests filed – 1,244
- ◆ Freedom of Information and declassification appeals filed – 357
- ◆ Pages of U.S. government documents released as the result of Archive requests – 62,703 including such newsmaking revelations as longstanding U.S. support of Indonesia's Suharto regime despite human rights abuses and corruption; a 1974 CIA assessment warning that Spain could become a nuclear weapons proliferator; U.S. consideration of the use of nuclear weapons against China in the 1958 Taiwan Straits crisis; indications that the 1998 U.S. missile strike in response to the Kenya and Tanzania embassy bombings may have cemented the bin Laden-Taliban alliance; and signs that the public relations push for war against Iraq preceded the intelligence analysis justifying it.
- ◆ Pages of declassified documents delivered to publisher – 36,901 in two reference collections: *The Kissinger Telephone Conversations: A Verbatim Record of U.S. Diplomacy, 1969-1977* and *Peru: Human Rights, Drugs and Democracy, 1980-2000*.
- ◆ Declassified documents delivered to truth commissions and human rights prosecutions – 7,000 documents to Argentina's Fiscal General Adjunta de la Procuración de la Nación as evidence in Operation Condor cases; 400 documents to Colombia's Historical Memory Commission; 21 documents to Peru's Asociación Pro Derechos Humanos for the prosecution of Alberto Fujimori; hundreds of documents to support Ecuador's Comisión de la Verdad; and a 500-document database to the Center for Justice and Accountability for the Guatemala Genocide case.
- ◆ Books published by Archive staff and fellows – 2
Effective FOIA Requesting for Everyone: A National Security Archive Guide (Washington, D.C.: The National Security Archive, 2008, 114 pp.); *One Minute to Midnight: Kennedy, Khrushchev, and Castro on the Brink of Nuclear War* by Michael Dobbs (New York: Alfred A. Knopf, 2008, 448 pp.)
- ◆ Electronic Books published by Archive staff and fellows – 23, bringing the Web site total to 262
- ◆ Research requests to the Archive by letter – 16; by e-mail – 2,550; by phone – 1,600
- ◆ Researchers visiting the Archive's reading room in GWU's Gelman Library – 493
- ◆ Pages photocopied from Archive collections by visiting researchers – 8,080
- ◆ Unique visitors to the Archive's Web site – more than 2,340,260
- ◆ Pages in html downloaded from the Archive's Web site – 14,748,379 (40,407 html pages per day)
- ◆ Bytes downloaded from the Archive's Web site – 4,919 Gigabytes (13.5 GB per day)
- ◆ Awards: the Archive received two additional awards from the University of Wisconsin's Internet Scout Report recognizing "the most valuable and authoritative resources online"; Archive director Tom Blanton was a 2008 inductee of OMB Watch's Public Interest Hall of Fame for his outstanding public interest work both locally and internationally.
- ◆ Radio and TV transcripts of Archive staff interviews found on Lexis-Nexis – 33
- ◆ News stories citing the Archive on Factiva (formerly Dow Jones Interactive) and Lexis-Nexis – 1,051
- ◆ Foreign countries where Archive staff were quoted in newspapers and broadcast news – 22 (Argentina, Australia, Chile, China, Czech Republic, France, India, Indonesia, Israel, Italy, Mexico, New Zealand, Nigeria, Paraguay, Peru, Russia, Spain, Thailand, Turkey, United Arab Emirates, United Kingdom, Uruguay)



January 2008: On January 8, as Indonesia buried ex-dictator Suharto, Archive Indonesia-East Timor project director Brad Simpson posted a selection of documents on the Archive's Web site detailing Suharto's record of repression and corruption, and the long-standing U.S. support for his regime. The documents make clear that the U.S. used its leverage over the Suharto regime only to press for the interests of international financial institutions—never in the interests of democracy and human rights—despite evidence of Suharto's having masterminded some of the worst massacres of the last century. The posting prompted extensive international news coverage, including a radio interview of Brad Simpson on *Democracy Now!*



