# H-Diplo Forum 2021-1

## The Argentina Declassification Project: A Model of "Declassification Diplomacy" to Advance Human Rights—and History

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#### A Note from the H-Diplo Editors

The H-Diplo editors are pleased to publish the first in a new series of **Declassification Diplomacy** forums. Today we feature the **Argentine Declassification Project**, which Chair Peter Kornbluh succinctly summarizes as a three-year mission in which "several hundred archivists, analysts, Freedom of Information Act officers, and records managers... representing 16 different government agencies... devoted over 30,000 hours to identify and process approximately 47,000 pages of CIA, FBI, Defense Intelligence Agency, National Security Council, State Department and White House documents." The released documents represent "an extraordinary addition to the historical record of repression in Argentina."

Kornbluh further notes that "the ADP's unique combination of comprehensiveness, transparency, inclusivity, and sheer professional dedication to declassifying long-held and highly classified secrets of state set a new gold standard for U.S. Government declassification projects. Moreover, the ADP has established an invaluable model of 'declassification diplomacy'—a relatively recent new tool of U.S. foreign policy-making that utilizes the special declassification of documents to advance diplomatic relations with other nations. A full understanding and appreciation of the success of the ADP and the lessons it holds is critical for emulating this model of 'declassification diplomacy' in the future."

We would like to thank the National Security Archive's Carlos Osorio for his immense efforts in selecting and working with our excellent essayists, navigating numerous political and bureaucratic challenges, and fine-tuning the essays before submitting them to the H-Diplo editors. We are grateful to Peter Kornbluh, who not only chaired the forum but also devoted countless hours to its perfection, and to our contributors, whose thoughtful essays offer an invaluable "debriefing" on the entire project. We also thank the Archive's Tom Blanton, as well as Malcolm Byrne for suggesting this series and for facilitating its organization.

Fittingly, the forum is being published on 16 September, *La noche de los lápices*, which commemorates the kidnapping and disappearing of ten high-school students by security forces in La Plata on the nights of 16 and 17 September 1976. Six remain missing.

—Diane Labrosse, H-Diplo managing editor

#### "I believe we have a responsibility to confront the past with honesty and transparency."<sup>1</sup>

### --President Barack Obama, publicly announcing a special declassification project to release secret documents on Argentina, 23 March 2016

On 12 April 2019, more than 100 archivists, records management officials, Argentine diplomats, right-to-know advocates, and family members of human rights victims in Argentina, gathered in a reception room of the National Archives and Records Administration headquarters in Washington, D.C. for the first official "Declassification Diplomacy" ceremony ever held by the U.S. government. Normally, the declassification of U.S. documents is an unheralded, bureaucratic affair; but the formal release of highly detailed U.S. intelligence records on the "dirty war" of repression in Argentina carried the gravitas of a major human rights event. In his welcoming remarks, the Archivist of the United States, David Ferriero, addressed the victims' families in the audience, whose loved ones are among the estimated 30,000 who were 'disappeared' at the hands of the Argentine military regime between 1976 and 1983. "Using archival records, this project was designed to help families of victims find closure, peace and justice, ensure accountability and aid judicial processes," he stated. The archival records being released, Ferriero affirmed, "help tell the story of this period in Argentine history--and in our history." <sup>2</sup>

The ceremony marked the official culmination of the Argentina Declassification Project (ADP). Over three years, several hundred archivists, analysts, Freedom of Information Act officers, and records managers, representing 16 different government agencies, devoted over 30,000 hours to identify and process approximately 47,000 pages of CIA, FBI, Defense Intelligence Agency, National Security Council, State Department and White House documents—resulting in an extraordinary addition to the historical record of repression in Argentina. At the poignant "Declassification Diplomacy" ceremony held at the National Archives, U.S. officials turned over the final tranche of some 6000 documents to representatives of the Argentine government. An accompanying letter from President Donald Trump to Argentine President Mauricio Macri declared that this special release "constitutes the largest declassification of United States Government records directly to a foreign government in history."<sup>3</sup>

Beyond its size, the ADP was historic for several key reasons. First, in its content the documentation was the most revelatory of any recent discretionary declassification project. Unlike most declassified intelligence files, which are normally swathed in black redactions to protect sources and methods, the ADP documents were minimally censored. Many of them named names—including the names of the secret police perpetrators of heinous human rights crimes and even the names of the secret sources of the information in the document. Second, in terms of its conduct, the Project was the most participatory and transparent. Under the extraordinary leadership of the National Security Council's then Director for Access and Information Management, John Powers, U.S. officials respectfully incorporated the participation of all the key stakeholders in the ADP, among them the Argentine Embassy in Washington and the human rights organizations in Buenos Aires which, for years, have sought the truth, accountability, and closure for human rights crimes that these secret documents could potentially provide. Powers also reached out to "a vital resource," the National Security Archive's Argentina specialist Carlos Osorio, recruiting him as an essential non-governmental organization (NGO) partner for the project.

<sup>&</sup>lt;sup>1</sup> Office of the Press Secretary, "Remarks by President Obama and President Macri of Argentina at *Parque de La Memoria*," The White House, Buenos Aires, Argentina, 24 March 2016.

<sup>&</sup>lt;sup>2</sup> David Ferriero's comments, along with the entire set of presentations on April 12, can be viewed on YouTube: <u>https://www.youtube.com/watch?v=ZcIXnU2JPE0&t=1673s</u>

<sup>&</sup>lt;sup>3</sup> President Donald J. Trump to President Mauricio Macri, 11 April 2019, <u>https://nsarchive.gwu.edu/sites/default/files/thumbnails/image/letter.jpg</u>

Finally, in its mission to advance the historical record as well as the cause of human rights, the ADP was the most avowedly conscientious—and successful—of any U.S. government declassification project. In an effort to motivate the dozens of U.S. declassifiers working on the project, Powers repeatedly reminded them of the "real difference" to history and human rights they were making. "Not only were they helping the U.S. improve its diplomatic ties with Argentina, they were helping other human beings," he told them. "Potentially, they could help bring closure to the family of a missing victim, solve crimes, aid in the prosecution of torturers, and identify parents who illegally adopted a baby after the biological parents were killed. They were bringing history to life," he recounts in his book-length essay—the centerpiece of this H-Diplo publication—on how the ADP came to successful fruition. Powers assured them that "their work would help all Argentinians learn and understand the horror of the Dirty War so that they would not allow this history to repeat itself."

Indeed, the ADP's unique combination of comprehensiveness, transparency, inclusivity, and sheer professional dedication to declassifying long-held and highly classified secrets of state set a new gold standard for U.S. Government declassification projects. Moreover, the ADP has established an invaluable model of "declassification diplomacy"—a relatively recent new tool of U.S. foreign policy-making that utilizes the special declassification of documents to advance diplomatic relations with other nations. A full understanding and appreciation of the success of the ADP and the lessons it holds is critical for emulating this model of "declassification diplomacy" in the future.

That is the intention of this special H-Diplo publication. Organized by Carlos Osorio (my esteemed colleague at the National Security Archive), this collection of essays constitutes a comprehensive debriefing by the key players—both the U.S. government insiders as well as the outside stakeholders—who participated in this unique and consequential project. Their writings address, and answer, numerous critical questions: How did the ADP evolve? What obstacles in the secrecy bureaucracy did it encounter? How were those obstacles overcome? What factors contributed to the success of the ADP? And what are the lessons to be learned in order to replicate it in the future? "I would have liked to have conducted a detailed interagency 'lessons learned' exercise after the final release," Powers laments in his essay, addressing the lack of an internal, after-action review when the ADP concluded. "Had that occurred," he writes, "collectively we would have been able to identify different ways of moving forward for the next project." These essays, however, more than fill that void for forthcoming U.S. government approaches to ADP-style projects; and they will provide future officials, policy actors, academics, and right-to-know activists with a detailed, multi-faceted assessment of how the project began, progressed, and dramatically concluded.

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Equally significant, these essays illuminate the actual practice of "declassification diplomacy" in the conduct of U.S. foreign policy, and its invaluable impact. In his essay on the genesis of the ADP, Benjamin Gedan explains how President Obama transformed a political uproar over the ill-conceived timing of his March 2016 visit to Buenos Aires into a major, and meaningful, diplomatic gesture by authorizing the opening of U.S. intelligence archives to expose the secrets of Argentina's dark and sinister past. The Obama White House had inadvertently scheduled his trip on the 40<sup>th</sup> anniversary of the bloody military coup, triggering extensive protests from human rights groups and threats of street demonstrations against his presence. "Given the controversy over the date of Obama's visit, and the president's comfort addressing the U.S. legacy in Latin America with transparency and candor, we decided to incorporate the coup d'état anniversary in the president's agenda," Gedan recounts, noting that "as it turned out, it was a highlight of the trip."

Working behind the scenes, Obama's team arranged a joint anniversary visit with President Macri to the *Parque de la Memoria* in Buenos Aires, to pay tribute to the victims of repression during the dictatorship. In a display of diplomatic dexterity, Obama used that opportunity to dramatically announce the special declassification project. "[W]e wanted to make a meaningful contribution to Argentina's efforts to grapple with its difficult history and investigate and prosecute human rights abusers," Gedan recalls. "To do so," he explains, "we launched an ambitious campaign to declassify U.S. government records related to the 'Dirty War,' including, for the first time, military and intelligence records."

On 20 June2016, the White House Situation Room distributed a "tasker" to key U.S. national security agencies, ordering them to locate, review, and declassify secret intelligence records on repression during the era of dictatorship in Argentina. Formally titled "Argentina Declassification Project: Tasking Information and Schedule," the directive was drafted by Powers. "Agency staff conducting searches should err on the side of inclusiveness and provide all documents pertaining to human rights abuses related to Argentina," the tasker stated. "In reviewing documents, the President has directed that agencies release as much information as possible. Public disclosure is in the foreign policy interest of the United States."<sup>4</sup>

But even as the ADP was getting started, the diplomatic use of the documents as currency in U.S. foreign policy continued. Only five weeks after the tasker was distributed to the agencies, Powers relates in his essay, Secretary of State John Kerry's office requested that an initial tranche of declassified records be finalized for him to personally provide to President Macri as part of a new "U.S.-Argentina High Level Dialogue" meeting in early August 2016. A few weeks later, the Argentine Embassy informed the State Department that their government would hold a ceremony on 10 December 2016— International Human Rights Day—to honor the late Patricia Derian, who had done so much for Argentine victims of repression during her tenure as the first Assistant Secretary of State for Human Rights. Powers arranged for a second tranche of records to be released specifically to contribute to the success of that function. And in March 2017, when Macri became the first head of state to visit the Trump White House, the documents played a key role in his reception, as well as cementing Trump's rare support for continuing an Obama-initiated project in his new administration. As Powers writes: "Luckily, in looking for a deliverable for Macri's visit to the White House, the president liked the idea of providing Macri with newly declassified records."

Even before the majority of the documents were processed for release, as these essays make clear, the ADP created a foundation for positive U.S.-Argentine bilateral ties. In secure video conferences with the U.S. Ambassador to Buenos Aires, according to Powers, U.S. officials were told that "this project was the single most important action the U.S. government was undertaking to improve relations" with Argentina. "Because of what it represents to Argentina, both to its government and its people, the declassification project, and my work on it have been one of the most humbling and rewarding professional and personal experience of my diplomatic career," notes the first secretary of the Argentine Embassy, Sofia Machado, in her essay. "I learned about the power of diplomacy and how declassification can support international relations," writes Ellen Knight, who replaced Powers as director of the ADP in 2018. She notes that "the project was transformative in the way it reignited bilateral relations between the U.S. and Argentina."

In her essay, Knight recounts organizing the major "Declassification Diplomacy" event on 12 April 2019 when the final, and largest, tranche of revelatory records were officially presented to Argentina's Minister of Justice and Human Rights, Germán Garavano. I was privileged to be among the invited guests. And I can honestly say it was the most powerful U.S. government function I have ever witnessed.

Those who worked on the project felt the same. "I remember the ceremony as being extraordinarily moving," Knight recalls; "Audience members, including myself, were visibly overwhelmed by the speeches given and stories told. Tears poured down many faces during stories of how the declassification of these records would finally bring truth and justice to many families in Argentina who still had not received any information about the disappearance of their loved ones more than 40 years ago." In many cases, as Carlos Osorio reminded the audience in his poignant presentation, "the U.S. documents being turned over today to Argentina are, and will be, the only evidence of the fate of so many Argentinians at the hands of the military dictatorship."

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<sup>&</sup>lt;sup>4</sup> The tasker is included in a 51-page Department of Defense narrative report, pages 13 to 39: <u>https://www.intel.gov/assets/documents/argentina/narratives/DoD%20Narrative%20for%20ADP%20April%202019\_1.pdf</u>.

Indeed, since their release two years ago, Osorio points out in his essay, "the documents have been extremely valuable in Argentina's ongoing quest for justice, truth, and dignity for thousands of human rights victims and their families." The declassified collection has contributed to a number of ongoing human rights investigations in Argentina. One CIA intelligence report on a disappeared diplomat, as Sofia Machado reminds us, contained the actual street address of the secret detention center where he had been taken, tortured, and presumably killed—a detail that enabled an Argentine judge to locate, after decades of searching, what is believed to be the very first clandestine torture facility established by the secret police after the coup. A team of human rights investigators from the Ministerio Publico Fiscal, the office of the public prosecutor, has evaluated every document, paying close attention to the perpetrators who are named, as well as the identities and agencies of the sources of information. Osorio's office at the National Security Archive also continues to evaluate the records for their evidentiary value and newsworthiness; the Archive has posted key selections of ADP documents on its website, generating media coverage around the world. Osorio continues to oversee a special joint project conducted by undergraduates at William & Mary, as Professor Silvia R. Tandeciarz explains in her essay, to create a comprehensive data base of the records, which will facilitate their future accessibility for legal investigators, researchers, reporters, historians, and students in the future. Already, according to Osorio, the growing index is being shared as a research tool with key human rights agencies, among them the Abuelas de Plaza de Mayo, Centro de Estudios Legales y Sociales, and the Comisión Provincial por la Memoria, advancing the causes of truth, justice, and dignity in the Southern Cone.

Now, with the help of H-Diplo, the ADP enters a phase of self-assessment. Read together, these detailed essays from the veterans of the ADP highlight its precedent-setting value; like the documents themselves, these writings advance the historical record. Indeed, these recollections will be critical to current and future foreign policy actors and human rights activists who see the ADP as a model to be emulated, and seek to perfect the process for the next "declassification diplomacy" effort. "We hope that the success of this project—including the volume and transparency of the declassified records, its positive impact on U.S.-Argentine relations, its relatively low cost, and the way it demonstrated the longstanding U.S. commitment to human rights and justice—will encourage U.S. government officials to embark upon similar projects in the coming years," write State Department officials Sara Berndt and Keri Lewis in their assessment of the ADP.

But the final word goes to John Powers, who deserves special recognition for his meticulous, dedicated, and conscientious supervision of the ADP. "[T]his story can serve as both a roadmap and a cautionary tale for the next officials who lead a large Government-wide declassification project," he concludes. "I hope that this narrative will serve in essence as a lessons-learned history of the project."

#### Participants:

**Peter Kornbluh** directs the Cuba, Chile, and Brazil Documentation Projects at the National Security Archive where he has worked as a senior analyst since 1986. He is the author and co-author of several books, among them *The Pinochet File: A Declassified Dossier on Atrocity and Accountability* (The New Press, [2003]); *Back Channel to Cuba: The Hidden History of Negotiations between Washington and Havana* (with William M. LeoGrande University of North Carolina Press, 2014); *The Iran-Contra Scandal: The Declassified History* with Malcolm Byrne (The New Press, 1993) and *Bay of Pigs Declassified: The Secret CIA Report on the Invasion of Cuba* (The New Press, 1998). His articles have been published in *Politico, The Nation, Cigar Aficionado, Foreign Policy, The New York Review of Books*, the *New Yorker, The New York Times, Los Angeles Times*, and many other journals and newspapers. In September 2016, Kornbluh published an essay in the *Washington Post* on the Obama administration's "new tool of diplomacy: declassified documents" in which he coined the phrase "declassification diplomacy."

**Sara E. Berndt** is an historian at the U.S. State Department Office of the Historian. Since 2010, she has provided research and other historical support to policymakers, and compiled and edited documents on U.S.-Latin American relations for inclusion in the 150-year-old Foreign Relations of the United States series. Her *Foreign Relations* volume on U.S. policy in South America during the Jimmy Carter administration was published in 2018. She earned her Ph.D. in Latin American

history from the George Washington University in 2011 and her B.A. in history with honors from the University of Chicago in 2000.

**Benjamin N. Gedan** is deputy director of the Wilson Center's Latin American Program. He also serves as an adjunct professor at Johns Hopkins University. He is a former South America director on the National Security Council at the White House. Previously, he was responsible for Honduras and Argentina at the U.S. Department of State. Dr. Gedan is a former Fulbright scholar in Uruguay, and earned a Ph.D. in foreign affairs from the Johns Hopkins School of Advanced International Studies (SAIS). He graduated from Tufts University with a Bachelor's in international relations, and received a Master's in international economics and Latin American studies from SAIS. He is a term member of the Council on Foreign Relations. As a Latin America scholar, he has published analyses in *The Wall Street Journal, The Washington Post, The Miami Herald* and *Foreign Policy*, and his insights have been quoted by *The New York Times*, NPR, CNN, the *Financial Times*, *Bloomberg*, and the BBC.

**Tyler J. Goldberger** is a History Ph.D. student at William & Mary. His research focuses on historical memory, concentrating on place, space, and cultural productions following civil wars and human rights violations in the United States, Spain, and Latin America. In particular, he investigates the roles of monuments, memorials, and mausoleums in shifting the political and cultural landscapes of regions attempting to commemorate and reconcile their pasts. He has incorporated public history and digital humanities methodologies into his scholarship in order to make his work more widely accessible. Tyler earned his MA in History from William & Mary in 2020 and BA in History and Spanish from Duke University in 2019.

**Ellen Knight** is a seventeen-year career professional of the Federal Government with expertise in policy development, information management, and information security. She currently serves as a Policy Analyst in the Office of the Federal Chief Information Officer at the Office of Budget and Management in the Executive Office of the President. Previously she served as Senior Director for the Records Access and Information Security Directorate at the National Security Council, where she was responsible to the Assistant to the President for National Security Affairs as the subject matter expert on all matters related to White House and NSC programs for information management, classification, and declassification review. Ellen began her tenure at the NSC first as Director for Access Management, where she led the completion of the Argentina Declassification Project. Prior to her time at the NSC, Ellen served as a Senior Program Analyst at the Information Security Oversight Office, where she focused on developing security classification policies and conducting government-wide oversight for classifying, declassifying, and safeguarding national security information. She also served as an Archivist at the National Archives, where she reviewed the Nixon tapes for public access. Ellen spent time in the Intelligence Community as an Archivist at the School of Information Studies at the University of Maryland College Park.

**Keri Lewis** is Director, Office of Access and Information Security Management, National Security Council. She has fifteen years of experience in information management, policy, and security working for both the National Security Council and the Department of State. She currently leads a team of analysts responsible for the review and declassification of White House and NSC records for public access as the Director for Access and Information Security Management, an office in which she served previously during both the Bush 43 and Obama administrations. Keri also served at the Department of State in several capacities, including as a Branch Chief in the FOIA Division and as the lead coordinator for several significant declassification initiatives—specifically, as the Project Manager for the Argentina Declassification Project, the lead declassification coordinator for the Foreign Relations of the United States series, and as the Department of State Liaison to the Interagency Security Classification Appeals Panel. Keri received her Ph.D. in History from the University of New Hampshire in 2008.

First Secretary **Sofia Machado** is a career diplomat currently serving in the Human Rights Bureau of Argentina's Ministry of Foreign Affairs, International Trade and Worship. From March 2015 to January 2021, she was posted to the Embassy of

Argentina in Washington D.C. where she served in the Political Affairs Section and was in charge of the human rights portfolio, among other issues relevant to the Argentina-US bilateral agenda. Previously, from 2014 to 2015, she worked at the Foreign Ministry's Office of the Undersecretary for Latin American Economic Integration and MERCOSUR and from 2012 to 2014 at the Bureau of MERCOSUR's Economic Affairs. She joined the Foreign Service in 2010. Secretary Machado holds a bachelor's degree in International Trade (2007) and a Master of Arts in Global Policy from the Paul H. Nitze School of Advanced International Studies (SAIS) - The Johns Hopkins University (2018)

**Carlos Osorio** is the National Security Archive's director of the Southern Cone Documentation Project. Carlos's work has helped bring about the release of thousands of documents into the public record and contributed directly to high profile trials and human rights memory projects in Argentina, Paraguay, Uruguay, and elsewhere. Most recently, he served as an adviser to the U.S. government's Argentina Declassification Project, begun under President Obama in 2016 and continued under President Trump, which by 2019 had turned over more than 7,000 previously classified records – 48,000 pages – to the government of Argentina.

Documents he obtained and authenticated provided key evidence and multiple convictions in the 2015 and 2016 trials on Operation Condor in Buenos Aires and Rome, respectively; in the 2012 case against former Argentina dictators Videla and Bignone in the infamous baby kidnapping case; and in the landmark trial of former Uruguayan dictator Juan Bordaberry, convicted in 2010 on human rights charges for overthrowing the constitution. He has also provided authenticated documentary evidence for dozens of current prosecutions in Argentina including the Campo de Mayo cases and the Operation Condor prosecution. In 2015, Carlos received a special award from the Argentine Embassy in Washington "for his contribution in the fight for human rights during the Argentine civic-military dictatorship."

John Powers is the Associate Director of the Information Security Oversight Office at the National Archives and Records Administration (NARA). He leads a team of analysts in advising Government agencies on policies for classifying, declassifying, and safeguarding national security information. He manages the work of the Interagency Security Classification Appeals Panel, the Government's highest appellate body for resolving classification and declassification determinations. John also serves as the senior staff officer for the Public Interest Declassification Board, an independent board tasked with making recommendations to improve the security classification system. Under his leadership, the Board published four reports to the President, including most recently, *A Vision for the Digital Age: Modernization of the U.S. National Security Classification and Declassification System*.

Previously, John served for 38 months as the Director for Access and Information Management on the National Security Council staff at the White House. He led a team responsible for reviewing and declassifying White House and NSC records for public access, including records for the Department of State's Foreign Relations of the United States series. He conceived of and led the U.S. Declassification Project for Argentina that involved 16 other departments and agencies. John also co-led the interagency process that resulted in the declassification of historical President's Daily Briefs from the Kennedy, Johnson, Nixon, and Ford administrations. John began his NARA career in 1991 as an archives aid at the Nixon Presidential Materials Project, eventually serving as the Acting Director in 2007. He archivally processed and declassified the Nixon tapes and Nixon's NSC papers and spent two years at the Lyndon B. Johnson Presidential Library declassifying LBJ's secret recordings. John has a B.A. in International Relations from the College of William & Mary and a M.A. in American History from George Mason University.