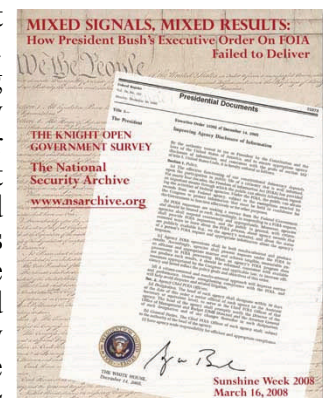
On January 18 the new documentary *Secrecy* featuring Archive director Tom Blanton premiered at the Sundance Film Festival in Park City, Utah. *Secrecy*, produced by Harvard professors Peter Galison and Robb Moss, featured Blanton as an on-screen commentator along with other noted secrecy experts. A review in *Zoom-In.com* said that “Mr. Blanton comes off like a philosopher of national security, waxing downright poetic about the myriad issues of information control and even the erotic allure of secrets. He has so much to say that one suspects that Galison and Moss

could have just as easily filmed his monologue—a classified information cousin to *An Inconvenient Truth*'s environmental lecture would have emerged.”

On January 31 the National Security Archive, along with several leading U.S. historical associations, filed a petition in federal court in New York City for the release of grand jury records from the 1951 indictment of Julius and Ethel Rosenberg, who were accused of running an espionage ring that passed American atomic secrets to the Soviet Union, convicted of spying, and executed in 1953. Supported by extensive declarations from experts, the petition described the trial of the Rosenbergs as a defining moment in the Cold War, and argued that 57 years later, scholarly and public interest in these transcripts far outweighs any remaining privacy or national security interest in continued secrecy.

February 2008: On February 22 the Archive posted declassified U.S. documents that are part of a sweeping Italian universal-jurisdiction investigation seeking to prosecute South American former top officials for their roles in Operation Condor operations involving Italian citizens as well as broader cross-border kidnapping and torture operations. Among those being sought in the indictments is former Peruvian President Francisco Morales Bermudez for his connections to the June 1980 abductions of three members of the Montoneros militant group living in Lima, Peru, through a joint Peruvian and Argentine covert operation. The Archive documents reveal that the U.S. government had detailed knowledge of the collaboration between the Peruvian, Bolivian and Argentine secret police forces to kidnap and disappear the three Montoneros and made little effort to save the victims. The Italian investigation and indictments drew on hundreds of declassified documents provided by the Archive's Southern Cone project.

March 2008: On March 16 the Archive released its 2008 Knight Open Government Survey, marking the beginning of Sunshine Week. The Survey examined how agencies have fared in implementing President Bush's Executive Order 13,392 “On Improving Agency Disclosure of Information” by sending FOIA requests asking for documents regarding the executive order to all 90 agencies that submitted FOIA improvement plans under the executive order and examining each agency's FOIA improvement plan as well as its reports to Congress. In addition, the Archive carried out a systematic phone testing process for agency FOIA contacts. The Archive focused specifically on the new customer service mechanisms established by the executive order, backlog reduction, and agency Web sites. The Survey, titled *Mixed Signals, Mixed Results: How President Bush's Executive Order on FOIA Failed to Deliver*, found that while the executive order did result in a



general improvement of customer service in agency FOIA offices, it generated little or no improvement in other key areas, such as backlog reduction, agency FOIA Web sites, and E-FOIA compliance. The executive order did not provide agencies the necessary resources and contained no enforcement mechanism. As a result, agencies that have historically taken FOIA seriously fared better in their approach to the executive order, setting goals calculated to achieve measurable improvement in processing requests and reducing backlogs, while agencies that typically marginalized FOIA had little incentive to change their ways. The survey sparked extraordinary national news coverage, including an Associated Press story that ran in over 120 papers and online news sites and led to editorials in newspapers and blogs ranging from *The Washington Post* to *The Raw Story*.

On March 20, in celebration of Sunshine Week, the Mexico Project published a study of Mexico's transparency law: *FOI in Practice: Measuring the Complexity of Information Requests and Quality of Government Responses in Mexico*. The study is the first comprehensive analysis of the Mexican freedom of information law, describing what information requesters have sought and how the government has responded. After examining 1,000 information requests and corresponding government responses, the study concluded that in 76% of the cases the government responses satisfied the requests of the users during the first three years of the law's existence. Nevertheless, the results also demonstrated that the most complex FOI requests were more difficult for public officials to answer, and received satisfactory responses in only 57% of the cases analyzed. The findings serve as a warning about Mexico's need to improve the capacity of government agencies to respond to more complex requests for information as requesters become increasingly sophisticated in their demands over time.

April 2008: On April 30 Archive senior analyst William Burr posted on the Nuclear Vault portal on the Archive's Web site a series of Air Force histories released through a successful lawsuit filed in March 2005 by the James & Hoffman law firm on the Archive's behalf charging the Air Force with engaging in a pattern and practice of violating the FOIA. As a result of a judge's order to process a backlog of 82 separate Archive FOIA requests, the Air Force released a series of histories revealing that the Air Force had considered a plan to drop multiple 10-15-kiloton nuclear bombs on China during the 1958 conflict over Taiwan but was overruled by President Dwight Eisenhower. Eisenhower instead insisted that the plan initially use conventional bombs against Chinese forces if the crisis escalated—recognizing the “inherent disadvantages” of fallout and the risk of nuclear escalation. The documents sparked international news coverage, including a story by Walter Pincus in *The Washington Post* and Associated Press, Agence France-Presse, and Kyodo News wire stories.



May 2008: As a result of a lawsuit originally brought by the Archive in September 2007, on May 6 the White House admitted that it has no computer back-up tapes with data written before May 23, 2003 and that it cannot track the history of individual hard drives within the White House system that may contain missing e-mails. The White House admission was in response to an April 24, 2008 order from Magistrate Judge John M. Facciola of the U.S. District Court directing the White House to provide more precise information about e-mail users and hard drives employed between 2003 and 2005.



On May 8 *The Washington Post* devoted the cover of its Style section and a full inside page to the National Security Archive, which the *Post* called "the house that FOIA built and a mecca for document buffs." The profile, written by Peter Carlson, featured interviews of long-time staff members director Tom Blanton, deputy director Malcolm Byrne and senior analysts Peter Kornbluh and Joyce Battle. The article described the Archive's early days in the heyday of the Iran-Contra scandal under the leadership of Scott Armstrong, the Archive's *modus operandi* of responding to interesting news stories by filing FOIA requests and making the fruits of those requests available to the public, Archive staff skill and persistence in acquiring

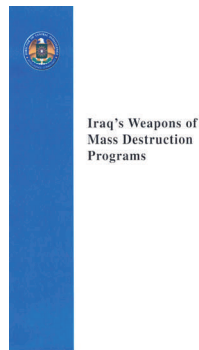
information through the FOIA, as well as the Archive's greatest document "hits." Former Justice Department attorney Daniel J. Metcalfe, who served for 25 years as the federal government's FOIA coordinator, said, "They craft the best FOIA requests around. If anybody does it better, I haven't seen it."