Silvia R. Tandeciarz is Chancellor Professor of Modern Languages and Literatures at William & Mary, where she has worked since 1999. A public facing humanities scholar in the field of Latin American Cultural Studies, she has published widely on the intersections between memorial and human rights initiatives in the Americas. Her most recent book, *Citizens of Memory: Affect, Representation, and Human Rights in Postdictatorship Argentina* (Bucknell University Press, 2017) studies how remembrance, redress, and social justice inform recovery from collective trauma. As an extension of her research interests, Professor Tandeciarz has partnered with scholars, activists, and practitioners here and abroad to offer students signature opportunities highlighting the privileges and responsibilities of global citizenship. Chief among these are the semester-long study abroad program in La Plata, Argentina focused on human rights that she helped to develop; and the

National Security Archive Research Internship that she leads with Professor Betsy Konefal. Professor Tandeciarz holds a B.A. and M.A. in English from Stanford University and a Ph.D. in Literature from Duke University.

## Benjamin N. Gedan on "President Barack Obama and the Origins of the Argentina Declassification Project"

President Barack Obama's 2016 trip to Buenos Aires symbolized a renewal of friendly U.S. relations with Argentina after a decade of diplomatic estrangement. The initial response, however, was unfriendly.

I served as a South America director on the National Security Council staff when the White House announced the trip in February 2016. In the United States, the first stop on Obama's itinerary, Havana, Cuba, vacuumed up most public attention.<sup>5</sup> In Argentina, Obama's planned visit made headlines, though not for the reasons we had hoped.

As it turned out, Obama's stop in Buenos Aires overlapped with the 40th anniversary, on 24 March 2016, of the 1976 military coup d'état that installed Argentina's last dictatorship. The subsequent seven-year period, widely known as the "Dirty War," led to the murder of as many as 30,000 Argentine citizens, according to the findings of the *Comisión Nacional sobre la Desaparición de Personas* (National Commission on the Disappeared), which released its "*Nunca Más*" ("Never Again") report in 1984.<sup>6</sup>

The United States was not a passive observer to these events. In an infamous exchange in 1976, U.S. Secretary of State Henry Kissinger suggested to his Argentine counterpart, Admiral Cesar Augusto Guzzetti, that the U.S. did not object to the regime's purge of its perceived domestic enemies. "If there are things that have to be done," Kissinger said, "you should do them quickly."<sup>7</sup>

Obama's visit would not only carry this weighty historical baggage. In 2016, Argentina was a sharply divided society, as it is today. Center-right President Mauricio Macri had won the November 2015 election with only 51 percent of the vote. He was deeply mistrusted by supporters of his predecessors, Néstor Kirchner (2003 to 2007) and Cristina Fernández de Kirchner (2007 to 2015). That included the leadership of Argentina's top human rights groups, who had worked closely with the Kirchner administrations to identify "Dirty War" human rights abusers and hold them accountable.

The U.S. "was complicit in the coups d'état in the past and present in this region," Nobel laureate Adolfo Pérez Esquivel wrote to Obama. Obama's planned visit, he said, would be widely seen as a "provocation,"<sup>8</sup> and should be rescheduled. Nora Cortiñas, a co-founder of the *Madres de Plaza de Mayo* (Mothers of Plaza de Mayo), a legendary human rights group, called the visit's timing an "offense to the Argentine people, to the victims and families."<sup>9</sup>

<sup>&</sup>lt;sup>5</sup> Juliet Eilperin and Karen DeYoung, "The Obamas to Make Historic Trip to Cuba, Argentina Next Month," *The Washington Post*, 18 February 2016, <u>https://www.washingtonpost.com/news/post-politics/wp/2016/02/18/the-obamas-to-make-historic-trip-to-cuba-argentina-next-month/</u>.

<sup>&</sup>lt;sup>6</sup> The U.S. Institute of Peace has provided an English language summary of the "Nunca Más" report, <u>https://www.usip.org/publications/1983/12/truth-commission-argentina</u>.

<sup>&</sup>lt;sup>7</sup> The National Security Archive, "Kissinger to the Argentine Generals in 1976: 'If There Are Things That Have to Be Done, You Should Do Them Quickly,'" <u>https://nsarchive2.gwu.edu/NSAEBB/NSAEBB133/index.htm</u>.

<sup>&</sup>lt;sup>8</sup> "Carta de Adolfo Pérez Esquivel a Barack Obama: 'Te escribo como sobreviviente del horror,'" Infobae, 3 March 2016, <u>https://www.infobae.comhttp://infob.ae/10Tl5BV</u>.

<sup>&</sup>lt;sup>9</sup> Uki Goñi, "Obama Reorganizes Visit to Argentina to Avoid 1976 Coup Anniversary," The Guardian, 4 March 2016, <u>https://www.theguardian.com/world/2016/mar/04/obama-urged-not-visit-argentina-40th-anniversary-military-coup</u>.

Though the scheduling was unfortunate, it was not negotiable given the president's packed agenda for his last year in office and the long build-up to his Cuba visit. Indeed, this was Obama's last trip to Latin America as president, other than a brief stop in Peru for an Asia-Pacific Economic Cooperation (APEC) summit.

The awkward timing created a challenge for Obama's Latin America team. His visit to Buenos Aires would be short and our list of objectives was long. We were negotiating agreements and joint statements on climate change, trade, civilian nuclear energy, peacekeeping, and refugees.<sup>10</sup> Though the president would spend only one full day in Buenos Aires, his merely setting foot in the city was historic. The last time a U.S. president had visited Argentina was 11 years earlier, in 2005, when George W. Bush attended a tense regional summit in Mar del Plata.

Given the controversy over the date of Obama's visit, and the president's comfort addressing the U.S. legacy in Latin America with transparency and candor, we decided to incorporate the coup d'état anniversary in the president's agenda. As it turned out, it was a highlight of the trip.

To acknowledge the anniversary, we organized an event at the *Parque de la Memoria*, on the Buenos Aires waterfront, where Obama and Macri would review the names of "Dirty War" victims inscribed on a memorial wall and toss white roses into the Río de la Plata, a grave for the victims of the dictatorship who had been thrown out of military planes.

But we also concluded that the occasion called for more than symbolism. Rather, we wanted to make a meaningful contribution to Argentina's efforts to grapple with its difficult history and investigate and prosecute human rights abusers. To do so, we launched an ambitious campaign to declassify U.S. government records related to the "Dirty War," including, for the first time, military and intelligence records.

Not all of our colleagues supported our approach. At the State Department and the U.S. Embassy in Buenos Aires, some diplomats understandably resisted introducing any theme that would expose the United States to criticism or distract from the reset in diplomatic ties. Others worried about potential protests; they recommended Obama immediately depart Buenos Aires on the morning of the anniversary for an early start to his vacation with the first lady and his daughters in the Patagonian city of Bariloche.

Within the U.S. government, declassification is rarely a crowd pleaser. Outside the State Department – where diplomats generally value the opportunity to win goodwill abroad – many officials question the value of declassification, with its enormous investment of human resources and the potential for producing unflattering historical revelations, such as the 1976 Kissinger memorandum. The Argentina project – involving over 14 U.S. government agencies, including the Central Intelligence Agency and the Federal Bureau of Investigation – would require significant hunting in archives and onerous document reviews and debates over possible redactions. Not surprisingly, in the intelligence community, including the Defense Intelligence Agency, there is a reflexive reluctance to release government secrets.

Nevertheless, we rushed to launch the declassification effort, which would require a rapid and ambitious mobilization of U.S. government personnel. It quickly became the centerpiece of Obama's trip planning.

To reframe the conversation about Obama's Argentina visit, and to demonstrate our seriousness to our U.S. government colleagues, we decided that National Security Adviser Susan Rice would announce our declassification pledge in her pre-trip

<sup>&</sup>lt;sup>10</sup> "Fact Sheet: United States – Argentina Relationship," The White House, 23 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/23/fact-sheet-united-states-%E2%80%93-argentina-relationship-0.</u>

remarks at the Atlantic Council. "On this anniversary and beyond," she said, "we're determined to do our part as Argentina continues to heal and move forward as one nation."<sup>11</sup>

In Buenos Aires, at his joint press conference with Macri in an ornate hall in the Casa Rosada presidential palace, Obama highlighted his planned visit to the *Parque de la Memoria*. The declassification project, he said, would "prove that this is more than just a symbolic gesture."<sup>12</sup> He returned to that theme the following day at the "Dirty War" memorial, where he explained the motivations for the declassification project, including the importance of confronting past U.S. foreign policy decisions "with honesty and transparency." The United States should "have the courage to acknowledge when we don't live up to the ideals that we stand for; when we've been slow to speak out for human rights," he said. "That was the case here."<sup>13</sup>

Obama's remarks also highlighted our intention to promote Argentina's human rights investigations. He noted that a previous U.S. government declassification effort, in 2002, had produced over 4,000 State Department cables and other documents, and furnished evidence that was later presented in several human rights trials in Argentina. The new records, he said, would "continue helping the families of the victims find some of the truth and justice they deserve."<sup>14</sup> The Argentine Foreign Ministry praised our initiative as "a valuable contribution to the process of memory, truth and justice."<sup>15</sup>

However, our commitment to declassify sensitive U.S. government records did not fully assuage critics of the visit. From the presidential motorcade in Buenos Aires, I saw no sizable protests on the anniversary of the 1976 coup d'état. But we had plainly failed to depoliticize the subject. Macri's critics, for example, still doubted his commitment to prosecutions of alleged human rights abusers. Major human rights groups declined to attend the riverside ceremony with the two presidents.

Human rights groups celebrated our "declassification diplomacy;" Horacio Verbitsky, a leftist icon and the president of the *Centro de Estudios Legales y Sociales*, acknowledged the importance of the initiative: "We must celebrate Obama's recognition and homage to the victims of the dictatorship," he said. <sup>16</sup> But many human rights leaders were unwilling to credit Macri for requesting the records, or appear alongside him during Obama's visit to the "Dirty War" memorial.

<sup>13</sup> "Remarks by President Obama and President Macri of Argentina at Parque de la Memoria," The White House, 24 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/24/remarks-president-obama-and-president-macri-argentina-parque-de-la</u>.

<sup>14</sup> "FACT SHEET: Argentina Declassification Project," The White House, 12 December 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/12/12/fact-sheet-argentina-declassification-project.</u>

<sup>15</sup> "EE.UU. entregará documentos desclasificados de la última dictadura militar," Argentine Foreign Ministry, 24 March 2016, <u>https://cancilleria.gob.ar/es/actualidad/noticias/eeuu-entregara-documentos-desclasificados-de-la-ultima-dictadura-militar</u>.

<sup>&</sup>lt;sup>11</sup> "U.S. to Declassify Records about Argentina's 'Dirty War,'" *Reuters*, 17 March 2016, <u>https://www.newsweek.com/argentina-dirty-war-us-intelligence-military-declassify-obama-438219</u>.

<sup>&</sup>lt;sup>12</sup> "Remarks by President Obama and President Macri of Argentina in Joint Press Conference," The White House, 23 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/23/remarks-president-obama-and-president-macri-argentina-joint-press</u>.

<sup>&</sup>lt;sup>16</sup> Graciela Mochkofsky, "Obama's Bittersweet Visit to Argentina," *The New Yorker*, 23 March 2016, <u>https://www.newyorker.com/news/news-desk/obamas-bittersweet-visit-to-argentina</u>.

Cortiñas, of the Mothers of Plaza de Mayo, called Obama "a representative of death."<sup>17</sup> "NOBAMAS" posters around Buenos Aires advertised demonstrations. Pérez Esquivel, the Nobel laureate, joined the protests.

Nor did we dedicate the trip exclusively to this theme, notwithstanding its importance. Obama also visited a memorial to victims of the 1994 bombing of the AMIA Jewish community center. He spoke to young Argentines in a town hall-style conversation at the Usina Del Arte cultural center in the La Boca neighborhood. He danced the tango at a state dinner in the former Buenos Aires Central Post Office.

The extensive and diverse list of agreements we announced rapidly rebuilt an important diplomatic relationship that had atrophied over more than a decade. Following the trip, in a reception in Washington with U.S. and Argentine lawmakers, Eliot Engel, at the time the top Democrat on the House Foreign Affairs Committee, acknowledged the value of Obama's visit. "While recent press attention has understandably been focused on President Obama's historic visit to Cuba, his visit to Argentina is no less important," he said. "Both Argentine President Mauricio Macri and President Obama have made it clear that they value a renewed partnership between our two countries. I could not agree more."<sup>18</sup>

Obama's visit catalyzed frenzied attempts to take advantage of the diplomatic opportunities, and a long list of senior U.S. officials boarded flights to Buenos Aires. Still, the declassification initiative was a significant achievement; it was simple to communicate, appealed to a broad segment of Argentine society, and advanced the Obama administration's bridge-building throughout Latin America. Moreover, our high-profile rollout, first by the national security adviser and soon afterward by the president himself, conveyed to U.S. government agencies the urgency of complying with our declassification pledge after Air Force One had departed Argentina.

The United States honored that promise, during the Obama administration and under his successor. And it did so with flair. Secretary of State John Kerry personally delivered the first tranche of declassified records, 1,000 in all, to Macri in a visit to Buenos Aires in August 2016. In December 2016, the U.S. government handed over a second set of records at a ceremony honoring Patricia Derian, the first assistant secretary of state for human rights and humanitarian affairs, a position President Jimmy Carter created. After Obama left office it was not clear the declassification initiative would survive the transition. But when Macri met with President Donald Trump in the Oval Office in April 2017, he walked away with a new set of declassified documents.<sup>19</sup> Two years later, in order to transfer the final installment of the largest government-to-government declassification release in U.S. history, Archivist of the United States David Ferriero hosted Argentine Minister of Justice and Human Rights Germán Carlos Garavano at the National Archives. "The project is unparalleled for its scope and breadth," Ferriero said. "The lessons from these records, and from survivors and those who seek truth and justice for the people of Argentina, are meaningful and offer hope for the future."<sup>20</sup>

<sup>&</sup>lt;sup>17</sup> Peter Prengaman and Josh Lederman, "Obama: US Slow to Speak out for Human Rights in Argentina," *Associated Press*, 24 March 2016, <u>https://apnews.com/13e3cdcbf79f4a34bcaf3f3cba201cbd</u>.

<sup>&</sup>lt;sup>18</sup> Eliot Engel, "Engel Statement on President Obama's Visit to Argentina," 23 March 2016, https://foreignaffairs.house.gov/2016/3/engel-statement-president-obamas-visit-argentina.

<sup>&</sup>lt;sup>19</sup> "Joint Statement from President Donald J. Trump and President Mauricio Macri," the White House, 27 April 2017, https://www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-president-mauricio-macri/.

<sup>&</sup>lt;sup>20</sup> David S. Ferriero, "Remarks for 'Declassification Diplomacy: The United States Declassification Project for Argentina," National Archives, 12 April 2019, <u>https://www.archives.gov/about/speeches/2019/declassification-diplomacy</u>.

#### Sara Berndt and Keri Lewis on "Declassification Diplomacy: An Inside Perspective"

When the Argentina Declassification Project was announced in March 2016, we were serendipitously well-positioned to support it from inside the U.S. government.<sup>21</sup> When approached about this project, we both immediately understood the profound effect it could have and we supported it wholeheartedly. We are both experts in the history of U.S. policy in the Americas, in how the different agencies of the U.S. government have organized their records, in the nitty-gritty processes of declassification, in the successes and failures of past declassification projects, and in how declassified records have influenced processes of justice and healing in many countries in the Americas. We worked directly on the project for over three years, often full time. We provided informed guidance, historical context, research skills, and the perspective of trained historians, both inside our agency and for the project managers at the National Security Council (NSC). Our multifaceted roles reflected the many ways that professional historians can contribute to the success of government declassification projects.

Berndt is a historian in the U.S. Department of State's Office of the Historian. She compiled the Foreign Relations volume on U.S. President Jimmy Carter's policy toward South America<sup>22</sup> and served as an historical advisor and spot researcher for the NSC. She provided critical historical context for the NSC, advised on which still-closed government records might be relevant, and researched what information had been previously declassified. From the earliest stages, Berndt served as a key advisor to the NSC on the project plan. State Department historians who compile the Foreign Relations series routinely do research in the classified archives of multiple U.S. government agencies, often before those records have been organized by professional archivists. This experience made her uniquely qualified to advise the NSC on a number of thorny questions about historical records organization and helped the NSC to structure a project plan so that the agencies were best positioned to productively structure their searches for documents. With the assistance of several Office of the Historian colleagues, especially Nathaniel Smith, she wrote short histories and briefed officials from various agencies on the history of the Argentine military junta and U.S. policy under Presidents Gerald Ford, Jimmy Carter, and Ronald Reagan. In addition, the Office of the Historian was able to prioritize the production of the Foreign Relations volume she had compiled and offered that volume as one of the deliverables during Argentine President Mauricio Macri's visit to Washington in 2017. The Office was also able to reach agreement with its interagency partners so that it could offer all of the documentation she had previously collected in the course of compiling the Foreign Relations volume to the NSC to be included in the declassification project. Throughout the project, she served as a spot researcher, searching for documentation when it was difficult to find. Before each release, she also advised both the NSC and colleagues in the State Department about which tobe-released records might be viewed as most interesting by media and researchers.

Lewis was working with the Systematic Review Program at the Office of Information and Program Services at the time the project was announced and was appointed as the Project Manager to oversee the Department of State's submission to the NSC. She managed the research, review, and release of the Department's records, capitalizing on her experience as a historian, her expertise in declassification, and her past professional experience at the NSC. Lewis applied the most expansive interpretation of the NSC's directive to the Department of State's portion of the project so as to include all documentation that was relevant to the spirit of the NSC's guidance. This included expanding the timeframe of her search through 1985, to include those records that detailed Argentina's transition to democracy and the Trial of the Juntas. While not directly responsive, these records were relevant to the spirit of Argentina's request and Lewis successfully argued that their inclusion would advance the U.S. interest in transparency. In addition, she advised the NSC on the Department of State's historical records and on U.S. government information which had been previously declassified. She ensured that all potentially relevant records were identified by conducting multiple searches of electronic and paper records both at the

<sup>&</sup>lt;sup>21</sup> This essay reflects the views of the authors but does not necessarily reflect the official position of the U.S. Government or the Department of State.

<sup>&</sup>lt;sup>22</sup> Foreign Relations of the United States, 1977-1980, Volume XXIV, South America; Latin America Region (Washington, D.C.: United States Government Publishing Office, 2018), <u>https://history.state.gov/historicaldocuments/frus1977-80v24</u>

Department of State and in its files at the National Archives and Records Administration; managed the team of nine reviewers who marked State's records for declassification and release; coordinated with multiple agencies on the release of this information; wrote the narrative outlining the search method; and managed the releases of each set of State's declassified documents.

For both of us, our goals for this project were ambitious from the start. We were determined to see as much information provided to the government of Argentina as possible, within the legal and privacy restrictions that govern the release of U.S. government information. We actively supported the NSC as it educated officials and reviewers about the profound importance of this project for human rights and justice in Argentina, for U.S.-Argentina relations, and for setting precedents about how the U.S. government can use and implement declassification in the future. We provided research on the history of U.S policy toward Argentina and on the sheer volume of information that had been previously declassified and released by the U.S. government. We wanted to bolster the NSC's access to historical knowledge, as it appealed to the agencies to find and release information.

There were many challenges to the project, but the two most significant were the lack of resources allocated to the project and the agencies' perennial concerns surrounding the release of even the oldest classified records. The NSC Executive Secretary's June 2016 tasker, which instructed the agencies to provide their records in support of the project, did not provide the agencies with funds, extra personnel, or an extension on other declassification-related deadlines, thus requiring cash-strapped agencies to complete this task in conjunction with other requirements. Due to resource constraints and competing priorities, it is nearly impossible for the agencies to prioritize records management and declassification in the way interested members of the public wish they would. In addition, there are a limited number of officials at any agency who have the power to make decisions on declassification, and those officials tend to be cautious about releasing even the oldest classified information. We were pleased when—because of the age of the records, their importance for the pursuit of human rights, and the high-level interest inside the U.S. government in the project—the NSC directed agencies to release as much information as possible, waiving many restrictions that might have kept vital information from being released. Even with the NSC's direction, the agencies struggled to release some information, citing national security concerns.

Despite these challenges, the Argentina declassification project produced more publicly available, highly transparent records than any previous special U.S. government declassification project. In total, over 7,000 records encompassing over 48,000 pages were declassified by 14 agencies. Those pages are 97 percent declassified, a remarkably low rate of redaction far below the rate achieved in a normal declassification process. In addition to their official release directly to the government of Argentina, these documents were posted online for anyone with an internet connection to read at <a href="https://www.intelligence.gov/argentina-declassification-project">https://www.intelligence.gov/argentina-declassification-project</a>. They will also be available in a single collection at the Trump Presidential Library.

The records were publicly released in four tranches over the course of two and a half years, at ceremonies attended by highlevel officials from both countries. The last release, at the U.S. National Archives and Records Administration in Washington, D.C., in April 2019, exceeded our wildest dreams for the project. With relatives of the disappeared and those who had dedicated their professional lives to memory and transparency in attendance, the Archivist of the United States presented the records to the Argentine Minister of Justice. In an exceptional demonstration of the importance of this release, a letter from the U.S. President was read as high-level representatives of U.S. military, intelligence, and foreign affairs agencies mingled with activists and archivists. A video of the ceremony is available to the public at https://youtu.be/ZcIXnU2JPE0.

We believe that there are five main reasons for this declassification project's success. First, at the project's inception in 2016, President Obama and officials at the NSC conceived of the project very ambitiously. They directed multiple agencies to release records about a topic that was broadly conceived and that covered a long time period. This plan was a notable contrast to previous declassification projects, which had been conceived much more narrowly. The previous projects, such as those in the 1990s that released information about Chile, Guatemala, and El Salvador, began at one or two agencies with very specific inquiries related to one discrete event or a few names. NSC officials in 2016 also linked the project both to

longstanding U.S. priorities and to the interest of a broad majority of Argentines in knowing the truth about their history. This ensured that the agencies fulfilled the spirit as well as the letter of the tasker.

This framing served the project well in the long run, allowing it to flourish even in a deeply polarized Washington climate. The Trump administration gave the project wholehearted support, even handing over declassified records to President Macri as part of a White House visit in April 2017. Several U.S. government declassification projects have been promised by a president of one political party and then completed by a president of the other party—for example, a previous Department of State declassification project related to Argentina was begun in 2000 under Secretary Madeleine Albright during the Bill Clinton administration, and completed in 2002 under Secretary Colin Powell during the George W. Bush administration.<sup>23</sup> While we suspect that factors discussed below were key reasons for this continuity, the ambitious, conscientious framing of the project in 2016 certainly helped. When questions arose from the agencies about how much time to take to search their records or exactly how to redact certain documents, NSC officials were able to point to the original framing and its support from two presidents to urge a very broad search and as much transparency as possible.

The second factor, which was absolutely fundamental to the success of this project, was strong leadership and a far-reaching vision from the NSC Records Access and Information Security Management Office, especially Director for Information Access Management John Powers. We knew that pressure from the NSC had helped to resolve and overrule the agencies' concerns about the release of information about Chile in 2000. We have also seen how officials from the NSC have continuously played a positive role in the responsible release of both mundane and sensitive information in the *Foreign Relations* series. The NSC's three-year pressure campaign ensured that the agencies prioritized and implemented the Argentina declassification project in a detailed, transparent, and consistent way that is deeply unusual for any type of declassification. Officials with the NSC set the tone and the pace for participating government agencies with a June 2016 project plan that included well-defined deliverables, an eleven-page search term tasker, a list of records for the agencies to search, and a list of criteria by which information must be released. This was not a project that relied on the agencies to stick to their plans with three years of periodic in-person meetings, during which time they were required to report on their progress and on challenges that might disrupt the deliverables. This was a critical component to the success of this project, and one that played out largely outside of public view.