June 2008: Over five weeks beginning on June 4, the Archive published some of the key primary sources used by author and Washington Post reporter Michael Dobbs in his book *One Minute to Midnight: Kennedy, Khrushchev and Castro on the Brink of Nuclear War*. Drawing on the Archive's long-standing documentary work on the Cuban Missile Crisis, as well as on new information from research and interviews, Dobbs reveals that Soviet nuclear-tipped cruise missiles were ready to destroy the U.S. naval base at Guantanamo had the U.S. military persuaded President Kennedy to invade Cuba during the missile crisis in 1962; unbeknownst to President Kennedy and Defense Secretary Robert McNamara, an American spy plane went missing over the Soviet Union at the height of the Cuban missile crisis for one-and-a-quarter hours; U.S. warships did not come "eyeball to eyeball" with Soviet missile-carrying ships during the crisis; and American signals intelligence collectors tracked the activation of Soviet air defenses prior to the shootdown of the U-2 piloted by Major Rudolf Anderson, Jr. on October 27, 1962—leading to the deployment of cruise missiles 15 miles from Guantanamo.



July 2008: (July 8, 10, 17, and 21): The Archive's Mexico project held workshops in the Mexican states of Sinaloa, Tabasco, Morelos, and Durango to train journalists to use FOI laws in pursuit of investigative stories. Attending journalists were asked to submit proposals for articles they were interested in pursuing using declassified information and then shown how to request and obtain that information using the access to information law. Many of the state journalists were interested in information related to government spending chains and the distribution of resources at the community level—such as how the aid money given to the state of Tabasco after floods in 2007 was distributed. The ultimate goal of the workshops was to diminish distrust of the Mexican federal government and get journalists to use the freedom of information law rather than just write about it.

In a further development to the Archive's 2007 White House e-mail suit, on July 29 Magistrate Judge John M. Facciola of the U.S. District Court denied a motion by the White House to reconsider his earlier recommendations and reaffirmed his recommendation that the court order the Executive Office of the President (EOP) to search individual workstations used between March 2003 and October 2005 and preserve any e-mails located on those workstations or on portable media used by EOP employees. In finding that the White House must search and preserve e-mails saved on individual workstations, the magistrate judge's report recognize that some e-mails sent or received between March 1, 2003 and May 22, 2003 may not be preserved on existing back-up tapes.



August 2008: On August 22 the Archive made worldwide headlines by publishing on its Web site a July 2002 draft of the intelligence White Paper or National Intelligence Estimate (NIE) on Iraq's Weapons of Mass Destruction ultimately issued by the CIA in October 2002 that revealed that the White House began assembling a case for war with Iraq before it had compiled the intelligence analysis that formed the basis of its case. Archive Iraq project analyst John Prados's examination of the pre-war rhetoric within the declassified NIEs and Senate Intelligence Committee reports, as well as in former White House spokesman Scott McClellan's memoir suggest that the intelligence agencies were pressured to tailor their reports and analysis to justify the invasion.

On August 20, in a further update to the Taliban Files electronic briefing book series, Taliban project director Barbara Elias posted additional new materials received through a Freedom of Information Act request revealing that the 1998 missile strikes against Al Qaeda in response to the embassy bombings in Kenya and Tanzania—meant to kill Osama bin Laden—may have in

fact backfired and instead cemented bin Laden's alliance with the Taliban. The missile strikes were meant to convince the Taliban to surrender bin Laden, but instead sharpened Afghan animosity towards the U.S. The documents detail months of unsuccessful U.S. attempts to persuade the Taliban to expel bin Laden. The Associated Press carried the story with a link to the documents on the Archive's Web site.



September 2008: On September 8 Archive senior analyst Kate Doyle made headlines all over Peru and Latin America when she testified before Peru's Special Tribunal of the Supreme Court of Justice in the case against former President Alberto Fujimori. Doyle provided expert testimony, explaining how 21 declassified U.S. documents obtained under the FOIA provide illuminating information on human rights abuses carried out under the Fujimori government (1990-2000). The 21 documents, produced by the U.S. Embassy in Lima, describe how the Fujimori government tried to hide the involvement of government security forces in human rights crimes. Doyle emphasized that, "over time, and after years of study, the declassified documents produced by the U.S. Embassy reveal that the extra-legal operations were a part of official state policy and not a result of rogue elements out of control of the military, police or intelligence services."