A key part of the NSC's visionary planning was its early decision to cultivate positive relationships with NGOs in both the United States and Argentina that had an inherent interest in this project. The NSC asked for help from NGOs at the beginning of the project, and briefed them at key moments about the challenges, the progress being made, and the possibilities for releases. These relationships paid major dividends. We were able to draw on experts outside the government when we had questions about Argentine history or the information that was already publicly known from a multitude of sources. It also helped ensure that the project did not receive damaging public criticism before it was possible to finish it— criticism which may have made it much more difficult to garner cooperation from agency officials. None of this would have happened without an early decision by the NSC to reach out to these groups for advice, support, and constructive criticism.

Third, politics mattered; frankly, it helped that the Argentine government in power at the time was widely considered friendly to Washington and was not aligned with countries that were viewed as antagonists. It also mattered that President Donald Trump and President Macri had a preexisting personal relationship. For mid-level U.S. government officials with limited time and limited access to resources and high-level attention, it makes sense to prioritize projects that will benefit trusted international partners. We both understood and cultivated this reality. The public good of declassification projects related to human rights can certainly flourish when it is separate from politics. However, politics helps to maintain high-level visibility, which can translate into resources and support as multiyear projects strain agency commitments. We were grateful to be able to repeatedly marshal the argument that the friendly Argentine government clearly wanted this project to

<sup>&</sup>lt;sup>23</sup> See <u>https://foia.state.gov/Search/Collections.aspx</u> under the heading "Argentina Declassification Project."

produce results, and that the U.S. government was capable of delivering it without controversy or additional appropriations. This was among the more effective arguments that we used.

Fourth, the length of time that had passed made these documents easier to declassify. As important as this project is for public knowledge about human rights violations and the history of Argentina and U.S. policy, it was much easier to achieve this level of transparency because of the age of the records and because the topic was not controversial for the U.S. government. U.S. policy did not influence events in Argentina in the 1970s in the same way that, for instance, U.S. policy influenced events in Central America in the 1980s or in Chile in the early 1970s. At the same time, previous U.S. government declassification projects—about human rights in Chile, El Salvador, Guatemala, and Brazil—paved the way for this project. Information about hot-button issues, which were made controversial by past U.S. involvement, is inherently more difficult to declassify. U.S. declassification officials are required to consider the potential effects that document releases can have on U.S. relations with other nations, and on the past sources of that information.

Finally, the government of Argentina strongly supported the project throughout its duration. Senior officials of the Argentine government consistently asked different officials in Washington to complete the project as comprehensively as possible and listened when U.S. officials explained that more time was needed. This meant that high-level U.S. officials understood that the project, which gobbled up attention and time that could have been directed to other things, was important to Argentina. They understood that it was not a "pet project" that would interest only journalists and historians like us. In addition, there appeared to be no opposition in Argentina to releasing these records, making the project uncontroversial and thus easier for government officials from both countries to lend their wholehearted interest and support.

From our perspective, the impact of the project has been both gratifying and difficult to gauge. By April 2019, with the final release of the declassified documents, our work was over—just as the work of public researchers to read and use the declassified documents was beginning. On our own initiative, we have tried to keep track of the press coverage of the release and of how the documents are being used by researchers, attorneys, students, and families of the disappeared. We were both thrilled and saddened to learn, as early as May 2019, of the many cases of disappearances that had been clarified by information that was newly available in the declassified documents. But it has been difficult for us to get a stream of reliable information about how the documents are being used, in Argentina and elsewhere, by scholars, lawyers, students, and NGOs.

As advocates of responsible transparency inside the U.S. government, it is important for us to have as much information as possible about the impact of special, successful declassification projects both in the United States and abroad. This includes constructive criticism of those projects as well as information about how declassified documents are being used. Is there any evidence of a longer-term effect on U.S. relations with Argentina? Do projects like this one influence U.S. relations with neighboring nations, or countries in other regions? Are students using them in coursework? Are new books and dissertations using them to build arguments about Argentine or U.S. history and policy? Are attorneys submitting them into evidence in trials? Are families reading them and learning more about the fate of their loved ones? Are redactions frustrating or confusing, or do they not obscure very much about the main thrust of the information in the documents? Are there references to other documents that researchers cannot find? All of these are issues that we wonder about, and we would welcome comments from the public.

We hope that the success of this project—including the volume and transparency of the declassified records, its positive impact on U.S.-Argentine relations, its relatively low cost, and the way it demonstrated the longstanding U.S. commitment to human rights and justice—will encourage U.S. government officials to embark upon similar projects in the coming years. But the road was not easy. In order to make this a positive precedent, we need the governments of other countries, researchers, human rights activists, journalists, families, and many others to understand the unique factors that allowed this project to thrive. Many of them are not under any one person's direct control. This can be a difficult fact to internalize, but it is essential to planning how we can, collectively, continue to pursue declassification, knowledge, justice, and healing.

I came to the National Security Council (NSC) in August 2018 to serve as the Director of Access Management in the Records Access and Information Security Management directorate.<sup>24</sup> My career has been dedicated to the field of information management, specifically focusing on managing national security-related information and the oversight of government programs. I was asked to apply for the position at the NSC by the then-Senior Director, Mr. John Fitzpatrick.

Prior to serving at the NSC, I held the position of Senior Program Analyst at the Information Security Oversight Office (ISOO) at the National Archives and Records Administration (NARA). I worked in the Classification Management Directorate at ISOO for more than eight years before my detail. While at ISOO, I supported the Interagency Security Classification Appeals Panel and the Public Interest Declassification Board and participated in an oversight program to evaluate agency declassification decisions. I also led an effort to re-evaluate ISOO's data collection methods and transformed ISOO's Annual Report to the President at the behest of the Director of ISOO. Prior to joining ISOO, I served as a declassification review archivist at the Nixon Presidential Materials Project, where I was responsible for reviewing President Nixon's secretly-taped conversations and conducting research to determine which portions could be declassified. Before coming to NARA, I worked as an Archivist at the National Security Agency, gaining critical experience in the Intelligence Community (IC). I hold a master's degree in Library Science from the University of Maryland's School of Information Studies and am on track to complete a master's degree in Public Management from the University of Maryland's School of Public Policy in 2021.

When I arrived at the NSC, it was clear to me that the highest priority project in my portfolio would be leading the interagency to complete the U.S. Declassification Project for Argentina (the Argentina Declassification Project or ADP). The project was previously led at the NSC by Mr. John Powers, who was my predecessor as Director. Powers conceived of the project and led three successful releases of declassified documents from 2016-2018 for the ADP. All three releases were highly visible to the professional community and were also internationally recognized in the media, so I was familiar with the ADP prior to beginning my detail and replacing John.

#### Finalizing the Review of Records in the fall of 2018

When I arrived at the NSC, the project was continuing to progress toward completion, having the goal of one final release of records in the coming months. The Deputy Director for Access Management, Mr. Gregory Koch, was already hard at work on the declassification review oversight work of the planned final release when I came to the NSC. A large part of his time and efforts involved reviewing and re-reviewing the declassification decisions made by the agencies, specifically records originating from IC agencies. As a detailee from the IC, Koch was in a unique position to push back on initial agency decisions and to influence better risk management determinations so that the agencies truly met the standards specifically required of the ADP. He had credibility with the inter-agency that led to significantly improved final decisions where more information was declassified with fewer redactions. This oversight work was even more important in the final release, which included arguably more complex and sensitive records and a much greater volume of records than previous releases.

Working with Koch, I monitored the progress of the agencies and reviewed their declassification determinations in the Fall of 2018. At the same time, Koch and I began assisting various agencies as they prepared their narratives, documenting all aspects of their work on the ADP. By project design, these narratives would be shared publicly with all stakeholders, including researchers, historians, and civil society organizations, as well as officials and stakeholders in Argentina. They described and documented the steps taken to search for, locate, and determine the responsiveness of records that fell within the scope of the ADP, as well as explain more fully how the agencies implemented the direction and guidance for review provided by the NSC. Since the threshold for withholding information from public release in responsive records for the

<sup>&</sup>lt;sup>24</sup> This paper reflects the views of the author but does not necessarily reflect the official position of the U.S. Government or the National Security Council.

ADP was significantly higher than prescribed for other classified government records, it was imperative that the NSC understood and monitored each agency's review determinations. We worked collaboratively to emphasize the explicit direction of the National Security Advisor and ensure that this direction was fully understood and implemented by agency program managers, as well as by the agencies' senior leadership. Ultimately, the agencies put forward a good-faith effort in this regard, particularly when it came to advocating for the completion of the project with their senior leadership, which is not an easy undertaking, especially in the agencies in the IC.

In fact, I cannot overstate the effort of those working on this project to keep it as a priority for agency leadership, especially as the project spanned two administrations and three years. Not only are records management and declassification reviews fundamentally under-resourced functions of government, but they are also overlooked support functions that are hardly noticed by most agency leadership until a crisis looms. Unfortunately, most of these instances occur in response to leaks or other unauthorized disclosures, rather than from positive projects like the ADP. This undertaking is an excellent example of how the United States' democratic principles of openness and transparency can serve to promote these ideals to the American public and to other nations.

#### Stakeholder Engagement

The narratives originated in a request before the project began by civil society groups in the U.S. and in the Argentine Republic. The narratives served to demonstrate the level of effort and commitment that the agencies had put forward, while also providing important archival information to aid future researchers. Part of my responsibility in leading the ADP in its final year was to engage with all stakeholders and to see the project through to successful completion. This meant working with the agencies and ensuring they were completing their reviews satisfactorily, as well as engaging with officials at the Argentine Embassy and the Department of State. I wanted to make sure they were fully aware of the progress and effort of the agencies and to listen to any feedback I received. In a practical sense, this meant several meetings with both Argentine and State Department officials at the Argentine Embassy. Often, I would listen to their questions and comments, seek out additional information, and then return to the Embassy to answer those questions and confirm progress.

I remember participating in two videoconferences with stakeholders from Argentine civil society groups, providing information, answering their questions about the remaining records under review and informing them of our plans for delivery and public release. These videoconferences and the many in-person meetings and telephone calls with Argentine Embassy officials were part of a deliberate policy. They were meant to demonstrate the level of effort and the U.S. commitment to both complete the project and ensure it was completed in the manner expected of a presidentially directed project. It was during these stakeholder engagements with Argentine civil society organizations and with Argentine officials that I personally saw and began to feel the magnitude of impact the project was having and would continue to have for the citizens of Argentina. Before leading this project, I was only slightly aware of events that occurred in Argentina during the "Dirty War," but, through reading these records I learned so much more. It is important for these many atrocities to come to light; it is important to hold those who committed atrocities accountable; it is important for families affected by terror to receive closure; and it is important for the public to better understand what led to this terrible time in history so it cannot be repeated. For me personally, it was through this direct engagement with stakeholders at the Argentine embassy and in Argentina that I truly began to comprehend the significance of this project. It will remain important in the short-term and for decades to come.

#### Improving Access to the Records: Developing the ADP Website

Working with our partners at the Argentine embassy highlighted their anticipation for the final public release. They conveyed a sense of urgency not only in completing the project but also in improved public access to these long sought-after records. The three previous public releases – in August and December 2016 and in April 2017 –occurred through a government-to-government exchange of records, which had been scanned into an electronic format and provided on CDs. These earlier releases were also made publicly available through use of a government Tumblr account, *IC on the Record*. This format served an initial purpose of making these smaller tranches of records immediately available. But this format was less

than ideal; it was not easily searchable nor was its purpose meant to host hundreds or thousands of records. We understood that this final public release of records and agency narratives required significantly more accessibility and had to be easier to use. I conceived the idea to build a new website for the entire project. It would house the records of the final public release, the agency narratives, an abbreviated history of the "Dirty War" and the U.S. policy response and actions, as well as the whole archive of the records that had been previously declassified and publicly released. After consulting with John Powers, who had returned to the National Archives and Records Administration, I began to focus on determining how the U.S. Government could develop an ADP website and also ensure a commitment to its long-term operation.

The Office of the Director of National Intelligence (ODNI) was a long-standing partner is assisting with the project. Although ODNI was a 'new" agency and therefore did not have any responsive records, it was nevertheless pivotal in the overall success of the ADP. The Director of National Intelligence was the leader of the 16-agency Intelligence Community. ODNI was previously tasked with identifying a medium to use to communicate IC policies and activities to the public. These included speeches, Congressional testimony, reports, and certain declassification actions. It performed all these tasks by hosting the *IC on the Record* Tumblr account and posting records on it. The ODNI agreed to also post each of the three previously declassified ADP tranches even though this fell outside the original scope of its task. With help from ODNI's Information Management Directorate, I met with leadership in ODNI's Office of Civil Liberties, Privacy, and Transparency (CLPT) to discuss the possibility of ODNI hosting a new website dedicated solely to the ADP.<sup>25</sup>

Before this outreach, I looked into the possibility of either the NSC or another agency hosting a dedicated website. However, after thoughtful consideration, it was apparent there were simply too many challenges for the NSC and the Executive Office of the President to host and maintain an ADP website. The two main issues stemmed from the requirements of the Presidential Records Act (PRA) and the inevitable changing priorities that were bound to occur with future changes of administration.<sup>26</sup> Additionally, the other agency I considered as a host for the website simply lacked the resources and its web policies hindered development in a way that would have promoted easy public access.

The PRA requires that records created by the President or by the President's staff be adequately documented and that such records be preserved and maintained as Presidential records pursuant to the specific requirements found in that law. These records are distinguished from Federal records both in terms of their preservation and accessibility. Were the NSC to host a website dedicated to the ADP, much of its content, if not all, could fall under the provisions of the PRA. This would mean the website would only be publicly available during President Trump's time in office. Accessibility would likely end with the conclusion of his administration and then not be accessible to the public until between five and 12 years after its conclusion. Moreover, the continuity of the website would be more at risk given the certainty of presidential transitions of power and the reprioritization of resources inherent to the change of administration. This was simply not acceptable and I needed to identify another solution.

In my search for an agency to host and develop the ADP website, I was pleased to meet Mr. Michael Thomas, the ODNI's Deputy Transparency Officer at the CLPT. I found Thomas to be a gifted intelligence professional, with a background in strategic communications who also possessed the technical savvy needed to develop the architecture of the website. Moreover, he was excited and willing to participate in the project. He understood its importance and what the NSC was aiming to achieve. I wanted a digital archive to preserve all aspects of the project, including the records and the agency narratives for the long-term use by researchers, historians, and the public. He quickly grasped the benefits of the CLPT partnering with the NSC to create the ADP website – looking at it from a strategic perspective and realizing the importance of the project to the White House and to the government of Argentina. In fact, our first in-person meeting at ODNI

<sup>&</sup>lt;sup>25</sup> Office of the Director of National Intelligence, Cyber Threat Intelligence Integration Center, Office of Civil Liberties, Privacy and Transparency, "Transparency" (website), n.d., <u>https://www.dni.gov/index.php/ctiic-who-we-are/leadership/197-about/organization/office-of-civil-liberties-privacy-and-transparency</u>, accessed 9 August 2021.

<sup>&</sup>lt;sup>26</sup> U.S. National Archives, "Presidential Records (44 U.S.C. Chapter 22)" (website), 5 June 2017, <u>https://www.archives.gov/about/laws/presidential-records.html</u>, accessed 9 August 2021.

resulted in a both parties discussing the potential of a partnership. CLPT had a vested interest in expanding its online presence and showcasing its growing information technology talent pool to senior leadership at ODNI. The development of a website for a project as high profile as the ADP that also aligned with the mission of the CLPT was, I thought, serendipitous in some respects.

After receiving a commitment from ODNI leadership, in conjunction with our teams, Thomas and I began the process to build content for the website. We started the large and important task of designing the ADP website both structurally and in appearance. The NSC and the agencies had already created several factual background papers about the project's origins, the progression of the review, and the three previous releases. I worked on plans for the final public release of records. Thomas worked tirelessly to build the foundational components of the website and then showcased his work in a meeting with John Fitzpatrick, the NSC Senior Director for Records, Access, and Information Security. The meeting was a success, and Fitzpatrick agreed that ODNI's website accomplished the project objectives and was the most effective way to showcase the project and the declassified records. With this approval, Thomas and I continued our work – he was focused on developing and finalizing the website while I continued to advise him on the archival aspects. We were both pleased that the final public release of records would include a digital archive that would preserve the project for all stakeholders for the foreseeable future. ODNI's commitment to hosting and managing the ADP website continues to this day on intel.gov/argentina.

#### Delivering the Final Release of Records

The ADP originated as a result of President Obama's commitment to it. At that time, the NSC and the interagency envisioned an 18 to 24-month project that would span two administrations. President Trump reaffirmed the U.S. commitment and the work continued. The project became a multi-year, two-administration showcase of declassification diplomacy and the largest government-to-government release of records in U.S. history. As I planned the final public release, I was cognizant of the three previous public releases: Secretary of State John Kerry provided the first tranche of records to President Mauricio Macri on a visit to Buenos Aires in August 2016; U.S. Ambassador Noah Mamet provided the second tranche at a ceremony hosted by the Government of Argentina that honored U.S. diplomat Patrica Derian in December 2016; and President Trump himself provided the third tranche to President Macri at the White House in April 2017. I knew the stakes were high to find a suitable event to provide the final tranche and commemorate the project's completion.

When he served as the Director for Access Management, John Powers had anticipated that the 2018 G-20 Summit in Buenos Aires, scheduled for 30 November 30-1 December 2018, would be an appropriate event at which President Trump could deliver the final tranche. When I replaced Powers in August 2018, the G-20 Summit was fast approaching, and much work still needed to be done. At the NSC, I worked closely with the Western Hemisphere and International Organizations Directorates to showcase the ADP as a potential deliverable. I thought it was worthy to showcase and felt it would be wellreceived in Argentina. Preparing for these types of heads-of-state summits are grueling. Each meeting involving the president is highly choreographed and planned. Staff from several agencies, the NSC, and the White House spend many hundreds of hours preparing for both bilateral meetings with other heads of state as well as planning for each summit session and all of the statements and communiques. In order to understand how the ADP deliverable would be showcased, I first needed to understand President Trump's schedule, including learning of planned bilateral meetings and pull-asides. Importantly, I needed to participate in any pre-summit planning meetings that discussed a possible bilateral meeting between President Trump and President Mauricio Macri.

As the G20 summit approached, it became clear that the ADP website would not be completed and would not be launched publicly by the date of the G-20 Summit. In this scenario, the U.S. would provide a government-to-government release of the final tranche of records and publicly announce a commitment to host and maintain a dedicated website for all of the declassified records and the agency narratives. I communicated with the agencies on the need for them to finish their reviews quickly by implementing any changes the NSC felt were required, and then provide the NSC with three copies of specially labeled CDs that included the date, agency name, and agency seal. Each one contained digitized copies of their

declassified records. All the agencies provided their CDs as scheduled and in advance of the Summit. I drafted talking points for the president, a press release, a project overview, and specific points about the records included in this final tranche. All of these documents were vetted and cleared by the various NSC directorates, the National Security Advisor, and the White House press office. They were included in the President's final trip package. Only two items remained, and both were out of my control: the president had to fly to Buenos Aires for the G-20 Summit, and he had to give the CDs to President Macri.

However, the delivery did not take place. While the President did attend the G-20 Summit, his visit was cut short. According to a White House press statement, President Trump met Argentine President Macri briefly for breakfast before the Summit. A White House statement describing Chinese economic activity as "predatory" made the news in Argentina. According to press reports, the White House statement led to some Argentine government discomfort as Macri was also scheduled to meet with the Chinese president. The press also reported on Trump's abrupt exit during the opening of the summit, where he seemingly left President Macri alone on the stage. Additionally, Trump's planned meetings and overall itinerary remained in flux. Press interest focused on the president's planned meetings with the leaders of China and Russia. In the end, he only had a formal bilateral meeting with Chinese President Xi Jinping. Trump opted to only have an informal and brief conversation with Russian President Vladimir Putin during the Summit's heads of state dinner. These changes and the constantly evolving presidential schedule impacted any opportunity for Trump to meet with Macri formally, making it unlikely that he could present the CDs to him. Trump ended up staying only 48 hours at the summit.

I remember my disappointment after the Summit ended without the president delivering the final tranche and without any public ceremony to commemorate the conclusion of the ADP. I was well-aware of the high-profile nature of the previous releases and hoped that this final tranche would be commemorated by the two presidents. While I was disappointed personally and was disappointed for the hundreds of staff who had worked very hard on this project, I was also disappointed for the stakeholders who had hoped to have access to this collection of declassified records. I needed to find another high-profile opportunity for the American government to hand over the final tranche of records to representatives from the Argentine government that would also preserve the importance of the project.

#### Declassification Diplomacy at the National Archives and Records Administration

After the G-20 Summit letdown, I continued working with Thomas and his CLPT team to complete the development of the ADP website. I also restarted discussions with colleagues at the Department of State and officials at the Argentine Embassy to identify another potential event to deliver the final tranche and launch intel.gov/argentina.

I learned that an Argentine government delegation planned to visit to Washington, D.C. in April, saw this as an opportunity to provide the final tranche, and began working with other NSC staff, officials at the State Department and at the Argentine Embassy. Germán Carlos Garavano, the Minister of Justice, was to lead the delegation and was scheduling meetings with his counterpart at the Department of Justice and other Executive branch agencies. I inquired with the staff of the Argentine Embassy to learn whether Minister Garavano would be willing to receive the records in the final tranche.

Working with NSC, the State Department, and Argentine Embassy partners, I discussed possible formats for delivery before ultimately deciding on a ceremonial event. Although I hoped to have a senior-level West Wing official serve as the presenting official at the ceremony, travel schedules and previous commitments made this impossible. As a result, I felt it did not make sense to hold the ceremony at the White House.

Given the historical nature of the records, I thought the National Archives and Records Administration (NARA) might be a suitable alternative. Of course, the National Archives was my "home" agency when I served as a detailed member of the NSC staff. I asked my NARA colleague John Powers for his reaction given that he had conceived and led the ADP while serving on the NSC staff and, as a long-time NARA employee, knew the value of hosting these types of events there. I asked if the Archivist of the United States, David S. Ferriero, would consider hosting the event, including serving as the presenting official on behalf of the United States. Powers endorsed the idea and agreed to approach Ferriero. He began planning a

draft schedule for the ceremony, including a proposed list of speakers and attendees. The Archivist accepted his proposal and then we began planning all aspects of the event. NARA has its headquarters in a beautiful neoclassical building on the National Mall. It was purposefully built to house the Declaration of Independence, the U.S. Constitution, the Bill of Rights, and all permanently valuable U.S. Government records. It also had an ornate reception room that we all thought was a spectacular space to hold this ceremony.