On September 10, the eve of the 35th anniversary of the military coup in Chile, Archive senior analyst Peter Kornbluh posted formerly-secret transcripts revealing plotting at the highest levels of the U.S. government in the coup that brought Pinochet to power. Previously-unreported transcripts of Henry Kissinger's telephone conversations with President Richard Nixon and Secretary of State William Rogers reveal a U.S. effort to overthrow the newly-elected socialist government of Salvador Allende. In one conversation, just days before Allende's election, Kissinger informed Nixon that the State Department had recommended an approach to "see what we can work out" [with Allende], to which Nixon responded "Don't let them do it." Another conversation had Secretary Rogers predicting "after all we have said about elections, if the first time a Communist wins the U.S. tries to prevent the constitutional process from coming into play we will look very bad." The posting prompted an Associated Press story that ran in several newspapers including the *Los Angeles Times* and the *International Herald Tribune* and a story on the Wired Blog Network.

On September 12 the Archive sparked hundreds of news stories and broadcasts including one on the front page of *The New York Times* when the long-secret Rosenberg grand jury testimonies were released as the result of an Archive lawsuit (see January entry). On September 11, 940 pages of the Rosenberg grand jury testimony were released, including 41 of the 45 witnesses who appeared before the grand jury between August 1950 and March 1951. The testimony of Ruth Greenglass directly contradicted the central charge of the trial that Ethel Rosenberg had sat at her typewriter and "struck the keys, blow by blow, against her own country in the interests of the Soviets."

October 2008: On October 5, to coincide with a groundbreaking report on the infamous Trujillo massacres (1988-1990) published by Colombia's Historical Memory Group (GMH) of the National Commission on Reparations and Reconciliation (CNRR), Archive analyst Michael Evans wrote articles about the case in Spanish and English published by *Semana* magazine, Colombia's largest newsweekly. Drawing on declassified records, the articles highlighted both the U.S. connection, via military training, to one of the chief perpetrators of the violence, and the pervasive wall of impunity that has long shielded Colombian security forces from prosecution. The Archive also posted the key documents on the massacre on its Web site.





Torturing Democracy, a new documentary film on the Bush administration's interrogation and detention policies, aired on New York's WNET (October 16), Washington D.C.'s WETA-TV (October 17) and ultimately on 35 PBS stations nationwide. Produced and written by eight-time Emmy winner and National Security Archive fellow Sherry Jones, the documentary drew major online buzz as well as a *New York Times* article detailing PBS's failure to find a national scheduling spot for the film before the end of the Bush Administration. Reviewers described the film as a "compelling example of video storytelling" that "delivers impressively on a promise to connect the

dots in an investigation of interrogations of prisoners in U.S. custody." For the October premiere, the Archive launched the companion Web site for the film— www.torturingdemocracy.org—featuring key documents, a detailed timeline, the full annotated transcript of the program, lengthy transcripts of major interviews carried out for the film as well as a stream of the entire film. The Web site will ultimately include a complete "Torture Archive" of primary sources uncovered by the National Security Archive.

November 2008: On November 5, in a striking rebuke to the Central Intelligence Agency (CIA), Judge Gladys Kessler of the United States District Court for the District of Columbia rejected the CIA's view that it—and not journalists—has the right to determine which Freedom of Information Act requests are newsworthy. Reconsidering its earlier decision (in response to a June 2006 Archive suit) deferring to the CIA's written assurances that the agency would cease illegally denying the National Security Archive's news media status, the court ordered the CIA to treat the Archive as a representative of the news media for all of its pending and future non-commercial requests. Finding that the CIA "has twice made highly misleading representations to the Archive, as well as to [the] Court," the court explained that the CIA's position "is truly hard to take seriously" and enjoined the CIA from illegally denying the Archive's news media status.