Once the U.S. and Argentine governments agreed on using the delegation to receive the final tranche, I had less than two months to fully plan the ceremony. It required careful coordination with Powers at NARA, all the participating agencies, the Argentine Embassy, and within the NSC. I wanted to ensure that the logistics were perfect. Working with the agencies, I invited appropriate senior-level officials from the Departments of Defense, Justice, and State and from ODNI to attend and represent their agencies. I also worked with ODNI to ensure the website was wholly ready to launch publicly on the day of the ceremony. There were many other logistics to address, including drafting talking points, background papers, and speeches for senior officials. Due to the size constraints of the Archivist's Reception Room, the guest list had to be carefully crafted among all the stakeholders while also maintaining the celebratory and commemorative feel of the occasion. We designed the ceremony to showcase the size of the U.S. Government's effort, the impact of the ADP, and the declassified records themselves. Our list included U.S and Argentine press, representatives from civil society organizations, and current and retired diplomats. But there were two other important groups we wanted to include. We felt it important to include the declassifiers and the declassification program managers from all the participating agencies since they had worked so diligently over a period of almost three years to complete the project. As noted above, these programs are often overlooked by their agency leadership and rarely receive recognition. This ceremony would be an appropriate venue to both showcase their work and to allow them to see the importance of their work to those who benefit from government transparency efforts like declassification. Finally, we wanted to include members of the Argentinian families who were victims of the regime so that they could see firsthand the work completed on this project. I remembered speaking by videoconference with organizations in Argentina who worked with the families for justice and for closure. It was important to include them and have them attend the ceremony.

The ceremony took place on 12 April 2019, at 10:00 a.m. in the Archivist's Reception Room at the National Archives. President Trump acknowledged the successful conclusion of the project in a letter to President Macri which was read at the ceremony. My Senior Director at the NSC, John Fitzpatrick, presided as master of ceremonies and multiple speakers addressed the audience and press to describe the significance of the project. They included the Archivist of the United States, the Honorable David S. Ferriero; the Argentine Minister of Justice, the Honorable Germán Carlos Garavano; and the Argentine Ambassador to the United States, the Honorable Fernando Oris de Roa. Importantly, Carlos Osorio from the National Security Archive provided commentary on the importance of the ADP and its potential effect in Argentina. Osorio was a critical partner in the project who provide an independent voice and aided greatly in its successful conclusion, so it was vital to include him in the ceremony.

I remember the ceremony as being extraordinarily moving. Audience members, including myself, were visibly overwhelmed by the speeches given and stories told. Tears poured down many faces during stories of how the declassification of these records would finally bring truth and justice to many families in Argentina who still had not received any information about the disappearance of their loved ones more than 40 years ago. There were wonderful acknowledgements of those who had opposed the oppressive regime and had tried to help families, and offered the stories of those who have continued the fight for justice to this very day.

There are two final memories I wish to highlight regarding the ceremony, both of which are less sentimental and more focused on the behind-the-scenes work and detailed logistics that always must occur during public-facing events like this ceremony. First, I remember working very closely with Thomas from CLPT to ensure that the website was ready for public launch at the conclusion of the ceremony. There were complicated timing issues and coordination that needed to occur at ODNI while Thomas was in attendance at the ceremony. The website launched on schedule and without any issues. I expected nothing less from Thomas and his team – they are true professionals, but I admit a feeling of huge relief when the website did go live.

The second memory I have of that day relates to the work of preparing the CDs of the records and figuring out how they would be presented during actual ceremony. First, we needed the agencies to rewrite multiple copies of the records to CD because we could not use the CDs prepared for use at the G-20 Summit. Those CDs had the incorrect, earlier date on them. We had to ask the agencies to make new CDs, correcting the date to read "April 12, 2019." We could not complete this task at the NSC because we did not have access to each agency's individual seal. The agencies quickly responded to this request and we had various drop-offs and meet-ups with agency representatives outside the White House complex during the week of the ceremony to ensure we had all of the correctly labeled CDs in hand.

We also needed a container to use during the ceremony to hold the CDs, another small but important detail. Leading up to the ceremony, neither I nor the staff could find any official White House box or ceremonial container that had the seal of the Executive Office of the President on it. We asked colleagues at the Department of State for assistance, but they did not have anything appropriate either. The only option was to order a generic gift box from Amazon and then ask the White House print shop to provide us with a seal to adhere to its lid. That would make it "official." I remember the day before the ceremony carefully bringing the box into my office from home on Metrorail (Metro) and then working with a staff member to measure the lid and affix the seal so that it was straight and centered. It was quite nerve racking. I also remember taking the box to the women's locker room at the White House Athletic Center and ironing the ribbon on the lid to occur during this ceremony.

I remember the reverence Ambassador de Roa and Minister Garavano showed when then received the box and held it on display. It was (and still is) a very special box, but I am certain if there are future opportunities for us to celebrate milestones for this project, my next box will be preordered many months in advance. Seeing the box in press photos the day after the ceremony made my husband and me both smile as he had been the one who carefully bubble-wrapped it the night before I took it into the city on Metro (no bent corners).

#### Recognition and Lessons Learned

I am very proud to say that the hard work and dedication of so many individuals went into making the ADP a success and that this success has been celebrated and acknowledged in a variety of ways.

I was honored to be one of the leaders of the project who were recognized by the Government of Argentina through a ceremony hosted by Ambassador de Roa at the Argentine Embassy. It was moving; I was fortunate to have my family attend. It is an honor I will never forget, and neither will my family. My daughter, Hannah, remembers the ceremony vividly, although I think the highlights for her were getting to miss school that day and tasting *asado* for the first time (although she did have to dress up and wear tights, much to her chagrin).

In January 2020, the declassification teams from the agencies received the 2019 Intelligence Community Transparency Team of the Year Award, which is presented by the ODNI's Chief Data Officer and CLPT's Director. Two months later, I was awarded the Archivist's Achievement Award for my work on the project, which is presented by the Archivist of the United States.

The lessons I learned from the ADP are numerous. First, and most importantly, I learned about the power of diplomacy and how declassification can support international relations. This was my first exposure to a project this large, involving so many different agencies, and on the international stage. The project was transformative in the way it reignited bilateral relations between the U.S. and Argentina. As an archivist by profession, I felt that the project reinforced the power of information and the responsibility we, as public servants, have to create citizen access to information of value, and find ways to do so in a responsible and timely manner.

This project also highlighted the importance of senior leadership support and inter-agency cooperation to achieve positive results. It is an example of what the American government's declassification process could be if it were championed

consistently by leadership and resourced appropriately. The project also highlighted what is lacking in the United States' information management practices, especially concerning classified information. We have a lot of work to do if we ever wish to bring appropriate access to records in this new digital information environment.

I am proud and honored to have been a part of this project and I hope its impact will continue to be of service to our stakeholders. I hope this becomes just one of many projects focused on declassification diplomacy and that it can serve as an example of why it is so very important that the government focus on improving information management, especially in the classified environment.

#### Sofia Machado on "The Argentina Declassification Project: the U.S. Government Response to a Historical Argentine Demand"

Almost four decades after Argentina's recovery of democracy, the country's quest for Memory, Truth, and Justice remains a national priority. Throughout the years, Argentinean human rights organizations and the Argentine government have on various occasions asked the United States to declassify documents related to the human rights violations that took place in the country during the last civil-military dictatorship (1976-1983), certain that this act would provide insightful information and aid the ongoing judicial trials related to the state terrorism of those years.

The Argentina Declassification Project (ADP) (2016-2019), an exceptional effort to further declassify U.S. documents, was the response of the U.S. government to Argentina's request for a second declassification that included documents of intelligence nature (the first declassification was carried out by the State Department in 2002). The ADP was one of the top priorities of my work at the Embassy of Argentina to the United States in those years, from assessing the best way to solicit the declassification to conveying the expectations of the Argentine government and human rights organizations, as well as regularly discussing the Project with U.S. officials and subject matter experts.

As a career diplomat, I was posted to the Embassy of Argentina in Washington, D.C. in March 2015 and was assigned the human rights portfolio, among other topics relevant to the political bilateral relationship. Having been born in a democratic Argentina, it was a moving experience to be involved in a project that increased my awareness of the most tragic period of the country's history, where severe violations of human rights had inflicted endless pain to many people who to this day continue to suffer.

For almost six years, I have had the enormous privilege to work under the leadership of four Argentine ambassadors from three different administrations. During those years, even though some of the priorities of the bilateral agenda may have changed, the relevance assigned to the Argentina Declassification Project has not. Indeed, the role played by the Embassy throughout these years is a clear reflection of what represents a state policy regarding the unquestionable protection and promotion of human rights.

Argentina's last civil-military dictatorship was responsible for systematic and multiple violations of human rights, resulting in 30,000 *desaparecidos* (enforced disappeared.)<sup>27</sup> During those years, not only were thousands of people abducted, tortured, and killed, but hundreds of children were deprived of their true identities, having been taken away from their parents or born in clandestine detention centers, and given away to other families who registered them as their own.

On 10 December 1983 Argentina restored its democracy. President Raul Alfonsin established the National Commission on the Disappearance of Persons (CONADEP) with the aim of investigating the facts related to enforced disappearance of persons during the dictatorship. A year later, the Commission's report *"Nunca Más"*<sup>28</sup> (Never Again), exposed the disturbing and painstaking characteristics of this systematic plan.

<sup>28</sup> The report is available here:

http://web.archive.org/web/20031004074316/nuncamas.org/english/library/nevagain/nevagain\_001.htm.

<sup>&</sup>lt;sup>27</sup> The United Nations International Convention for the Protection of All Persons from Enforced Disappearance considers "enforced disappearance" as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law." Argentina, together with France, played a leading role both in the drafting of the text of the Convention and in its subsequent negotiation and adoption. After its subscription, both countries led an international campaign to promote its rapid entry into force, which occurred on 23 December 2010.

In 1985, historical trials of the military junta took place, ending with sentences that ranged from life imprisonment for crimes against humanity for Jorge Videla and Emilio Massera, two of the de facto Presidents, to the imprisonment of the rest of the military junta responsible for the dictatorship.

Nevertheless, the passing of the "Full Stop Law" in 1986 and the "Law of Due Obedience" in 1987 blocked the possibility of prosecuting all those who were responsible of committing crimes against humanity. These measures argued that officers and subordinates could not be held accountable for their actions since they had obeyed orders from their superiors. Former president Carlos Menem's pardons in 1989 and 1990 further established a period of impunity throughout the 1990's.

In 2001, a federal judge declared the unconstitutionality of these laws. Encouraged by the political change brought by the new government of president Nestor Kirchner in 2003, the Argentinian Congress declared the laws to be null. In 2005, Argentina's renewed Supreme Court declared both laws null and void. This paved the way for the reopening of trials for crimes against humanity throughout the country in 2005, a unique process given that no other government that came to power after a military dictatorship has judged those who were responsible for crimes against the citizens through ordinary criminal proceedings and due process. Since the reopening of the trials, and as of March 2021, 3490 people have been investigated for crimes against humanity, 1025 of which have been convicted.<sup>29</sup>

For many years, and in particular since 2003, human rights organizations and the government of Argentina have requested that the U.S. government release the documentation provided by their embassies and secret services in order to move forward in the trials. In 2002, the United States made a significant contribution to this process through the State Department's declassification of approximately 4,700 documents related to human rights violations. These documents were used as evidence in trials and assisted the work of the *Abuelas de Plaza de Mayo* (Grandmothers of Plaza de Mayo) who, as of April 2021, have recovered the identities of 130 of their grandchildren.<sup>30</sup>

As significant as this declassification was to Argentina's ongoing quest for Memory, Truth, and Justice, other U.S. agencies needed to follow suit in order to complete the process. More specifically, documents of military and intelligence nature, which were not included in 2002, needed to be declassified.

In 2014, after previous unsuccessful efforts, and in response to the continuing requests of the human rights organizations and the Argentine government, officers of the Argentinian Embassy began a new series of informal conversations with officials from the National Security Council (NSC), the Department of State, and the Department of Justice in order to gather information and deliberate on the most suitable process to promote a second wave of declassification. Similarly, insightful conversations were maintained with subject-matter experts including Carlos Osorio, the Director of the National Security Archive's Southern Cone Documentation Project; the late Franklin Allen "Tex" Harris, the former human rights officer at the U.S. Embassy in Buenos Aires between 1977 and 1979 who documented and reported on the disappearance of hundreds of Argentine citizens during the last civil-military dictatorship; and Juan Méndez, the American University professor and former UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment between 2010 and 2016.

Accordingly, in November 2015, at the end of the presidency of Cristina Fernandez de Kirchner, the Embassy sent a letter to the Attorney General of the United States requesting that the Department of Justice declassify the communications of the "Legal Attaché" of the U.S. Embassy in Argentina between 1975 and 1985. The letter also included a non-exhaustive list of key words to facilitate the process. This appeal was in response to a formal request from the Attorney for Crimes Against

<sup>&</sup>lt;sup>29</sup> Ministerio Público Fiscal [de Argentina], "A 45 años del golpe de Estado, suman 1025 las personas condenadas por crímenes de lesa humanidad en 254 sentencias," 23.03.2021, <u>https://www.fiscales.gob.ar/lesa-humanidad/a-45-anos-del-golpe-de-estado-suman-1025-las-personas-condenadas-por-crimenes-de-lesa-humanidad-en-254-sentencias/</u>.

<sup>&</sup>lt;sup>30</sup> Information on Abuelas de Plaza de Mayo can be found here: <u>https://abuelas.org.ar/idiomas/english/history.htm</u>.

Humanity of the Ministry of Public Prosecutions of Argentina, who had requested the Embassy's assistance to gain access to U.S. public records that could help in the legal proceedings being conducted in the country related to the serious violations of human rights that had been committed between 1976 and 1983.

On 17 March 2016, my Embassy colleagues and I celebrated when then national security advisor Susan Rice stated that President Barack Obama would soon announce the declassification of new documents, including those of a military and intelligence nature, that were related to the human rights violations that took place in Argentina during the last civilmilitary dictatorship. A few months after President Mauricio Macri began his tenure, Obama made the official announcement during his visit to Buenos Aires on March 24, the day that marked the 40<sup>th</sup> anniversary of the military coup and the day on which Argentina commemorates the National Day of Memory for Truth and Justice in remembrance of the victims of the last civil-military dictatorship.

Following the U.S. government's commitment to declassify new documents in March 2016, as the Embassy's officer in charge of the human rights portfolio, I worked to establish and develop consistent and frank communications with the project leaders at the National Security Council, particularly with John Powers then Director for Access Management. In order to discuss this information with the Human Rights Bureau of the Ministry of Foreign Affairs, International Trade and Worship, which maintained regular communication with relevant stakeholders in Argentina, the aim was to learn how the ADP was evolving and when and what type of documents would be released. Typically, informal conversations would take place on the days before the official release of documents so that we could discuss some of the most consequential material.<sup>31</sup> Similarly, throughout these years, I have had regular and insightful conversations with Osorio, whose expertise and unfailing collaboration with the ADP, as well as that of his colleagues at the National Security Archive, proved to be of enormous value.

In addition, it was my responsibility to act as a link between the Argentine government and human rights organizations and U.S. government officials and subject-matter experts. To this effect, we organized three videoconferences so that we could exchange views on the progress of the work being done as well as the intricacies, possibilities and challenges faced by U.S. officials and the expectations, needs and observations of the Argentine human rights experts and government officials.

The first videoconference took place in November 2016. Former Argentine foreign minister Susana Malcorra and representatives of the Abuelas de Plaza de Mayo, the Center for Legal and Social Studies (CELS) and several other organizations were in attendance. The participants had a chance to engage in an open conversation with Osorio and discuss the first release that had taken place earlier in August and expectations for the upcoming ones.

The second one, which was held in August 2017, constituted an insightful exchange with Powers, who provided a valuable update on the ADP progress as well as technical information regarding the overall process of finding and declassifying the documents within the different U.S. agencies. Sara Berndt, the lead historian from the State Department and author of the historical narrative provided to researchers on the Argentina Declassification Project website, was also in attendance.

A third videoconference took place in April 2019, days before the last set of documents was released, and included Ellen Knight, NSC Director for Access Management<sup>32</sup>; Powers, who was now Associate Director, Classification Management, Information Security Oversight Office at the National Archives; Osorio; and officials from the State Department.

<sup>&</sup>lt;sup>31</sup> There were four releases of documents: in August and December 2016, in April 2017 and in April 2019.

<sup>&</sup>lt;sup>32</sup> Ellen Knight succeeded John Powers as Director for Access Management of the NSC in mid-2018, managed the final and largest review and release of the project, and conceptualized the idea of a singular website dedicated to housing and providing access to the records.

These virtual encounters were a unique opportunity for Argentine stakeholders to engage in a constructive dialogue and directly convey their expectations, doubts, and requests to those leading the ADP in the United States. After each encounter, I made sure to follow up and remind the ADP leadership, both informally as well as through official correspondence, of the main issues raised by the Argentine government and human rights organizations. In particular, the Embassy persistently highlighted the importance of and requested the declassification of the communications of the "Legal Attaché" of the U.S. Embassy in Argentina between 1975 and1985.<sup>33</sup>

The fourth and final release of the Argentina Declassification Project, which was much awaited in Argentina since it was expected to include the largest number of declassified documents from U.S. intelligence agencies, presented quite a challenge. In November 2017, weeks before the expected finalization of the project, we were informed that there was a need to postpone the release for a couple of months, which was then extended to February 2018 with no certain end date in sight. The explanation we received was that there was a need to work further in guaranteeing due diligence, including less redactions in the documents. In fact, Power's attentive work throughout the years and specifically in those last months meant that the ADP would end up having a much higher declassification rate, a significant accomplishment.

Throughout 2018 I maintained regular communications to follow-up on the final release and the importance of its content. We pushed for a date before the end of 2018 but, ultimately, the final release of documents was set to take place on the occasion of the visit of Argentina's Minister of Justice and Human Rights to Washington, D.C. on April 2019.

With the successful finalization of the ADP, Argentina's Ministry of Foreign Affairs began to focus on how to move forward with questioning regarding specific documents, their sources, and redactions. To this effect, the Archive's Monitoring Board, which is composed of a group of public agencies and civil society institutions coordinated by Argentina's Ministry of Foreign Affairs, met on numerous occasions in Buenos Aires to discuss the way forward with the processing of these documents.<sup>34</sup> In December 2019 the Embassy sent letters from Argentina Foreign Ministry 's Human Rights Bureau to NSC's Records Access and Information Security Management detailing some of the Board's main questions and requests.

More than two years after the completion of the Argentina Declassification Project, the largest government-to-government declassification release in U.S. history<sup>35</sup>, the Argentine Embassy and Human Rights Bureau continues its engagement with U.S. officials in order to find a way to move forward to address the different challenges faced by Argentine stakeholders in processing the thousands of declassified records.

<sup>&</sup>lt;sup>33</sup> This request was made at all levels, including directly from then Minister of Foreign Affairs during a meeting with John Powers, Access Management Director, and John Fitzpatrick, Senior Director for Records and Information Management, that took place at the Embassy of Argentina on 26 April 2017. This occurred one day before President Donald Trump delivered a new set of documents to President Mauricio Macri who was on official visit to the United States

<sup>&</sup>lt;sup>34</sup> Soon after the first videoconference in 2016, Argentina's Foreign Ministry established (and coordinates) the Archives Monitoring Board ("*Mesa de Seguimiento de Archivos*"), a group includes the Ministry's Historical Memory Commission and the Human Rights Bureau; the National Archive of Memory, the Directorate of the Truth, and Justice Program of the Human Rights Secretariat and Cultural Pluralism of Argentina; Grandmothers of Plaza Mayo, the Permanent Assembly for Human Rights; the Relatives of the Disappeared and Detained for Political Reasons; CELS; Open Memory; and the Attorney General's Office, Office of Crimes Against Humanity, as an advisory body. This group of key stakeholders have met regularly throughout the ADP, and continues to do so, in order to debate and have an agreed upon strategy on how to move forward with the processing and analyzing of the 48,000 declassified documents.

<sup>&</sup>lt;sup>35</sup> David Ferriero, "Declassification Diplomacy: The United States Declassification Project for Argentina," The National Archives AOTUS blog, 12 April 2019, <u>https://aotus.blogs.archives.gov/2019/04/12/declassification-diplomacy-the-united-states-declassification-project-for-argentina/</u>.

The declassification of U.S. documents related to the human rights abuses and violations that took place in Argentina during the last civil-military dictatorship has the vivid potential of fulfilling goals as substantial as shedding more light in the judicial processes, helping in the recovery of the identities of the over 300 grandchildren who are still unaware of their true identity, learning what happened to their parents, and understanding the collusions that made it possible for such atrocities to take place for so long.

The impact of the Argentina Declassification Project on the country's ongoing process of Memory, Truth and Justice is at times concrete and substantial. Back in July 2020, thanks to a CIA document that was released in April 2019, a Clandestine Center for Detention and Torture was identified in the framework of a judicial case investigating crimes against humanity. The former clandestine center, which was located at 3500 Bacacay Street, in the Flores neighborhood of the city of Buenos Aires, functioned under the orbit of the former State Intelligence Secretariat (SIDE). Although testimonial statements mention the existence of a clandestine center on Bacacay Street, the data that emerged in the judicial file were insufficient to identify the property. This document facilitated the identification of the clandestine center, lending support to the voices of the survivors, many whom are already deceased. It is but one example of the vital role of these documents in the ongoing investigations, and highlights the enormous value of the Declassification Project.

Because of what it represents to Argentina, both to its government and its people, the declassification project and my work on it have been one of the most humbling and rewarding professional and personal experience of my diplomatic career.

#### Carlos Osorio on "The Argentina Declassification Project: The Role of Non-Governmental Organizations"

During a state visit to Argentina on the eve of the 40<sup>th</sup> anniversary of the bloody coup d'état, President Barack Obama officially committed the United States to declassify military and intelligence records on the human rights violations that had been committed by the military dictatorship. "I'm launching a new effort to open up additional documents from that dark period," Obama stated at a press conference at the presidential palace in Buenos Aires. "On this anniversary and beyond, we are absolutely determined to do our part as Argentina continues to heal and move forward as one nation. And I hope this gesture also helps to rebuild trust that may have been lost between our two countries."<sup>36</sup>

That very same day—23 March 2016—the Director of Access Management at the National Security Council (NSC), John Powers reached out to the National Security Archive (the Archive) to assist and support this special effort, which was known officially as the Argentina Declassification Project (ADP). Three weeks later, the Archive provided the NSC with a dossier of information to serve as a road map for the U.S. government researchers and reviewers in their search for, and review of, relevant secret records. The Archive's initial submission included: 40 pages of chronologies that provided a timeline on key human rights violations and counterinsurgency operations; dozens of names of known perpetrators and military units; U.S. intelligence, military and security archival series and types of documents; keywords and terms; and a list compiled by the *Abuelas de Plaza de Mayo* with the names of 344 disappeared mothers whose children were suspected of having been appropriated by Argentine security forces.<sup>37</sup>

Over the course of the next three years, the Archive's Southern Cone Documentation Project assumed the role of lead research consultant to the NSC on the ADP. The Archive conducted innumerable database searches, obtained needed records from Argentina, collected a master list of 3,000 indicted Argentine officers,<sup>38</sup> and provided 900 heavily redacted Defense Intelligence Agency (DIA) records along with 1,200 censored FBI documents for re-review and unredacted release. In an effort to support John Powers's goal of maximum transparency for the ADP, the Archive also provided 3,000 virtually un-redacted DIA and CIA records from the Clinton-era Chile declassification project as a precedent and standard to follow for the upcoming Argentine declassification.