On November 10, in a further development in the White House e-mail suit, the United States District Court for the District of Columbia ruled that the National Security Archive might proceed with its effort to force the White House to recover millions of Bush Administration Executive Office of the President (EOP) e-mail records before the presidential transition. Rejecting the government's motion to dismiss the Archive's lawsuit, the Court ruled that the Federal Records Act permits a private plaintiff to bring suit to require the head of the EOP or the Archivist of the United States to notify Congress or ask the Attorney General to initiate action to recover destroyed or missing e-mail records. Archive General Counsel Meredith Fuchs stated, "This is



a major victory for the public interest in accountability at the White House. Through this lawsuit we have preserved over 65,000 computer backup tapes. This decision means those tapes will survive the end of the Bush Administration so that Congress, the courts, and eventually the public will be able to learn about the decision-making that took place over the last 8 years."

On November 14, *The Wall Street Journal* featured on its front page the newly-declassified history of the National Security Agency's Cold War intelligence activities obtained by the Archive ("In a New History of NSA, Its Spies' Successes Are [Redacted]"). The 1,000-page "top-secret Umbra" study, written in 1995 by NSA historian Thomas Johnson, discloses much new information about the agency's history and the role of signals intelligence (SIGINT) and communications intelligence (COMINT) during the Cold War. The study is remarkable in its frank assessment of the history of the agency but redacts material related to its biggest successes—most likely not to reveal too much regarding espionage breakthroughs.



December 2008: Previously-secret Soviet documentation posted by the Archive on its Web site December 8 shows that Mikhail Gorbachev was prepared for rapid arms control progress leading towards nuclear abolition at the time of his last official meeting with President Ronald Reagan, at Governor's Island, New York in December 1988. But President-elect George H. W. Bush, who also attended the meeting, said "he would need a little time to review the issues" and lost at least a year of dramatic arms reductions that were possible had there been a more forthcoming U.S. position. The new documentation—compiled, translated and edited by Svetlana Savranskaya and Tom Blanton in their series of Web publications on each of the Reagan-Gorbachev summits—includes highest-level memos from Gorbachev advisors leading up to Gorbachev's famous speech at the United Nations during the New York visit, notes of Politburo discussions before and after

the speech and the Reagan-Bush meeting, and the declassified U.S. transcript of the private meeting between Reagan, Bush and Gorbachev on December 7, 1988.

On December 16, the leading charity evaluator, Charity Navigator, notified the Archive that it had won the "coveted 4-star rating for sound fiscal management." The rating measures the Archive's "ability to efficiently manage and grow its finances"; and indicates that the Archive "executes its mission in a fiscally responsible way, and outperforms most other charities in America."



Both *The New York Times* ("Indexed Trove of Kissinger Phone Transcripts Is Completed") and *The Washington Post* ("The Best Minds of Kissinger's Generation, Starving Hysterical Naked") on December 24 headlined the Archive's new online publication with ProQuest (the Digital National Security Archive) of the comprehensively indexed telephone conversation transcripts of Henry Kissinger, covering his years in the White House and the State Department from 1969 to 1977. Unbeknownst to the rest of the U.S. government, Kissinger secretly taped his incoming and outgoing phone conversations and had his secretaries transcribe them. After

destroying the tapes, Kissinger took the transcripts with him when he left office in January 1977, claiming they were "private papers." In 2001, the National Security Archive initiated legal proceedings to force the government to recover the telcons, and used the Freedom of Information Act to obtain the declassification of most of them. Deciphering and publishing the telcons required a three-year project to catalogue and index the transcripts, which total over 15,500 conversations and 33,000 pages. The documents shed light on every aspect of Nixon-Ford diplomacy, and Kissinger's hundreds of interlocutors include top U.S. officials, foreign leaders and ambassadors, journalists, and even Frank Sinatra and the Beat poet Allen Ginsberg. In addition to the telcons, the Archive/ProQuest online publication includes actual audio files of Kissinger's telephone conversations with Richard Nixon that were recorded automatically by the secret White House taping system.