Throughout this long period of search, review and release of the documentation, the Archive maintained a regular channel of communication and consultancy with the NSC team.<sup>39</sup> For the purposes of this essay, I searched my email files and counted 250 threads, most of them involving exchanges with Powers. The titles of these communications—for example, "Military Intelligence Summaries FOIA Request History," "Argentines Killed or Disappeared Abroad," and "Good DIA docs"—reflect the fact that they covered virtually every subject of the ADP. Periodically, Powers and I would meet to

<sup>&</sup>lt;sup>36</sup> "Remarks by President Obama and President Macri of Argentina in Joint Press Conference," The White House, 23 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/23/remarks-president-obama-and-president-macri-argentina-joint-press</u>.

<sup>&</sup>lt;sup>37</sup> "Declassification Diplomacy: Trump Administration Turns Over Massive Collection of Intelligence Records on Human Rights and Argentina (Briefing Book #669)," National Security Archive, 12 April 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records.</u>

<sup>&</sup>lt;sup>38</sup> Provided by Operation Condor prosecutor Pablo Ouviña and the Prosecutors Office of Crimes Against Humanity in Argentina.

<sup>&</sup>lt;sup>39</sup> "Declassification Diplomacy: Trump Administration Turns Over Massive Collection of Intelligence Records on Human Rights and Argentina (Briefing Book #669)," National Security Archive, 12 April 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records</u>.

discuss the project at the Peet's Coffee shop across the street from the Old Executive Office building where his NSC office was housed. Several times we welcomed him to the Archive to provide status reports on the advances of the ADP.

The Archive also maintained close communication with the Embassy of Argentina in Washington D.C. In July 2016, my colleague Peter Kornbluh and I met for the first time with Ambassador Daniel Lousteau and his team led by Deputy Chief of Mission, Minister Gerardo Diaz Bartolome. Political Section First Secretary Sofía Machado's institutional memory and liaison role were crucial for communication with the Argentine diplomats.

Most importantly, we kept in regular contact with Argentine legal officials who were investigating human rights crimes committed by the security forces, and human rights agencies such as the *Abuelas de Plaza de Mayo*, and the *Centro de Estudios Legales y Sociales* (CELS) which became the leading advocates for the declassification of U.S. records in Argentina. Indeed, my proudest moment of the project was serving as a bridge between those human rights groups and the U.S. officials who were running the ADP during a series of teleconferences between them so that the Argentine human rights community could have a better grasp of this historic and meaningful declassification project.

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Those groups were present at the creation of a protracted effort to obtain declassified U.S. records in order to advance the cause of human rights in Argentina. Following the release of thousands of documents on General Augusto Pinochet's abuses in Chile during the Clinton administration, in the fall of 1999, Estela Carlotto, president of the *Abuelas de Plaza de Mayo*, came to Washington. She began knocking on doors of the U.S. Congress and the Department of State asking for the declassification of U.S. records to help resolve the human rights violations that had been committed during the military dictatorship between 1976 and 1983.<sup>40</sup> She also came to meet with us at the National Security Archive. We, in turn, broached the issue of Argentina with the U.S. officials with whom we had collaborated closely during the special declassification project on Chile.

Of all the U.S. government agencies which had participated in the Chile project, only the State Department agreed to undertake a similar project on Argentina. During a trip to Buenos Aires in August 2000, Secretary of State Madeleine Albright announced a new review of Department of State records on human rights atrocities in Argentina for declassification. To assist that project, in January 2001, the *Centro de Estudios Legales y Sociales* (CELS) and the National Security Archive forwarded to Secretary of State Colin Powell a memorandum on key events, individuals and atrocities to serve as a guideline for reviewing records related to human rights violations in Argentina.<sup>41</sup> In August 2002, the Bush administration released 4,700 records that have become crucial documentary evidence in dozens of Argentine trials. But because the release was only from the State Department, it did not include the far more detailed and revealing intelligence records that remained secret.

Obtaining CIA, FBI, and U.S. military records on the repression of the Argentine military dictatorship became a central focus of my Southern Cone Documentation Project at the National Security Archive. Starting in 2008, we collaborated with CELS and the *Abuelas de la Plaza de Mayo*, and with two consecutive Argentine ambassadors in Washington D.C., Hector Timerman and Cecilia Nahón, to obtain U.S. documents that could be used in the ongoing human rights trials in Buenos Aires. We developed a voluminous set of keywords, search terms, and guidelines for requesting declassification of

<sup>&</sup>lt;sup>40</sup> Maria O'Donnell, "Abrirían archivos de los EE. UU.," *La Nacion*, 29 September 1999, https://www.lanacion.com.ar/politica/abririan-archivos-de-los-ee-uu-nid155315/.

<sup>&</sup>lt;sup>41</sup> "Relaciones Bilaterales Entre Argentina y Estados Unidos: Pasado y Presente," Woodrow Wilson International Center for Scholars and Centro de Estudios Legales y Sociales (CELS), 2004, <u>https://www.wilsoncenter.org/sites/default/files/media/documents/publication/LAP\_argentina\_sp.pdf</u>.

U.S. intelligence and security records regarding human rights violations during the dictatorship.<sup>42</sup> At the behest of the Attorney for Crimes Against Humanity of the Ministry of Public Prosecution of Argentina (*Procuraduría de Crímenes contra la Humanidad del Ministerio Público Fiscal de la Argentina*) and human rights organizations, in November 2015 the Argentine Embassy in Washington D.C. requested a limited declassification of the FBI Legal Attaché records for the period of 1975 to 1983. But the Obama administration did not respond. During the presidency of Cristina Fernandez, the relationship between Argentina and the United States had reached a historical low point.<sup>43</sup>

It would take a new president, and a scheduling faux pas in President Obama's planned trip to Havana and Buenos Aires in March 2016, to create the conditions for declassification diplomacy in Argentina. In February, the White House announced that the President would make a historic visit to Cuba on March 20, and then, two days later, travel on to Buenos Aires for an official visit with recently elected, U.S.-friendly Argentine president Mauricio Macri. "Ahh, but the date," as NSC aide Benjamin Gedan later conceded,<sup>44</sup> happened to coincide with the 40th anniversary of the military coup d'état, a day dedicated to remembrance, justice, and the reaffirmation to 'never again' allow such atrocities to take place.

Human rights groups denounced the timing of Obama's visit as a "provocation."<sup>45</sup> Nobel Peace Prize recipient Adolfo Pérez Esquivel wrote to President Obama, reminding him that the United States was associated with the military coup and the repression that followed in Argentina—and in other countries in Latin America. "[I]f you choose not to postpone your visit for another date," as Perez Esquivel warned Obama about planned protests, "you shall hear what the Argentine people have to say to the world."<sup>46</sup> Human rights groups met with Macri to demand he disinvite Obama, or leverage his trip to advance the cause of justice for human rights crimes. Indeed, it was Estela Carlotto who suggested that Macri seize the opportunity to ask President Obama "for things such as the declassification of documents of the United States."<sup>47</sup> On March 11, the *Abuelas* publicly announced their own request for the declassification of United States intelligence records.<sup>48</sup>

At the Archive, we joined the campaign of public pressure by approaching the *New York Times* to call for a special declassification of still secret documents. "It is time for the American government to do what it still can to help bring the guilty to justice and give the victims' families some of the answers they seek," the *Times* stated in a forceful 17 March 2016, editorial titled "America's Role in Argentina's Dirty War." Behind the scenes, Macri and the Obama White House orchestrated an official government-to-government request that Obama could respond to positively during his trip to

<sup>44</sup> Gedan, George Washington University LAHSP presentation, 5 April 2018, <u>https://www.pscp.tv/w/1gqxvpbLNqBGB</u>.

<sup>45</sup> "Las Abuelas Plaza de Mayo Piden a Macri Compromiso Con La Justicia y La Memoria," *EFE*, 24 February 2016, <u>https://www.efe.com/efe/america/cono-sur/las-abuelas-plaza-de-mayo-piden-a-macri-compromiso-con-la-justicia-y-memoria/50000553-2848559</u>.

<sup>46</sup> Adolfo Pérez Esquivel to Barack Obama, "Carta de Pérez Esquivel a Obama Por Su Visita a La Argentina el 24 de Marzo," 2 March 2015, <u>http://www.adolfoperezesquivel.org/?p=3866</u>.

<sup>47</sup> "Las Abuelas Plaza de Mayo Piden a Macri Compromiso Con La Justicia y La Memoria," EFE, 24 February 2016, <u>https://www.efe.com/efe/america/cono-sur/las-abuelas-plaza-de-mayo-piden-a-macri-compromiso-con-la-justicia-y-memoria/50000553-</u> 2848559.

<sup>48</sup> Abuelas de Plaza de Mayo et al. to Noah B. Mamet, 11 March 2016.

<sup>&</sup>lt;sup>42</sup> "Declassification Diplomacy: Trump Administration Turns Over Massive Collection of Intelligence Records on Human Rights and Argentina (Briefing Book #669)," National Security Archive, 12 April 12019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records.</u>

<sup>&</sup>lt;sup>43</sup> Benjamin Gedan, George Washington University LAHSP presentation, 5 April 2018, <u>https://www.pscp.tv/w/1gqxvpbLNqBGB</u>.

Buenos Aires, using the release of secret U.S. documents as a unique, substantive, diplomatic gesture that would advance the cause of human rights on the 40<sup>th</sup> anniversary of the military coup.

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The ADP took three full years to complete. After a lengthy effort by sixteen U.S. government agencies to identify, review, and process thousands of documents for declassification, the Argentina records were released in tranches. The Obama administration released the first two groups of documents; President Trump personally gave Macri a third set of diskettes with scanned records during a state visit to the White House in April 2017. Trump was due to provide Macri with the last and largest batch of 5,600 detailed intelligence records during the G20 meeting in Buenos Aires in November 2018, but the expected turnover did not take place.

In March 2019, as the 43rd anniversary of the coup approached, there were no signs of movement on the final release. At the Archive, we became concerned that the turnover of national security officials in the Trump White House might lead to the cancellation of the final declassification. We considered issuing a public statement regarding the delay, but decided to approach the Argentine embassy about creating an appropriate diplomatic opportunity for the document turnover to take place. With the clock ticking, Kornbluh and I drafted a memorandum for the Argentine ambassador and a potential letter for the Argentine foreign ministry to send to the State Department suggesting that a final release pegged to the March 24<sup>th</sup> anniversary of the coup would be seen as "a gesture of friendship of the people of the United States." We took that letter to a meeting with our diplomatic contacts at the Argentine Embassy, and presented a full argument as to why they should proactively press for the release of the records. We confirmed that all the material was ready and just needed an appropriate opportunity to be released.<sup>49</sup> The letter was never used, but three days before the 43rd anniversary, we heard the good news: The Argentine Minister of Justice and Human Rights, Germán Garavano, would come to Washington to officially receive the documents.<sup>50</sup>

The official turnover of the final tranche of documents would take place on April 12 at a special "Declassification Diplomacy" ceremony at the National Archives headquarters on Pennsylvania Avenue. Powers asked me for the names of people to invite. I suggested a number of victims and relatives I had met over the years who were living in the U.S., such as Gwenda Loken, Patricia Erb, Juan Mendez, Isabel Mignone (whose sister, Mónica Mignone, disappeared and whose father, Emilio Mignone, created CELS to support research and legal assistance to others in their situation), her husband Mario del Carril (who wrote a book about Emilio)<sup>51</sup>, and Julia Timerman (the granddaughter of victim Jacobo Timerman and niece of Foreign Minister Hector Timerman). Then I thought of Azul Hidalgo Solá, the granddaughter of disappeared Argentine Ambassador Héctor Hidalgo Solá. Ambassador Hidalgo Solá had been abducted in broad daylight on the streets of Buenos Aires on 18 July 1977, never to be seen again. The circumstances of his disappearance indicated that, like thousands of other disappeared Argentines, he was seized by the secret police; but he did not fit the profile of most victims of human rights abuse. "[He] was not a liberal, a leftist, or an armed militant opposed to the regime," as Kornbluh wrote about Hidalgo Solá in *The Nation*. "He was, in fact, the military government's appointed diplomatic representative to Venezuela."<sup>52</sup>

Azul attended the ceremony, along with Mario del Carril, both as relatives of the victims. We took the opportunity to show her one detailed CIA intelligence report which left her shaken and overwhelmed. After the event, we arranged a meeting at

<sup>&</sup>lt;sup>49</sup> Carlos Osorio to Sofia Machado, "Encuentro a Las 4pm," 11 March 2019.

<sup>&</sup>lt;sup>50</sup> Osorio to Tom Blanton, "Argentina Announcement," 21 March 2019.

<sup>&</sup>lt;sup>51</sup> Mario del Carril, *La Vida de Emilio Mignone: Justicia, Catolicismo y Derechos Humanos* (Buenos Aires: Emece, 2011).

<sup>&</sup>lt;sup>52</sup> Peter Kornbluh, "Secret US Intelligence Files Provide History's Verdict on Argentina's Dirty War," *The Nation*, 18 November 2019, <u>https://www.thenation.com/article/archive/argentina-dirty-wars/</u>.

the home of Isabel Mignone and Mario del Carril to help Azul process the painful information about her grandfather's case. Azul told us she was having trouble talking to her family; they never discussed the issue. She had been in contact with her mother and they were discussing what the documents revealed and how to convey that information to her family.<sup>53</sup> Mario thought it would be helpful to outline her grandfather's history. An adept politician from the *Unión Cívica Radical* (UCR), which was also the party of Raul Alfonsín, the first democratically elected president after the dictatorship, Hidalgo Solá had supported the 1976 military coup as an alternative to chaos and civil war. He had tried, however, to nudge the regime toward less repression and violence. According to Mario's research, Emilio Mignone had met Ambassador Hidalgo Solá in Venezuela. When Emilio learned that Hidalgo Solá had been meeting with Argentine refugees in Venezuela and planned to talk to General Rafael Videla, the head of the military junta, about addressing human rights violations, Emilio warned him "they will kill you."<sup>54</sup>

As a 'right-to-know' organization, the Archive's most sacred and imperative mission is to assure that victims of human rights violations and their families have access to U.S. declassified documentation on the fate of their loved ones. Often this is the only evidence they will have to try to understand what happened and to achieve a modicum of closure that such an understanding can bring. In May 2019, I provided Azul with a packet of all the recently declassified records on Ambassador Hidalgo Solá to share with her family so they could learn about her grandfather's ordeal. "Suspicion will fall on military hardliners who were upset last year when Hidalgo Solá received at his embassy a labor leader ousted after the 24 March 1976 coup," read one Department of State intelligence report.<sup>55</sup> "Hidalgo Solá was kidnapped and assassinated by a special group which has worked for the State Intelligence Secretariat (SIDE)," concludes a CIA cable.<sup>56</sup>

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As the U.S. Government officially provided the documents to the Argentine Government on 12 April 2019, the National Security Archive posted a comprehensive overview of the collection, along with eighteen of the most revealing CIA, DIA, FBI, State Department records on our website nsarchive.org. We distributed the posting, "Declassification Diplomacy: Trump Administration Turns over Massive Collection of Intelligence Records on Human Rights and Argentina" to over 7000 reporters, editors, scholars, and interested citizens and generated dozens of media stories around the world. Drawing on the information in our posting, the *New York Times* published a comprehensive story titled "Declassified U.S. Documents Reveal Details About Argentina's Dictatorship" that also circulated around the world.<sup>57</sup>

Since the documents were released over two years ago, the Archive has spent considerable time analyzing approximately 45,000 pages of intelligence reports, cables, and memoranda. We have disseminated relevant records to judges, prosecutors, and lawyers in Buenos Aires, to the victims' families, and the media. And we continue to assist with follow-up questions posed by the Argentine foreign ministry. With the help of a dozen students from William & Mary, the Archive has been able to gauge the breadth and depth of the ADP. Undergraduate students participating in William & Mary's National Security Archive Research Internship have already indexed 4,700 ADP documents released by the CIA, the FBI, and the

<sup>54</sup> Mario del Carril, *La Vida de Emilio Mignone: Justicia, Catolicismo y Derechos Humanos* (Buenos Aires: Emece, 2011).

<sup>55</sup> INR Weekly Highlights of Developments in Human Rights, "Argentina: Hidalgo Sola Disappears," 26 July 1977.

<sup>56</sup> CIA Intelligence Information Cable, "Kidnapping and assassination of Argentine Ambassador to Venezuela by a Group Associated with Argentine State Intelligence Secretariat (SIDE) without SIDE Knowledge or Authorization," 8 September 1977.

<sup>57</sup> Ernesto Londoño, "Declassified U.S. Documents Reveal Details About Argentina's Dictatorship,," *The New York Times*, 12 April 2019, <u>https://www.nytimes.com/2019/04/12/world/americas/argentina-dictatorship-cia-documents.html</u>.

<sup>&</sup>lt;sup>53</sup> This story is included with the consent of Azul Hidalgo Sola. Osorio to Azul Hidalgo Sola, "Estoy escribiendo como te entregamos documentos," 23 July 2020.

National Archives (NARA). The growing index is being shared as a research tool with the *Abuelas de la Plaza de Mayo*, CELS, and the *Comisión Provincial por la Memoria in La Plata*, in Argentina.

The nearly 6,000 ADP intelligence documents are riveting and rich in detail; they shed considerable light on hundreds of human rights cases. Numerous documents provide information on the fates of disappeared Argentines.

For example, in a secret August 1975 FBI cable, Legal Attaché in Buenos Aires Robert Scherrer reported the detention and execution of Marcos Osatinsky, who had been arrested by the provincial security in Córdoba and so severely tortured that a decision was made to execute him. The authorities then staged his death to make it appear he had been killed in a shootout. To hide evidence of their abuses, the security personnel went so far as to hijack the hearse that was transporting Osatinsky's body from Córdoba to Tucuman. According to the FBI analysis, "The purpose of stealing his body was to prevent the body from being subjected to an autopsy, which would have clearly shown he had been tortured." <sup>58</sup>

FBI and CIA reports also shed considerable light on the August 1976 operation by SIDE agents to kidnap, torture, and execute two members of the Cuban Embassy in Buenos Aires, Jesús Cejas Arias and Cresencio Galañena Hernández. The two were kidnapped by SIDE agents outside the Embassy on 9 August 1976 and transported to the infamous torture center, *Automotores Orletti*. According to one CIA report, they were "tortured at the detention center for forty-eight hours. They were then killed, and their bodies dumped in the Paraná River."<sup>59</sup>

The ADP records are already being used as documentary evidence in dozens of human rights trials in Argentina and the region and will surely have an impact in hundreds more by illustrating the criminal activities of the military dictatorship. One CIA intelligence report on Ambassador Hidaldo Sola contained a specific address of a secret detention center that Argentine investigators had never been able to locate. Using that document, on 3 July 2020, Argentine Judge Daniel Rafecas identified a house that had been referenced by survivors as a clandestine detention center. The address is around the corner from *Automotores Orletti.*<sup>60</sup> "This is crucial. It establishes the credibility of the U.S. declassified records as documentary evidence," said Pablo Llonto, plaintiffs' attorney in the *Orletti* judicial case.<sup>61</sup>

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"[T]he process for organizing and completing this project is unique. I attribute its success to the inclusion of all stakeholders," the Archivist of the United States, David Ferriero, pointed out at the April 2019 ceremony. "They include the Executive branch agencies working with officials from the Argentine Embassy in Washington D.C., the United States Embassy in Buenos Aires, and the Argentine Government. There was also dialogue and communication with Argentine

<sup>59</sup> Ibid.

<sup>61</sup> Pablo Llonto to Osorio, WhatsApp conversation, 8 July 2020.

<sup>&</sup>lt;sup>58</sup> "Declassification Diplomacy: Trump Administration Turns Over Massive Collection of Intelligence Records on Human Rights and Argentina (Briefing Book #669)," National Security Archive, 12 April 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records</u>

<sup>&</sup>lt;sup>60</sup> Ailín Bullentini, "Identificaron un centro clandestino de detención en la calle Bacacay," Pagina 12, 3 July 2020, <u>https://www.pagina12.com.ar/276055-identificaron-un-centro-clandestino-de-detencion-en-la-calle</u>.
civil society organizations, including two videoconferences; historians working closely from within and outside Government; and cooperation with Carlos Osorio from the National Security Archive."<sup>62</sup>

The Argentina Declassification Project is beyond "unique;" it is *historic*. In its implementation and results, the ADP set a new standard for comprehensiveness, transparency, and impact. I know this from experience. My Archive colleagues and I have worked on a number of presidentially mandated, discretionary declassifications—on El Salvador, Guatemala, Peru, Brazil, and Chile. But we have never witnessed the intensity, commitment, professionalism and leadership at the National Security Council and the other participating agencies to locate, process and declassify—as fully as possible—national security documentation at this level of detail, sensitivity, and historical importance. A letter from President Trump to President Macri touted the release of the documents as the "largest declassification of United States Government records directly to a foreign government in history."<sup>63</sup> More important than its size, the ADP is the most revelatory declassification project in recent history, establishing a remarkable precedent for future releases.

At the insistence of John Powers, I had the honor of offering closing remarks at the April 12<sup>th</sup> 2019, ceremony at the National Archives. I took the opportunity to thank all the U.S. officials who participated in this extraordinary effort. They have been the "liberators of history," I noted. I was able to publicly credit Powers for his superlative leadership. "You are the Bolivar of this movement," I told him. <sup>64</sup>

The declassified documentation that has been finally freed from the SCIFS—Secure Compartmented Information Facilities—of the national security agencies has now become a permanent addition to the historical record. Since their release, the documents have been extremely valuable in Argentina's ongoing quest for justice, truth, and dignity for thousands of human rights victims and their families.

I have been fortunate to experience the ultimate reward of this work—the intense warmth of the relatives of the disappeared when I share these documents with them in Argentina. I have heard and seen the gratitude from the children of the disappeared who have held the documents in their hands. "Thank you," they have told me. "Thank you. The documents allow us to touch our loved ones."<sup>65</sup> This, in my opinion, is the true value of declassification diplomacy.

<sup>&</sup>lt;sup>62</sup> David S. Ferriero, "Remarks for 'Declassification Diplomacy: The United States Declassification Project for Argentina," National Archives, 12 April 2019, <u>https://www.archives.gov/about/speeches/2019/declassification-diplomacy</u>.

<sup>&</sup>lt;sup>63</sup> Trump to Macri, 11 April 2019, <u>https://www.intelligence.gov/assets/documents/argentina/POTUS\_letter\_Argentina%20\_04.19.2019.pdf</u>

<sup>&</sup>lt;sup>64</sup> Osorio, "Remarks at the Declassification Diplomacy Ceremony," National Archives, 12 April 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records</u>

<sup>&</sup>lt;sup>65</sup> Osorio, "Children of the Disappeared: The documents enable us to touch them..." Unredacted, 17 December 2009, <u>https://unredacted.com/2009/12/17/the-documents-enable-us-to-touch-them%e2%80%a6/</u>.

# Silvia R. Tandeciarz on "Memory Work at William & Mary: Amplifying the Argentina Declassification Project through Undergraduate Research"

On 17 March 2016 I received an early morning email from Carlos Osorio, National Security Archive analyst, with a link to a *New York Times* editorial. "America's Role in Argentina's Dirty War" called for the U.S. to declassify its records on Argentina's last military dictatorship (1976-1983) in advance of President Obama's visit the following week.<sup>66</sup> I was one of over sixty recipients of that story, sent by Osorio, which included representatives from human rights organizations, researchers, prosecutors, journalists, and government officials from Argentina and the U.S., past and present. Along with the link were Osorio's words: "¡Estamos empujando para que suceda!" [We're pushing for it to happen!]. As it turns out, a second email sent later that day verified it was a done deal: Susan Rice, National Security Advisor to President Obama, had made the official announcement, clarifying that the Argentina Declassification Project (ADP) would include military intelligence documents.<sup>67</sup>

I now understand that Osorio was preparing the way for the work we soon would be doing together with the help of William & Mary undergraduate students. We already had a long history of collaboration. William & Mary's National Security Archive Research internship began in 2008, soon after a short course on sites of memory in Washington DC led fourteen students—five from Argentina, the rest from the U.S.—and me to visit the Archive and learn about its mission. Following that first fortuitous encounter, Osorio visited William & Mary, and, together with History Professor Betsy Konefal, we gave shape to our academic program. Since then, dozens of undergraduate students have earned course credit for their work with declassified documents. Guided by Osorio and granted access via electronic connections to the National Security Archive databases, they have explored the landscape of international diplomacy and mastered the languages of state actors involved in its execution. Mentored by faculty, they have learned about Cold War violence in Latin America's Southern Cone through the declassified records and gained a deeper appreciation for the grey zones of this history. As integral members of this working group, they have played an active role in reconstructing histories of repression and resistance, thereby contributing to the causes of memory and justice.

# Early Collaboration

When we first began working together, students used the Archive's databases to identify documents relevant to Operation Condor, a transnational network made up of Latin American intelligence services that operated in the 1970s and early 1980s and coordinated state repression of political opponents (kidnappings, torture, disappearances, and extrajudicial executions) among member states. That group's sharing of intelligence across international borders means that research in multiple countries' databases is essential to historical reconstruction. Declassified U.S. records illuminate the American government's interest in countering Cold War leftist insurgencies in the United States' own 'backyard' and provide detailed information on this history as it was unfolding from the vantage point of diplomatic and intelligence communities. Documents recovered from the Paraguayan security forces, which were partners in the Condor network, to which students were also provided digital access through the Archive, reveal additional layers regarding these circuits of repression and resistance, and the trajectories of the disappeared.<sup>68</sup> Responding to requests from Argentine prosecuting judges, we mined

<sup>&</sup>lt;sup>66</sup> Editorial Board, "America's Role in Argentina's Dirty War," *New York Times*, 17 March 2016, https://www.nytimes.com/2016/03/17/opinion/americas-role-in-argentinas-dirty-war.html.

<sup>&</sup>lt;sup>67</sup> Susan E. Rice, "Remarks by National Security Advisor Susan E. Rice: 'Seizing a Transformational Moment in the Western Hemisphere," The White House, Washington, D.C., 17 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/17/remarks-national-security-advisor-susan-e-rice-seizing-transformational</u>.

<sup>&</sup>lt;sup>68</sup> For more on the kind of documents the Paraguayan archive contains, see "Rendition in the Southern Cone: Operation Condor Documents Revealed from Paraguayan 'Archive of Terror' (Briefing Book #239-Part II)," National Security Archive, 21 December 2007, <u>https://nsarchive2.gwu.edu/NSAEBB/NSAEBB239d/index.htm</u>.

the historical record in search of evidence for use in court cases, and interpreted and organized the relevant paper trail that Osorio later presented on behalf of the Archive in Argentine trials.<sup>69</sup>

Another significant early project focused on the illegal detention and torture of Argentine journalist Jacobo Timerman.<sup>70</sup> Kidnapped on 15 April 1977, Timerman was held in clandestine detention centers and two prisons prior to being put under house arrest and then exiled, his citizenship stripped. His searing testimony about this ordeal, *Prisoner Without a Name, Cell Without a Number* (1981), brought international attention to the human rights abuses committed by the Argentine junta and helped accelerate the end of the dictatorship. Using the Archive's databases, and triangulating with Argentina's largest police intelligence archive (ex-DIPPBA), which was managed by the *Comisión Provincial por la Memoria* (CPM) in La Plata, students helped create two briefing books<sup>71</sup> and a chronology on the case for simultaneous publication.<sup>72</sup> This project entailed securing the necessary permissions from his son, Héctor Timerman, then Argentine Ambassador to the United States, and coordinating an international research team comprised of staff and students at the National Security Archive, the *Comisión Provincial por la Memoria*, and William & Mary. It brought the three institutions together for the first time, and its success—the trust built, the relationships established, the revelations provided—set the groundwork for a cooperation agreement between the *Comisión Provincial por la Memoria* and the Archive that was signed on 9 September 2019.<sup>73</sup>

#### Training Student Research Partners

Over the years, Osorio, Konefal, and I have refined our working methodology. We offer the research internship as an interdisciplinary, credit-bearing course. Students from all disciplines, including the sciences, are drawn to it, sometimes because they have a personal connection to this history; but the vast majority are Hispanic Studies, Latin American Studies, and International Relations majors who are interested in foreign policy, history, and human rights. Students returning from William & Mary's semester study abroad program in La Plata, Argentina (administered by the *Comisión Provincial por la Memoria*) have also been a mainstay of the internship. Their first-hand experiences with post-dictatorship legacies—including visits to memory sites, meetings with survivors and representative figures from the human rights community, and participation in educational youth programs focused on memorial transmission—have greatly enriched the collective's

<sup>71</sup> Briefing books are the format used by the National Security Archive—and more recently adapted by the *Comisión Provincial por la Memoria*—to disseminate findings related to U.S. foreign policy. Each briefing book contains between five and 100+ documents, features a framing introductory essay, individual document descriptions, related photo or video content, and links for further reading.

<sup>72</sup> Links to all are available through the "William & Mary National Security Archive Project" (blog), <u>http://nsaproject.blogs.wm.edu/project-argentina/timmerman-briefing-book-project/</u>.

<sup>&</sup>lt;sup>69</sup> "Operation Condor: National Security Archive Presents Trove of Declassified Documentation in Historic Trial in Argentina (Briefing Book #514)," National Security Archive, 6 May 2015, <u>https://nsarchive2.gwu.edu/NSAEBB/NSAEBB514/</u>.

<sup>&</sup>lt;sup>70</sup> For more on how the declassified record illuminates the Jacobo Timerman case, see Betsy Konefal and Silvia Tandeciarz, "Dictatorship Declassified: Latin America's 'Archives of Terror' and the Labors of Memory," *Peace Studies Journal* 7:3 (December 2014) 75-97.

<sup>&</sup>lt;sup>73</sup> "La CPM firmó convenio con el NSA para trabajar con archivos del FBI y la CIA sobre la última dictadura militar argentina" [Accord signed between CPM and NSA to work on FBI and CIA archives regarding Argentina's last dictatorship], press release, 9 September 2019, <u>http://www.comisionporlamemoria.org/la-cpm-firmo-convenio-con-el-nsa-para-trabajar-con-archivos-del-fbi-y-la-cia-sobre-la-ultima-dictadura-militar-argentina/.</u> Having launched this partnership, we had planned to have an international gathering hosted by the *Comisión Provincial por la Memoria* in March 2020 that had to be delayed due to the pandemic. We nevertheless have shared our work methodology with our *Comisión* partners and are jointly pursuing a number of case studies with a view to producing briefing books and contributing to ongoing trials.

shared commitment to this work. In addition, the internship has provided the students with an opportunity to deepen their engagement with the issues they studied while abroad.<sup>74</sup> The course is taught on campus at William & Mary and Carlos Osorio joins each session virtually with the use of video-conferencing technologies. We make it a point to visit the National Security Archive, housed at George Washington University's Gelman Library, at least once a semester, both to hold an inperson session and to offer students greater insight into the Archive's holdings and operations.

The first few weeks of every term are devoted to training and orientation. Research interns study histories and reports related to the Argentine dictatorship, pore through briefing books, and read works published by their professors (including Osorio) that will help them understand the declassified documents.<sup>75</sup> They are introduced to the Archive's databases, and thus learn to identify document types, tags, acronyms, official titles, and abbreviations, as well as the structures governing U.S. foreign relations. And they become experts in carrying out electronic searches of index fields and full-text Optical Character Recognition (OCR) images while working remotely on their laptops. The work varies by semester depending on the goals that are defined in advance with Osorio, but the outputs have remained fairly consistent: briefing-book drafts and document collections for researchers, judges, survivors, victims' relatives, and members of the human rights community, all of which are informed by additional scholarly research on the particular stories the documents illuminate.

# ADP Project

Our decade of collaboration provided us with a strong foundation from which to tackle the most recent declassification. A first, vital task for our research team has been the indexing of the 47,000 pages that have been released in order to make them easily searchable. While the website created by the Office of the Director of National Intelligence provides open access to the documents, navigating and making sense of what is there requires time and training.<sup>76</sup> Honoring the spirit of the release and expanding its reach, we are creating this research tool to facilitate our own work and to enhance the likelihood that any new information that the documents make available can be found by those who seek it. We have not approached this task as historical archivists or librarians, aiming to capture every minute detail contained in this vast document cache. Rather, we have approached our work with a specific focus on human rights.

In concert with our students, we established working parameters to guide this labor. Students access the documents through the Archive. Indexing them means reviewing each page, noting the folder and pdf in which the document appears, the relevant page numbers within a particular file, the document's date and source, and the key information therein. Capturing all individual and organization names in a designated column, exactly as they are spelled in the documents, is especially important for ensuring the usefulness of this research tool; so, too, is listing each document separately even when several might be bundled together into a single pdf. While our student interns index all documents, they provide summary descriptions only of those documents with relevant human rights information: those that provide evidence of violations perpetrated by state actors; that speak to major U.S. foreign policy shifts, particularly regarding human rights; that illuminate U.S. officials' attitudes toward these violations; and that illustrate major policy decisions made by Argentines impacting human rights. In addition to these subjects, students are always on the lookout for documents that illuminate

<sup>&</sup>lt;sup>74</sup> Building on our experience with the Timerman project and anticipating better access to U.S. declassified documents as a result of the September accord signed with the National Security Archive, the *Comisión* has formalized a research internship for William & Mary undergraduate students participating in our study abroad program there that mirrors what we do in the United States. Some of our best interns have had experience working with declassified documents from the archives of both countries.

<sup>&</sup>lt;sup>75</sup> Konefal and Tandeciarz, "Dictatorship Declassified: Latin America's 'Archives of Terror' and the Labors of Memory," *Peace Studies Journal* 7:3 (December 2014) 75-97; Tandeciarz, *Citizens of Memory: Affect, Representation, and Human Rights in Postdictatorship Argentina* (Lewisburg: Bucknell University Press, 2017); Carlos Osorio, ed., *Argentina, 1975-1980: The Making of U.S. Human Rights Policy* (Washington, D.C.: The National Security Archive and Chadwyck-Healey, 2012).

<sup>&</sup>lt;sup>76</sup> Office of the Director of National Intelligence, "Argentina Declassification Project," <u>https://www.intelligence.gov/argentina-declassification-project</u>.

case studies of special interest, either for potential incorporation into briefing books or because we have received specific requests to which we need to respond. When they do write descriptions, these are brief and, again, not bibliographical; they simply seek to capture the documents' most relevant contributions to our human rights focus. We train students to refrain from making interpretive judgments and to ensure that their entries faithfully reflect the contents of the documents. The time for interpretation comes later, when we discuss the documents and select them for briefing books, relying on the analysis and questions our interns pose. Through the labor of indexing they become the experts, and we benefit greatly from the brain trust their investment generates.

Date	Circa	Title/Subject	Agency Stamp	Description	Names/Nicknames	Countries	Organizations
8/11/1976		Two Cuban Embassy Members Disappear in Buenos Aires		Based on reporting by REUTERS in Havana. "Two members of the Cuban Embassy staff disappeared in Buenos Aires on Monday, according to a press report from Havana. The Argentine ambassador in Havana was reportedly called to a 90 minute meeting with a top official of the Cuban		Cuba, Mexico, Argentina	

This modus operandi may seem straightforward, but we spend a great deal of time reviewing the documents our interns have indexed, asking and answering questions, and verifying that the data and descriptions are accurate. Sometimes the agency stamp or the document date is unclear; sometimes students need help identifying where one document ends and where another begins. Sometimes we have questions for them regarding their descriptions, since the language they use can signal an implicit judgment in spite of their best intentions. Most of our time, however, is spent discussing the documents that they have highlighted that seem to be particularly pertinent to our human rights focus—those 'gold nuggets' that eventually may be featured in a publication or shared with prosecutors. It is in these discussions that the scenarios of violence we are studying jump off the page most clearly, generating questions and insights that illuminate the larger landscape of repression.

To date we have finished the indexing of 4,500 documents released by the CIA, the FBI, the Defense Intelligence Agency (DIA) and the National Archives (NARA). 'Finishing' means not only that an entry has been made for every document, but that these have been reviewed for accuracy more than once, by both Osorio and the supervising William & Mary faculty, and by multiple interns. We have shared these spreadsheets with the CPM and expect they soon will be available to the Argentine human rights community and the broader public.

Beyond the crucial labor of indexing, our work for the ADP has yielded a number of important publications and reports. On 24 March 2019—the 43<sup>rd</sup> anniversary of the coup—the Archive published a short briefing book anticipating the kind of information we expected the eventual release to help fill in.<sup>77</sup> This publication represented just a fraction of the research our team conducted over several semesters while awaiting the release and highlighted our way of advocating for it to happen.<sup>78</sup> The three FBI documents we selected came from the 2002 declassification and illustrated the sort of evidence we hoped the ADP would make available. Two of the documents offer chilling details regarding raids conducted by security forces that resulted in the disappearance of five individuals, including three women, one of whom was pregnant. Perhaps the most compelling document (for what it hides) is a memo sent by Legal Attaché Robert Scherrer to Ambassador Hill: titled "Roberto Quieto"—a reference to the Montonero leader who was detained shortly before the coup—it is fully redacted and marked secret. Like Quieto himself, the details of his abduction and eventual fate are disappeared, and his story has captured

<sup>&</sup>lt;sup>77</sup> The National Security Archive, "Declassification Diplomacy: Trump Administration to Turn Over Trove of Declassified Records to Argentina on Human Rights Violations Committed During Military Dictatorship," 24 March 2019, <u>https://nsarchive.gwu.edu/news/southern-cone/2019-03-24/declassification-diplomacy-trump-administration-turn-over-trove-declassified-records-argentina-human</u>.

<sup>&</sup>lt;sup>78</sup> Initially expected in November of 2018, that it would happen remained unclear to us through mid-March 2019.

the nation's collective imagination, becoming the subject of at least one novel and one play.<sup>79</sup> If un-redacted, what information might the Scherrer memo contribute to this significant chapter in Argentine history? We were able to answer this question just a month later with the publication of another briefing book following the 12 April 2019 ceremony.

Designed to bring attention to the release, Osorio, Johanna Weech (W&M '20, our most experienced undergraduate intern, a Hispanic Studies and International Relations double major), and I co-authored "Inside Argentina's Killing Machine: U.S. Intelligence Documents Record Gruesome Human Rights Crimes of 1976-1983."80 We selected documents that showcased the level of transparency the declassification had achieved and the kind of information it had made available for the first time. This briefing book contains two intelligence documents that reveal the previously hidden details surrounding Quieto's detention, torture, and murder. Additional documents provide details regarding the detention of pregnant women and babies born in captivity; details of how the military coordinated the repression through a National Intelligence Center, the existence of which was heretofore largely unknown; and evidence that these activities continued well into 1983, in spite of the democratic transition that was already under way. Renowned writer Haroldo Conti, who disappeared 5 May 1976, makes a brief appearance, in the only mention we have found of his passage through the clandestine detention, torture, and extermination centers. And emblematic deployments of state violence, like the massacre at St. Patrick's Church, the staging of shoot outs, and the torture and disposal of bodies, are reported in extraordinary detail. What made this work possible in a brief period of time were the many classes we had already spent over previous semesters discussing the redacted FBI records and identifying the documents we sought, as well as the 'muscle memory' that guided our search for them following the April ceremony. Our goals clear, we were able relatively quickly to select the documents to feature, polish our descriptions of each, and task Weech with drafting an introductory narrative that Osorio and I edited prior to publication.

Weech also took the lead when we received a request for support from prosecutors working on the "La Pastoril" trial. The trial takes its name from the 29 March 1976 massacre at a country house, La Pastoril, in Buenos Aires province where members of the JCR (the *Junta Coordinadora Revolucionaria* or Revolutionary Coordinating Junta) had gathered to plan future operations.<sup>81</sup> In order to respond to the request from Argentina, we input the key terms they had identified ("ERP," "JCR," "Edgardo Enriquez," "MIR" and all possible variations) and used the Archive's search engines to find mentions of the case. We organized our findings on a spreadsheet in English and began the work of translating them for the Argentine prosecutors. For this we relied on the expertise of William & Mary International Fellow Celeste Cabral, who is from Argentina, and who joined the team in Fall 2019. To date we have identified 170 documents and our work continues. Our efforts to map the terrain for our Argentine colleagues are yielding insights into national and international resistance networks, as well as the national and international counter-insurgency tactics used in Operation Condor. In addition to sharing our findings with prosecutors, we are collaborating with the *Comisión Provincial por la Memoria* on briefing books about this signal event.

Another briefing book we have in the pipeline focuses on the 9 August 1976 disappearance of two Cuban diplomats. Described by John Dinges in *The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents*, the

<sup>&</sup>lt;sup>79</sup> I refer to the novel by Marcos Bertorello, *Quieto en la orilla* (Interzona: 2014) and to the play by Susana Torres Molina, *Un domingo de familia* (2019).

<sup>&</sup>lt;sup>80</sup> "Inside Argentina's Killing Machine: U.S. Intelligence Documents Record Gruesome Human Rights Crimes of 1976-1983 (Briefing Book #673)," National Security Archive, 30 May 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-05-30/inside-argentinas-killing-machine-us-intelligence-documents-record-gruesome-human-rights-crimes-1976</u>

<sup>&</sup>lt;sup>81</sup> A recent news article in Spanish describes what transpired that day in great detail; see "Metralla y sangre en un 'asado sospechoso': el día que una patrulla policial casi extermina a los líderes del PTR-ERP." *Infobae*, 1 April 2021, <u>https://www.infobae.com/sociedad/2020/02/01/metralla-y-sangre-en-un-asado-sospechoso-el-dia-que-una-patrulla-policial-casi-extermina-a-los-lideres-del-ptr-erp/</u>.

case is relatively well known.<sup>82</sup> Jesús Cejas Arias and Crescencio Galañena Hernández belonged to a security unit responsible for guarding the Cuban ambassador. They were on their day off and unarmed when they were detained by Argentine security forces, allegedly on the suspicion that they were funneling money to leftist groups. More than 30 years would pass before their bodies were recovered, identified, and repatriated to Cuba.<sup>83</sup> In early 2018, a student in our research internship had already identified the case as one of interest. Emily Jackson (W&M '18, International Relations) spent her final semester at William & Mary searching for and selecting relevant documents—some heavily excised—in anticipation of publishing a briefing book. Grayson Cox (W&M '20, International Relations and Hispanic Studies) picked up where she had left off, reading everything published on the case in addition to working on the ADP. His research has yielded new information regarding those who were responsible for the operation, where Galañena and Cejas were taken, and the gruesome details of their interrogation, torture, and murder. We expect to publish these research findings on the upcoming 45<sup>th</sup> anniversary of their disappearance and hope to uncover more details of the case prior to publication.

Before closing, I will mention one other project since it illustrates additional dimensions of the work William & Mary's National Security Archive Research Internship has made possible. In October 2019, Osorio received a request from Chicana political activist Olga Talamante asking for help identifying all of the declassified records that relate to her detention in Argentina. Talamante, a U.S. citizen, was abducted along with 12 others in a police raid on 10 November 1974 in Azul, Argentina. Brutally tortured and held for 10 months prior to being charged, she eventually was found guilty of engaging in subversive activities and sentenced to three years in prison. Due in large part to the international attention her case garnered, she was released 27 March 1976, just three days after the military coup. Megan Leu (W&M '20, Hispanic Studies and History double major) began researching the case and compiling relevant documents in Fall of 2019. In addition to identifying, indexing, and describing the documents, she produced a detailed narrative of the case and filed FOIA requests to access the records that were still missing. Her insights were shared with Talamante in July 2020.<sup>84</sup>

#### Conclusions

As I reflect on the value of this research partnership—within and beyond the academic enterprise it represents—I am most struck by its potential to shape collective memory, both here and in Argentina. Exposure to and interpretations of the declassified record help students to develop a deep and broad understanding of U.S. foreign policy during the Cold War and its human toll throughout the Americas. Active participants in the production of history, they gain invaluable methodological experience in conducting archival research; learn to interpret past events; construct narratives about those events based on the documentary record; and hone their skills in presenting and disseminating their research findings. Well beyond serving merely as indexers who organize a digital collection, they are memory architects who are deeply engaged with the contents they examine; and the consequences of their dissemination inform and shape the delivery of justice as well as the stories we, and the national communities we represent, tell about the past. In itself, this is remarkable. But there is more. In addition to contributing to histories in the making, I have found over the years that the internship itself functions as a vehicle for memorial transmission. As the interns strive to make something of the documents they are studying—their

<sup>82</sup> John Dinges, *The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents* (New York: The New Press, 2012).

<sup>83</sup> In 2012 a group of kids playing in a quarry found three barrels containing human remains; the Argentine Forensic Anthropology team identified Galañena's remains in one of them. A year later, following excavation of the site, a second barrel was found containing Cejas' remains. See Victoria Ginzberg, "En un barril de metal lleno de cemento," *Página 12*, 2 August 2012 and Cecilia Devanna, "La CIA torturaba cubanos en Argentina," *Infojus Noticias*, 29 July 2013.

<sup>84</sup> It's worth noting that Megan, along with Idan Woodruff and Rebecca Weinberg—two other Spring 2020 undergraduate research interns—continued their work with the Archive into the summer in spite of the course's completion in May. Celeste Cabral, whose contract as International Fellow with W&M ended in May 2020, also continued her work with us, as did History Ph.D. student Tyler Goldberger, whose ADP timeline is featured as part of this roundtable. Max Minogue (W&M 2021) returned from La Plata when the pandemic cut our study abroad program short and rejoined our team. Their dedication to this work has been simply extraordinary. contexts of production, the conditions under which they were created and by whom, and the purposes they served—they internalize a history that they come to understand as their own. Recognizing themselves as implicated subjects in this all-too-American story, they carry this experience and the knowledge they have acquired with them as they move on to careers in public service and in the private sector.<sup>85</sup> To the extent that their recollections of this work continue to guide their own contributions as citizens of memory to our shared, global future, they continue to play a part in securing the 'Never Again' that Argentinians proclaimed at dictatorship's end, long after their research internships have ended.

<sup>&</sup>lt;sup>85</sup> I reference the work of Michael Rothberg, *The Implicated Subject: Beyond Victims and Perpetrators* (Stanford: Stanford University Press, 2019).

# John Powers on "Reflections on Leading the U.S. Declassification Project for Argentina: Challenges, Triumphs, and Lessons for the Future"<sup>86</sup>

For just over two years, I led the National Security Council (NSC) effort to coordinate the U.S. Declassification Project for Argentina (ADP). This large project involved 16 Executive Branch agencies and took over three years to complete. During that time, the U.S. Government searched for, declassified, and publicly released over 48,000 pages of records about human rights abuses in Argentina between 1975 and 1984. Many stakeholders inside and outside of Government consider the ADP to have been a success.

I want to provide insight into this project so that future projects can replicate its successes and be informed by its challenges. This narrative provides my perspective on the project, from how it came about to how agencies implemented and participated in the project. To begin, it is important to emphasize just how complex and labor-intensive this special declassification project was - and its success was not guaranteed. It took continued hard work and effort by all stakeholders, including the Executive Branch staff assigned to the project. Many of the factors I discuss below are often not understood by those outside the U.S. Government, or even by those inside the Government who do not normally work in areas of records management or declassification. In addition, this story can serve as both a roadmap and a cautionary tale for the next officials who lead a large Government-wide declassification project. I hope that this narrative will serve in essence as a lessons-learned history of the project.

The presidential-level origins of the project were absolutely essential to the transparency and breadth of the final releases. While unexpected requests for fast or early deliveries of declassified records were difficult to meet and added complexity to the project, hard work and open communication meant that those requests also became opportunities that provided additional momentum and support so that the project could continue. Knowledgeable, respectful, flexible interactions with declassification program managers and staff from participating agencies were of primary importance. These professionals provided incredible support to the project, even though it often fell outside of their normal work, which included tight or court-ordered deadlines. Their work was crucial, and they had many different constituencies to please, so they needed several support tools to help ease the burden while not sacrificing quality. Finally, assistance from and continuous interactions with outside stakeholders—foreign government officials, academic experts, non-governmental organizations (NGOs), and the press—were essential for the success of the project.

# The Roots of the ADP: Past Experiences Leading up to this Project

The idea and concept for a project like the ADP began much earlier in my career and was based on my experiences working at the National Archives and Records Administration (NARA). I worked at the Nixon Presidential Materials Project, at the Lyndon B. Johnson Presidential Library, on the Presidential Materials Staff, and at the Information Security Oversight Office (ISOO) in a variety of positions, almost all of which focused on archival processing, declassification, and public access. At the Nixon Project and at the LBJ Library, I was assigned to review the secret tape recordings of those presidents for public access. This kind of review work is a constant in the professional life of a federal archivist. It includes conducting extensive supplemental research and using other publicly available records to provide archivists with sufficient information to declassify conversations, include detailed descriptions of each conversation, and to permit greater public access. I also participated in two special searches that focused on topics of public interest: one for records to support the work of the Senate Select Committee on POW/MIA Affairs, and another directed by President Clinton for records related to the human rights violations committed by Chilean dictator Augusto Pinochet.

<sup>&</sup>lt;sup>86</sup> This essay reflects the views of the author. It does not reflect the official position of the U.S. Government, the National Security Council, or the National Archives and Records Administration. The author would like to thank Tyler Goldberger and Sara Berndt for their assistance with this essay.

When I started at ISOO as a senior program analyst in 2007, I had over 15 years of archival experience in declassifying records but knew little of the policies behind it. That changed with my first assignment. In Executive Order 13292, "Classified National Security Information," President George W. Bush gave ISOO authority for oversight of classification and declassification policy implementation at agencies across the Executive branch.<sup>87</sup> My first assignment was to design a multi-year oversight project to evaluate 25-year automatic declassification programs at the agencies and, based on the results, develop improvement plans for each agency.<sup>88</sup> The assignment revealed that agency declassification programs were not working as the Executive Order intended. Agency declassifiers often had little training. Many did not have access to their agency's declassification guide. As a result, they made questionable decisions that included inappropriate exemptions,<sup>89</sup> failed to recognize the classified information that had been created by other agencies and failed to communicate or provide training with one another or with NARA. Over time and with ISOO assistance, the agencies' declassification programs improved.

I also served as the team leader supporting the Interagency Security Classification Appeals Panel (ISCAP), the highest appellate body for determining what should or should not be classified, including resolving appeals of Mandatory Declassification Requests. I supported the work of the Public Interest Declassification Board (PIDB), which was created in 2000 by Congress to advise the president and the Congress on promoting "the fullest possible public access to a thorough, accurate, and reliable documentary records of *significant* U.S. national security decisions and activities."<sup>90</sup> I assisted the PIDB in drafting four reports to the president outlining critical changes and new policies to modernize the classification and declassification systems. Three of these reports included recommendations to focus scant resources on reviewing records that have significant historical value or public interest. In 2008, the PIDB released *Improving Declassification*. It included six recommendations for "Prioritizing declassification review of historically significant information." The Board's 2012 report, *Transforming the Security Classification System*, also included recommendations to identify and prioritize the declassification review of historically significant records. Two years later, the PIDB focused solely on this issue in its report, *Setting Priorities: An Essential Step in Transforming Declassification.*<sup>91</sup> My experiences at the NARA, at ISOO, and working

<sup>89</sup> An "exemption" means that some or all information within a 25-year-old record meets specific criteria outlined in section 3 of Executive Order 13526, "Classified National Security Information," and is therefore not eligible for declassification. An exemption can result in a redaction or in the entire record remaining classified.

<sup>90</sup> "Public Interest Declassification Board (PIDB)," National Archives, 3 June 2020, <u>https://www.archives.gov/declassification/pidb</u>. Italics are added for emphasis.

<sup>91</sup> "Improving Declassification" (Public Interest Declassification Board, 2008), <u>https://www.archives.gov/files/declassification/pidb/improving-declassification.pdf</u>. "Transforming the Security Classification System" (Public Interest Declassification Board, 2012), <u>https://www.archives.gov/files/declassification/pidb/recommendations/transformingclassification.pdf</u>. "Setting Priorities: An Essential Step in Transforming Declassification" (Public Interest Declassification Board, 2014), <u>https://www.archives.gov/files/declassification/pidb/recommendations/setting-priorities.pdf</u>. "The Importance of Technology in Classification and Declassification" (Public Interest Declassification Board, 2016), <u>https://www.archives.gov/files/declassification/pidb/recommendations/pidb-importance-of-tech-white-paper-june-2016.pdf</u>.

<sup>&</sup>lt;sup>87</sup> President George W. Bush signed this Order on 25 March 2003. It amended President Bill Clinton's Order on classified national security information from April 1995. The current Order, Executive Order 13526, was signed by President Barack Obama on 29 December 2009, "The President Executive Order 13526" (2009), <u>https://www.archives.gov/isoo/policy-documents/cnsi-eo.html</u>.

<sup>&</sup>lt;sup>88</sup> Executive Order 13526 states that 25-year-old records were automatically declassified unless agencies, after reviewing them, determined that specific records should be exempted from automatic declassification for national security reasons.

for the PIDB solidified my view that special declassification projects have immense value. They also prepared me to co-lead and lead other declassification projects when I was detailed to the White House in 2015.<sup>92</sup>

### Brazil and Chile Declassification Efforts

Two special declassification projects in particular provided the groundwork for the ADP. The first, the Brazil Truth Commission Declassification Project, had its origins in a 2014 request from the Brazilian Truth Commission to the State Department for U.S. records related to human rights abuses. The U.S. government agreed to conduct the search. Vice President Joe Biden presented Brazilian President Dilma Rousseff with 43 State Department records during his June 2014 visit to Brazil, where he also announced the expansion of the project.<sup>93</sup> The declassification of a record in which Rousseff herself was named as a victim was the main highlight.<sup>94</sup> After Biden's visit, Nicholas Zimmerman, the National Security Council (NSC) Director for the Southern Cone, and Mary Ronan, the NSC Director for Access and Information Management, briefed the ISCAP, asking for additional interagency<sup>95</sup> support to search for and declassify records related to human rights abuses for this project.

The Brazilian Truth Commission Declassification Project, led by the National Declassification Center (NDC) at NARA, was ongoing when I joined the NSC staff as the Director of Access and Information Management in April of 2015. At that time, completion of this project had taken on some urgency because Rousseff was scheduled to visit the White House for a state visit in a few months. While President Barack Obama planned to provide these newly declassified records to her during her visit, the reviews were delayed and taking too long. I thus worked with the staff of the NDC and other agency declassification program managers to prioritize and expedite reviews of records requiring multi-agency review.

I first met Benjamin Gedan during the final months of this project. Zimmerman's NSC detail was ending, and he was returning to the Pentagon. As part of the NSC's onboarding process, he introduced me to Gedan, who would replace him. During the last month leading up to Rousseff's visit, I worked closely with Gedan on logistics and a communications plan all the while pushing the agencies to complete their reviews. Obama delivered over 1,000 declassified pages to Rousseff during her state visit on June 30, 2015, in an effort to support Brazil's efforts to heal and uncover more about its repressive past.<sup>96</sup> Having demonstrated the President's interest in this type of project, including using the declassification of historical records as an instrument for broader U.S. policy interests, the project was a success. Even more, given our collaboration, Gedan and I formed a positive working relationship that ultimately led to the U.S. Declassification Project for Argentina.

I learned important lessons about the logistics of large interagency declassification projects from the challenges and successes of the Brazil Declassification Project. The National Declassification Center at NARA was asked to lead and coordinate the

<sup>95</sup> "Interagency" is a government term for a meeting or discussion that involves multiple federal agencies.

<sup>96</sup> The declassified document delivery was mentioned in the White House's fact sheet for the state visit: https://obamawhitehouse.archives.gov/the-press-office/2015/06/30/fact-sheet-united-states-and-brazil-mature-and-multi-facetedpartnership. See also Peter Kornbluh, "Brazil Truth Commission Releases Report (Briefing Book #496)," National Security Archive, 10 December 2014, https://nsarchive2.gwu.edu/NSAEBB/NSAEBB496/.

<sup>&</sup>lt;sup>92</sup> A "detail" involves an employee of one agency taking a short-term job at another agency. Much of the NSC is staffed this way, with employees of agencies typically working there for one or two years.

<sup>&</sup>lt;sup>93</sup> Peter Kornbluh, "Declassified Documents Given By Biden to Rousseff Detail Secret Dictatorship-Era Executions, 'Psychophysical' Torture in Brazil," Unredacted, 3 July 2014, <u>https://unredacted.com/2014/07/03/declassified-documents-given-by-biden-to-rousseff-detail-secret-dictatorship-era-executions-psychophysical-torture-in-brazil/</u>.

<sup>&</sup>lt;sup>94</sup> "Brazil President Weeps as She Unveils Report on Military Dictatorship's Abuses," *The Guardian*, 10 December 2014, https://www.theguardian.com/world/2014/dec/10/brazil-president-weeps-report-military-dictatorship-abuses.

project. At that time, since almost all the potential responsive records were physically located at the NDC, officials believed that it was in the best position to coordinate the various agency reviews and manage the referral process.<sup>97</sup> There were challenges, however. First, from an archival standpoint, it was not easy to search for responsive records or to pull one or two out of a folder or box for review while leaving the remaining records untouched. Therefore, the NDC opted to review all the records within a defined series.<sup>98</sup> For historians, this type of review is important because it provides context and insight into everything that was happening when a certain record was created—all the issues that were part of U.S. policy and diplomacy at the time. While important, this type of comprehensive review takes significant time to complete, and in this case most of the records were not responsive records would take much longer than a comprehensive declassification review at the series level. There was also a concern that the search terms were too general, and that declassifiers lacked the specific expertise to recognize all responsive records, meaning that some would be missed. Agencies were often slow to complete their referral reviews and had full discretion to determine what should remain classified. The challenges that arose during the Brazil Declassification Project gave me a better understanding of how the ADP should be organized.

The Clinton administration's Chile Declassification Project (CDP) also informed my decisions, and I ultimately decided to model the ADP after it. The CDP was presidentially directed and required participation by the Intelligence Community (IC), Law Enforcement, and Department of Defense agencies. The White House defined declassification review standards and established production schedules in a tasker to agencies. Once completed, it included thousands of records. In the CDP, the NSC sent a tasker to the agencies that outlined the project, set review expectations, and established metrics and schedules.<sup>99</sup> It seemed to me that this type of White-House directed detail-oriented scheduling and up-front setting of expectations was essential for the success of the ADP and had been lacking for the Brazil Declassification Project.

#### U.S.-Argentine Relations since 2000

The ADP was not the first time the U.S. sought to support Argentina in revealing more about its last military dictatorship. In 2000, Secretary of State Madeleine Albright promised that her department would search for, review, and declassify State Department records related to human rights abuses.<sup>100</sup> Some of that information was later used in the trials of senior military officials and junta members. At that time, the U.S. and Argentina's bilateral relations were pleasant, as is illustrated by the Argentine Forensic Anthropology Team using a private U.S. forensic lab to analyze donated DNA samples in an effort to reunite families with children who had been illegally adopted during the Dirty War.<sup>101</sup> After the Department of

<sup>99</sup> A "tasker" is a formal directive from the Executive Secretary of the NSC, sent on behalf of the President to select agencies directing them to perform and complete specific tasks. Relevant NSC directorates must agree with the language used in the memo, as well as with the policies and actions requested of agencies.

<sup>100</sup> "Document Collections: Argentina Declassification Process," U.S. Department of State: Freedom of Information Act, n.d., <u>https://foia.state.gov/Search/Collections.aspx</u>.

<sup>&</sup>lt;sup>97</sup> A "responsive" record is a term often used in FOIA cases to identify records that are "responsive" or relevant to the request. In the ADP, "responsive" records were ones that were relevant to the project. "Referral" is a process that agencies use when they are reviewing records for declassification that contain multiple agencies' equity information. ("Equity" is defined in footnote 34.) When Agency A finds Agency B's information in a record, Agency A "refers" that record to Agency B for review. Keeping track of where each record is in the referral process, and what decisions have been made or not made by each agency, can be time-consuming and laborious.

<sup>&</sup>lt;sup>98</sup> NARA defines an archival series as a set of records that "were accumulated and used together for a specific purpose, during a distinct period of time, and the records in a series are usually arranged in a particular order." For more information, see <a href="https://www.archives.gov/research/start/how-records-grouped.html">https://www.archives.gov/research/start/how-records-grouped.html</a>

<sup>&</sup>lt;sup>101</sup> Since the late 1970s, the Grandmothers of the Plaza de Mayo and the Argentine Forensic Anthropology Team have led an effort to identify and reunite families with their disappeared loved ones, including children and grandchildren born in captivity. See <u>https://abuelas.org.ar/idiomas/english/cases/listado\_resueltos.htm</u>. Kristina Cooke and Alexandra Ulmer, "DNA Helps Resolve Crimes of Argentina's Dirty War," *Reuters*, 26 August 2010, <u>https://www.reuters.com/article/idUSN26243272</u>. While often referred to as the

State provided its declassified records to Argentina, the Federal Bureau of Investigation (FBI) received a request to search its records for relevant records that might aid prosecutions. The FBI responded, but its records proved to be of little use in trials given that a large majority of them were either wholly or heavily redacted.

In 2003, bilateral relations soured after the election of Nestor Kirchner as president of Argentina. They remained poor after Cristina Fernandez de Kirchner succeeded her husband as president for two terms, beginning in 2007.<sup>102</sup> As the 2015 Argentine Presidential election campaign commenced and a new round of human rights trials approached - and after the U.S. government had recently provided Brazil with declassified records – Argentina's ambassador to the U.S. requested that the U.S. declassify additional records, including those from the FBI. The request, addressed to U.S. Attorney General Loretta Lynch, was brief, straightforward, and included a one-page attachment containing 37 names and terms.<sup>103</sup>

Gedan showed me a copy of this letter. As Argentina was preparing for a presidential election, the U.S. did not want to be seen as favoring one political party over another. It was not clear whether the letter had been sent to energize voters to support Kirchner's Front for Victory party. Her party received the most votes in the first round of the presidential election but did not receive the 50% threshold to avoid a run-off. It would need to siphon a sufficient number of votes from the third-place finisher to win. The Front for Victory did not secure these votes, so in December 2015, former businessman and then mayor of Buenos Aires Mauricio Macri won the run-off election, capturing just over 51% of the vote.<sup>104</sup> He ran on a center-right platform to repair Argentina's bilateral relations with the U.S., repair the extensive damage to Argentina's economy, curb inflation, and build trade with the United States.

The U.S. administration was also interested in improving relations after such a long period. Macri's victory was an opportunity for the U.S. to renew its efforts to increase trade and encourage Argentina to support Plan Colombia, back U.S. efforts to bring democracy to Venezuela, and aid U.S. counterterrorism and anti-narcotics efforts. President Obama sent Macri a congratulatory letter and the U.S. administration praised his victory while highlighting its hopes for improved bilateral relations.<sup>105</sup> In January, Macri took the first tangible step in repairing relations by inviting Obama to visit Argentina in the coming months.<sup>106</sup>

<sup>103</sup> Cecilia Nahón to Loretta Lynch, 20 November 2015.

<sup>104</sup> "Datos oficiales: ganó Macri con 51,6% de los votos, contra 48,3% de Scioli," *El Cronista*, 22 November 2015, <u>https://www.cronista.com/elecciones2015/Datos-oficiales-gano-Macri-con-516-de-los-votos-contra-483-de-Scioli-20151122-0026.html</u>.

<sup>105</sup> While President Obama sent President-elect Macri a letter, it is not yet publicly available. However, there was also a congratulatory phone call that has been documented in public record. See "Barack Obama felicitó a Mauricio Macri y se comprometió a trabajar en el sector energético," *La Nación*, 25 November 2015, <u>https://www.lanacion.com.ar/politica/barack-obama-felicito-a-mauricio-macri-nid1848852</u>.

<sup>106</sup> The first U.S. President to visit Argentina was President Franklin D. Roosevelt in 1936. Since then, six other presidents have visited Argentina: Dwight Eisenhower in 1960, George H.W. Bush in 1990, Bill Clinton in 1997, George W. Bush in 2005 as part of the Summit of the Americas, Obama in 2016 for a State Visit, and Trump in November 2018 for the G-7 meeting, https://history.state.gov/departmenthistory/travels/president/argentina.

<sup>&#</sup>x27;Dirty War' in the United States, the military coup and subsequent dictatorship from 1976-1983 is called the "last military dictatorship" in Argentina.

<sup>&</sup>lt;sup>102</sup> A 2011 letter from Rep. Maurice Hinchey to President Obama requested the "review and release of U.S. intelligence documents held by the Pentagon, Federal Bureau of Investigation and Central Intelligence Agency related to Argentina's security forces and detention centers, beginning in 1976, responsible for human rights abuses, specifically concerning the children of the disappeared." To my knowledge this request did not generate any action at the White House. <u>https://fas.org/sgp/congress/2011/hinchey110211.pdf</u>

#### Interagency Policy Committee and the Beginning of Declassification Deliverables

Because the president's time is both finite and valuable, the NSC leads an interagency process to evaluate policy changes, address crises, and, among other items, evaluate visit requests. For visit requests, the interagency meetings evaluate the pros and cons of offering, accepting, or declining an invitation, consider the policy benefits, and, if the visit is accepted, weigh the potential objectives and deliverables for the visit.<sup>107</sup> In this instance, the NSC Senior Director for the Western Hemisphere, Mark Feierstein, convened an Interagency Policy Committee (IPC) meeting in January to consider Macri's invitation and discuss U.S. objectives and any potential deliverables. The agencies with an interest in Argentina were invited to participate in the IPC, which included senior officials (usually at the Assistant Secretary level) from the Departments of Agriculture, Defense, Energy, Homeland Security, Justice, State, and Treasury, as well as senior officials from the Joint Staff, the Office of the Director for National Intelligence, and the U.S. Agency for International Development (USAID).<sup>108</sup>

Gedan, as the NSC Southern Cone director, was in charge of preparing for the meeting, including drafting the meeting agenda, asking the agencies to submit position papers, summarizing their views and then including all of them in a "read-ahead" package, preparing the briefing paper for the Senior Director to use at the meeting, and crafting policy questions for the participating agencies to address and resolve. At the meeting, the agencies agreed that the president should accept the invitation as a tangible step in improving bilateral relations. Next, discussion focused on potential U.S. objectives and possible deliverables for the visit, including agreements on trade and investment, the Argentine economy, debt obligations, energy and climate change, multilateral cooperation (including peacekeeping and refugee resettlement), global health security, law enforcement and cooperation in counterterrorism, drug trafficking, and terrorist financing. I recommended that Gedan also include the declassification project as a potential deliverable, and he did so. While the possibility of a declassification project was brought up in the IPC, there was little discussion, and no decision was made. Agency participants were not experts in this area and had little to say, either "for" or "against" a potential declassification project, but they agreed that such a project could help improve relations between the two countries.

It was around this time that Gedan introduced me to the staff at the Argentine Embassy: Gerardo ("Gerry") Diaz Bartolome, the Deputy Chief of Mission, and Sofia Machado, the Second Secretary in the Political Section and Press Officer, who would serve as my main point of contact. Later, I met the Chief of the Political Section and Counsellor Marcos Stancanelli. All three became essential partners on the project; I met or spoke with them regularly throughout my tenure at the NSC. I felt that it was critical to keep them informed of progress (and challenges), but also to answer their questions about process and content and ensure that the ADP would meet expectations in Argentina.

As the IPC deliberated, identifying a potential date for Obama's visit to Argentina proved problematic. In February 2016, Obama planned to host the ten leaders of the Association of Southeast Asian Nations for a three-day summit in California and then to meet the presidents of Colombia and Italy and the King of Jordan in Washington D.C. The president was also scheduled to preside over a Medal of Honor Ceremony at the White House and meet the National Hockey League Stanley Cup Champions Chicago Blackhawks and the National Basketball League Champions Golden State Warriors. Domestic travel to Baltimore, Maryland and Springfield, Illinois had also been scheduled. In March, Obama was to host a state visit for Justin Trudeau, the Prime Minister of Canada, celebrate St. Patrick's Day at the White House with Irish Taoiseach Edna Kenny, and receive 58 foreign nation leaders for the Nuclear Security Summit in Washington, D.C. The schedule was packed. Additionally, the sudden death of Supreme Court Justice Antonin Scalia on February 13 also occupied a significant amount of the president's time as he interviewed candidates for a possible appointment. However, the largest complicating factor was still a closely held secret: President Obama had accepted an invitation by President Raul Castro to visit Cuba on

<sup>&</sup>lt;sup>107</sup> A "deliverable" is a new policy, agreement, or item that can be announced, signed, or otherwise delivered, often as part of a bilateral event.

<sup>&</sup>lt;sup>108</sup> Other NSC directorates with interest in Argentina are also invited to sit in on the IPC. I represented the Records and Information Access Directorate.

20-22 March 2016. The IPC, led by Feierstein, recommended that the president add the trip to Argentina to that ground-breaking itinerary.<sup>109</sup>

On 18 February 2016, the president tweeted and announced his visit to Cuba.<sup>110</sup> The White House Press Secretary subsequently issued a statement filling in details. The president would fly to Cuba on March 20 and stay through March 22. From there he would depart for Argentina for a two-day state visit, arriving on the morning of March 23. For many Argentinians, March 24, which marks the anniversary of the military coup in 1976 that led to the Dirty War--an extended period of political violence, human rights abuses, kidnappings, torture, disappearances, and extra-judicial killings that lasted from 1976 to 1983-- is a sacred day, one which is marked by solemn remembrance. While the U.S. was not involved in the coup, the government had supported the move and then recognized the ruling junta.<sup>111</sup>

On March 2, Argentine Nobel Peace Prize winner Adolfo Perez Esquivel, who was himself a victim of the Dirty War, wrote an open letter to Obama stating that the president was not welcome in Argentina on the anniversary of the coup. He wrote, "this is why it is important for you to know that you are not coming to Argentina on just any day. In 1976, while you were only 14 years old, and your country was celebrating two centuries of independence, we were starting the most tragic period of our history, with the implementation of a state terrorism which subjected our people to prosecution, torture, death, and forced disappearance of persons in order to deny them their rights to freedom, independence and sovereignty." He blamed the U.S. for training, financing, and supporting the Argentine junta and other repressive governments on the South American continent.<sup>112</sup> Many other Argentinian human rights and advocacy groups such as the Mothers of the Plaza de Mayo took the same position.

Anticipating negative press reports that had the potential to overshadow the trip, Gedan and I worked together to alleviate this type of coverage. We discussed the earlier unanswered request from Argentine Ambassador Nahón to Attorney General Lynch.<sup>113</sup> Our idea was to have the new Argentine government make the same request, and if they did, to have the U.S. government accept it. Gedan and I had first discussed Nahón's letter during the 2015 Argentine presidential campaign. While there were U.S. political and policy-related reasons for waiting until after the Argentine presidential election, I was mainly concerned now about the feasibility of conducting another special declassification project so soon after the completion of the Brazilian Declassification Project. Given that these special projects are very time- and resource-consuming for the agencies, I feared that they would not just balk at another project, but also revolt. Their declassification programs were already suffering from a lack of sufficient resources, while automatic declassification requirements for 25-

<sup>110</sup> Barack Obama, Twitter post, 18 February 2016, 6:05 am, <u>https://twitter.com/POTUS44/status/700320240022921216</u>.

<sup>111</sup> "Memorandum of Conversation," Santiago, Chile, 6 June 1976,

https://nsarchive2.gwu.edu/NSAEBB/NSAEBB133/19760610%20Memorandum%20of%20Conversation%20clean.pdf. "Secretary's Meeting with Argentine Foreign Minister Guzzetti," New York, 7 October 1976, https://nsarchive2.gwu.edu/NSAEBB/NSAEBB104/Doc6%20761007.pdf.

<sup>112</sup> Adolfo Pérez Esquivel to Barack Obama, "Carta de Pérez Esquivel a Obama por su visita a la Argentina el 24 de Marzo," 2 March 2016, <u>http://www.adolfoperezesquivel.org/?p=3866</u>. English version: Adolfo Pérez Esquivel to Barack Obama, "Letter from Pérez Esquivel to Barack Obama in Occasion of His Travel to Argentina on March 24," 2 March 2016, <u>https://www.commondreams.org/views/2016/03/06/letter-perez-esquivel-barack-obama-occasion-his-travel-argentina-march-24</u>. The *New York Times* also published an editorial on March 17, calling for the type of declassification project that we were envisioning. "America's Role in Argentina's Dirty War," *New York Times*, 17 March 2016, A24.

<sup>113</sup> Cecilia Nahón to Loretta Lynch, 20 November 2015. This letter has not yet been made available to the public.

<sup>&</sup>lt;sup>109</sup> At the time the IPC was deliberating and deciding on a date, only Feierstein knew of the president's planned trip to Cuba. As a result, he was in position to direct the scheduling of the president's trip to Argentina.

year-old records in Executive Order 13526, "Classified National Security Information," remained in place.<sup>114</sup> As the volume of records requiring yearly review increased, resources for declassification programs decreased. These factors made me believe that agencies would not willingly accept another project of this type. Even so, I wanted to pursue the potential of the ADP.

There were two further steps needed for project approval. First, we needed guidance from senior White House and NSC leadership. Gedan and I met with our supervisors, John Fitzpatrick, the Senior Director for Records, Access, Information Security (RAIS) directorate,<sup>115</sup> and Feierstein. We outlined our idea and a notional plan that included having President Macri make the same request that Ambassador Nahón made in 2015. We thought that Obama could then formally announce the project in Argentina. We recognized that to be successful, the project had to include intelligence and law enforcement agencies, the Defense Department, and the military. There were several influential Argentinian human rights organizations, including the *Abuelas de Plaza de Mayo*, who wanted Central Intelligence Agency (CIA) and FBI records declassified and made public. They believed the information in these records could help solve disappearances and murders and could help bring the perpetrators to justice. To be meaningful, the searches had to be thorough; the declassification reviews could not be "pass/fail" - they had to be word-for-word reviews with as few excisions (also called "redactions") as possible.<sup>116</sup> After this plan was fully thought out and our two senior directors were on board, the second step involved persuading Macri to make the request.

As such, we then talked to the officials at the Argentine Embassy to learn if Macri would be willing to do so. He too, had a vested interest in the success of Obama's visit, and the projected date threatened to overshadow the trip. Gedan and I brought the idea to the Argentine Embassy staff - to have President Macri essentially make the same request that Ambassador Nahón made in 2015 that had gone unanswered. In response, the U.S. would respond favorably and agree to undertake a comprehensive project beyond the scope of earlier ones. The Argentine embassy staff liked this idea and indicated that they would forward the proposal to officials in the Argentine Foreign Ministry for higher-level consideration. At the same time, we also spoke with U.S. Embassy officials in Buenos Aires to better understand the reaction to the president's trip announcement and receive their views on a possible declassification project. They confirmed public hostility to the proposed date of the visit and strongly supported the idea of a declassification project to address those concerns.<sup>117</sup>

<sup>115</sup> The NSC is divided into "directorates" that each handle different subject matter.

<sup>116</sup> During the Brazil project, by contrast, the NDC was responsible for coordinating the declassification review of records for the Brazilian Truth Commission. Agencies conducted pass/fail reviews on their records. If a record "passed" a review, it was cleared in its entirety for declassification. But if it "failed," for even one word of still-classified information, then that meant the entire record would remain classified. In a word-for-word review, the agencies review each word of a classified record, redact only that information that cannot be declassified, and release the rest. Pass/fail reviews can be faster, but word-for-word reviews usually result in more records being released, even if those records have some redactions. For those records that "passed" and contained the classified information of other agencies (often multiple agencies), the NDC used its normal referral process during the Brazil project. Each agency reviewed the record sequentially for its equity, with those that "passed" going into the queue for the next agency to review. Records that "failed" any agency's review were removed from the project. The process proved to be very time-consuming, and also resulted in records "failing" without any oversight to learn if the decisions were accurate or justified. In addition, the inclusion of entire archival series in the declassification review, rather than individual relevant documents, led to many records being released that were not directly related to the subject of human rights.

<sup>117</sup> I had conversations with Michael Camilleri on the Department of State's Policy Planning Staff and Bojana Milojkovic, Jill Dietrich, and Lauren Garza at the Argentina Desk, as well as many officers at the U.S. Embassy in Buenos Aires. In Buenos Aires, I started discussions with the human rights officer Marco Oswald, and gradually included other U.S. officials in the Political Section, the Defense © 2021 The Authors | CC BY-NC-ND 3.0 US

<sup>&</sup>lt;sup>114</sup> Barack Obama, "The President Executive Order 13526" (2009), Section 3.3, <u>https://www.archives.gov/isoo/policy-documents/cnsi-eo.html</u>.

Unknown to us, Macri and officials in his administration were equally concerned about the timing of the visit. As a centerright politician, Macri was not trusted by human rights organizations, and many felt he was not supportive of ongoing human rights violations trials. These organizations had political muscle and influence, and they had a proven track record for highly visible and effective demonstrations to force changes in policies or embarrass the politicians who opposed them. During the Dirty War, the daily demonstrations by the Mothers of the Plaza de Mayo were publicized around the world, embarrassing the junta leaders and highlighting the immorality of their government. Shortly after the announcement of Obama's trip, these organizations met with Macri and demanded that his administration support the ongoing trials of military officials who had been accused of human rights violations and that he request that the U.S. declassify the relevant records. We believe that their request and our idea arrived at the Casa Rosada, the president's office and residence, around the same time. This was a positive development and led Macri to officially make the request of the U.S. government.<sup>118</sup>

In February, Fitzpatrick convened and chaired a Records Access and Information Security (RAIS) IPC meeting in the White House Situation Room to introduce the idea of a U.S Declassification Project for Argentina and make the "big picture" decisions. The participating agencies in RAIS IPC included: the CIA, the Departments of Defense, Energy, Homeland Security, Justice (DOJ), and State, the FBI, ISOO, NARA, and the Office of the Director of National Intelligence (ODNI).<sup>119</sup> Fitzpatrick, Gedan, and I developed an agenda and discussion points to address with the agencies. After opening the meeting, Fitzpatrick introduced Gedan, who spoke about the importance of reestablishing positive bilateral relations with Argentina, the goals of the president's trip, and the challenge of the timing of his trip. Fitzpatrick introduced Macri's request and spoke of President Obama's interest in conducting the project. He asked the participating agencies to support a comprehensive declassification project that Obama would officially announce in Buenos Aires. The agencies reluctantly agreed but acknowledged its effect on their resources and their ability to meet other Executive Order 13526 requirements and other access obligations, including responding to Freedom of Information Act (FOIA) requests. After thanking the agencies, Fitzpatrick stressed the importance of the agencies conducting both a thorough search and a forward-leaning word-for-word declassification review. Towards the end of the meeting Fitzpatrick turned to me and indicated that I was assigned the role of formally developing the comprehensive plan and coordinating it with the declassification program managers at the agencies. He asked the agencies to appoint a main point of contact with whom I could meet and discuss the ADP.

Through this process of formulating and introducing the ADP, I created a list of agencies which I thought might have responsive records, including the Air Force, Army, CIA, Defense Intelligence Agency (DIA), DOJ, FBI, Office of the Secretary of Defense (OSD), Joint Staff, Department of Labor, NARA, Navy, National Security Agency (NSA), ODNI, Southern Command (SOUTHCOM), Department of State, and USAID. While most of these agencies were obvious inclusions in this type of list, a few, such as the Department of Labor, were more surprising.<sup>120</sup> ODNI, although it did not exist during the Dirty War, had statutory authority over the Intelligence Community and its support and participation was important. I also knew most of the agency declassification program managers from my prior ISOO oversight work, yet I still had to figure out whom I should contact at the Department of Labor, SOUTHCOM, and USAID. In those instances, I used my NARA background to identify the senior agency officials who were responsible for records management. While I knew that the Joint Staff conducted declassification reviews on behalf of the Combatant Commands, it was still important

<sup>120</sup> I had learned from my research that the Department of Labor had an attaché in Argentina.

Attaché, and the DCM Thomas Cooney. After Oswald's assignment in Argentina ended, I engaged with his replacement, Ariadne Medler.

<sup>&</sup>lt;sup>118</sup> Graciela Mochkofsky called this "a broader move toward transparency." Mochkofsky, "Obama's Bittersweet Visit to Argentina," *The New Yorker*, 23 March 2016, <u>https://www.newyorker.com/news/news-desk/obamas-bittersweet-visit-to-argentina</u>.

<sup>&</sup>lt;sup>119</sup> The Office of the Secretary of Defense represented all Defense Department organizations, the military branches, and the Combatant Commands in the IPC.

to differentiate between Joint Staff records and SOUTHCOM records and be in contact with SOUTHCOM's records managers and senior staff.

Before Fitzpatrick's February RAIS IPC meeting, I had two important tasks to do that involved communication. First, I had to keep my agency, NARA, informed. I thought this was an excellent opportunity to showcase the value of the National Archives and of archives in general to constituencies that are normally not interested in NARA. I also knew that NARA's participation was very important to the success of the ADP. NARA would have many relevant records - either accessioned presidential and federal records, or various agency-owned records stored at NARA's Washington National Records Center. It was an opportunity to showcase the work of the National Declassification Center and the value of the presidential libraries. As an archivist who worked in the presidential library system, I understood the value of its records. Regarding Argentina, these records detail policy discussions, trace reactions to events, and reveal the intersection of human rights concerns in Argentina with policy and actions by each presidential administration.

Second, I had to inform the agency declassification program managers about the forthcoming request. A project like this, with its potential large scope and detailed requirements, would impact their programs and how they managed them. It was important to keep them well-informed so they could juggle all the various program requirements and still support the ADP. I believed open communication throughout the project with each agency declassification program manager was critical to the success of the project.

Immediately after the February RAIS IPC, I invited the agency declassification program managers to meet with me in the White House Situation Room to discuss the project, answer questions, and to plan the details of the project. For the next two years, I met regularly with this group in the Situation Room and called these meetings, "Sub-IPCs." At the first meeting, Fitzpatrick opened the meeting by providing information about Obama's forthcoming trip, discussing the importance of the project, and asking for their support. Next, I invited Gedan to discuss the political implications, challenges, and opportunities of the president's visit, including its potential to normalize bilateral relations and increase cooperation in several areas. My Sub-IPC continued to meet several more times over the next three months in order to plot out the details of the project, scope the work, and how to implement what President Obama said in Buenos Aires at the Parque de la Memoria. Working together, we framed the objectives, established metrics, and set dates to complete the project within two years. This would all become part of the June 13 NSC tasker that was sent to agencies.<sup>121</sup>

As I planned the specific details of the project, I focused first on what "success" would look like to the various constituencies which were interested in this project. These included the president, the national security advisor, the agencies (for policymakers, diplomats, and declassifiers), researchers, historians, and civil society organizations, as we sought to improve our system through increased transparency and to lead by example through strengthening democracies, government transparency, and commitments to the rule of law abroad.<sup>122</sup> The Argentines were also important stakeholders, since the records, which would be used in ongoing trials of human rights abusers, could aid Argentines in learning about the history of this dark period, solidify democratic traditions and the rule of law, identify victims and torturers, and provide closure for victims and families.

Which Agency Should be in Charge of the ADP?

<sup>&</sup>lt;sup>121</sup> Suzanne A. George to Joseph E. McManus et al., "Argentina Declassification Project," 13 June 2016.

<sup>&</sup>lt;sup>122</sup> Gedan focused on approval from White House seniors and then working with the Argentine Embassy in Washington D.C., the Department of State, and the U.S. Embassy in Buenos Aires.

Before the trip, Avril Haines, the Deputy National Security Advisor, convened a Deputies Committee (DC) meeting in early March to discuss and decide on the Argentina trip deliverables proposed by Feierstein's IPC.<sup>123</sup> In this instance, the deputies, representing their agencies, made the final decisions about the trip. I focused on the attendees who would be important to the success of the ADP since they would be the officials to contact if any problems or challenges arose.<sup>124</sup> Preparing for the DC meeting, Feierstein and Gedan wrote the briefing paper, outlining the pros and cons of the proposed deliverables, while I wrote the brief deliverable discussing the declassification project, which was a small part of the overall discussion paper. The deputies worked through the details of the deliverables and came to agreement on all; unlike a few of the other issues, the proposed declassification project was not deeply discussed. I recall that there was only one question as to whether it was feasible or not and I recall responding that it was. Declassification was not normally a policy issue, and it was certainly not within the various deputies' areas of expertise or daily responsibilities. They agreed to it, however, since they understood the importance of the project given the timing of the trip and its potential effect on policy issues.

After the DC decision, I immediately began drafting the NSC tasker that would direct the agencies to implement the declassification project. Given the breadth, complexity, scope, number of agencies involved, and volume of responsive records expected, along with the need for oversight and coordination, I did not feel that the NDC was the proper coordinator. The project coordinator had to be someone positioned to communicate constantly and authoritatively with all agencies throughout the project, while also conducting quality control and oversight to ensure that the agencies performed searches and declassification reviews in accordance with the president's directions and expectations. Aside from the challenges noted earlier regarding the Brazilian Declassification Project, there was another issue. Records of several agencies, including the Intelligence Community, the Office of the Secretary of Defense, SOUTHCOM, USAID, and several serials from the FBI, were not yet accessioned to NARA and, as a result, were not at the NDC.<sup>125</sup> I felt that the NSC was in the best position to coordinate and lead the project, so I assigned John Fitzpatrick as the NSC coordinator.

The tasker is another aspect of the NSC process that ensures informed and coordinated decision-making. All draft taskers are reviewed by the NSC Legal directorate and the NSC Press directorate, the latter if the tasker includes public-facing actions/policies. My draft tasker was reviewed by the NSC Legal, Press, Western Hemisphere, Intelligence, Defense, and Development and Democracies directorates. Once all directorates "cleared" it, the NSC Executive Secretariat was responsible for finalizing it and sending it to the West Wing for NSC senior leadership review and approval. This is where I ran into a challenge.

Throughout 2015, there were several press articles stating that Obama's NSC was too large and had become unwieldy. The NSC staff had grown to include approximately 400 people, most of whom had been detailed from the agencies. There were concerns that the NSC was micromanaging policy implementation at the agencies rather than simply coordinating it. The timing of my proposed tasker was poor. At the same time I submitted it, Susan Rice, the National Security Advisor, was finalizing her review to "right-size" the NSC staff.<sup>126</sup> Senior NSC leadership thought having the NSC lead the ADP would

<sup>&</sup>lt;sup>123</sup> Like IPCs, DCs were part of the NSC policy process and were designed to codify interagency agreements reached at the IPC level and resolve challenges in areas where there was no agreement in the IPC.

<sup>&</sup>lt;sup>124</sup> These attendees included Under Secretary of State for Political Affairs, Thomas Shannon; Deputy Attorney General, Sally Yates; Deputy Director of the ODNI, Stephanie O'Sullivan; Vice Chairman of the Joint Staff, Paul Selva; Undersecretary of Defense for Policy, Brian McKeon; and Deputy Director of the CIA, David Cohen.

<sup>&</sup>lt;sup>125</sup> Agencies all have their own schedules for when different types of federal records are delivered (or "accessioned" in archival terminology) into the legal possession of NARA. The NDC, as a part of NARA, then controls a portion of those records – the ones that are classified – after they are accessioned.

<sup>&</sup>lt;sup>126</sup> Karen DeYoung, "White House Tries for a Leaner National Security Council," *Washington Post*, 22 June 2015, <u>https://www.washingtonpost.com/world/national-security/white-house-tries-for-a-leaner-national-security-</u> <u>council/2015/06/22/22ef7e52-1909-11e5-93b7-5eddc056ad8a\_story.html</u>. Suzy George, "Fine-Tuning NSC Staff Processes and © 2021 The Authors | CC BY-NC-ND 3.0 US

not align with their efforts to reduce the NSC footprint. Given ODNI's leadership role within the IC and its experience coordinating the successful implementation of the Intelligence Community Information Technology Enterprise (ICITE), NSC leadership directed that it serve as the project coordinator.

The ODNI was not expecting this assignment - and neither was I. First established by the 2004 Intelligence Reform and Terrorism Prevention Act, ODNI did not yet have a 25-year automatic declassification review program. Its classification management staff was very small and included support from one contractor. Jennifer Hudson, ODNI's Information Management and Data Chief, told me that she did not think her office was sufficiently staffed to support such a large and complicated project, nor did she think her staff had the declassification expertise. Nevertheless, the tasker listed the ODNI as the project coordinator.

#### President Obama Travels to Argentina

Obama's trip to Argentina proved very important for the success of the ADP. First, the declassification proposal became the centerpiece of the trip, so, by default, its importance grew. By acknowledging the 40th anniversary of the coup and announcing the ADP, the president addressed a potential roadblock that threatened to derail the visit and upset several bilateral agreements. The visit also helped broaden the political space in Argentina for public remembrance of the Dirty War, especially when Macri, a center-right president, visited the *Parque de la Memoria* with President Obama.<sup>127</sup> His participation was not guaranteed when the event was originally planned, as Macri had not previously visited the memorial. The press, especially in Argentina and South America, focused on Obama's remarks and on the White House Press Office Statement about the project.<sup>128</sup> The events and their news coverage raised the profile of the project and created high expectations for its success.

The high profile of the trip also helped us to set expectations, in writing, that were later essential for effective management of the project with the agencies. With 17 agencies likely to participate, it was going to be difficult to coordinate and to ensure that searches were thorough and declassification reviews were precise. Before Obama left for Cuba, Rice previewed the Cuba and Argentina visits in a speech at the Atlantic Council. I added a short paragraph to her speech indicating that the declassification project was going to be "comprehensive," and "include, for the first time, military and intelligence records."<sup>129</sup> Along with Gedan and others, I helped craft Obama's background briefing papers, his talking points, and his

<sup>127</sup> There was speculation about whether Macri would visit the *Parque de la Memoria* with President Obama since he had not visited the memorial before. This Memorial, like others in Argentina, was still controversial as its citizens grappled with and argued over the Dirty War. Political parties sometimes inflamed and added controversy. Highlighting these challenges, the *Parque de la Memoria* was not built by the national government but instead was a joint venture between Human Rights organizations and the city of Buenos Aires in 1997. The memorial was completed in 2007, just as Macri won election as mayor. But during his tenure, he was accused of decreasing funding and adopting policies that were hostile to the memorial, and, due to financial difficulties, it temporarily closed in 2008.

<sup>128</sup> Office of the Press Secretary, "Statement by the Press Secretary on the President's Travel to Cuba and Argentina," The White House, Washington, D.C., 18 February 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/02/18/statement-press-secretary-presidents-travel-cuba-and-argentina</u>. The Argentine press also openly speculated on whether Macri would visit the Memorial. His visit raised Argentine eyebrows as a political move where Macri recognized the need to expand his coalition in preparing for his 2019 reelection bid.

<sup>129</sup> Susan E. Rice, "Remarks by National Security Advisor Susan E. Rice: 'Seizing a Transformational Moment in the Western Hemisphere," The White House, Washington, D.C., 17 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/17/remarks-national-security-advisor-susan-e-rice-seizing-transformational</u>. It is notable that the objectives and deliverables included in the White House Press Statement announcing the President's trip to Argentina did not include declassification.

Procedures," The White House blog (blog), 22 June 2015, <u>https://obamawhitehouse.archives.gov/blog/2015/06/22/fine-tuning-nsc-staff-processes-and-procedures</u>.

remarks. In Argentina, Obama followed the talking points, mentioning the project at a joint press conference with Macri at the Casa Rosada. He echoed Rice's speech and indicated that Americans were "determined to do our part" in helping Argentina heal and "in making things right."<sup>130</sup> The next day, President Obama spoke at the *Parque de la Memoria*. He announced the declassification project and went into detail regarding its size and scope. He dealt with past U.S. support for the Argentine military junta, stating, "I believe we have a responsibility to confront the past with honesty and transparency."<sup>131</sup> Through their speeches, the president and the national security advisor publicly stated their expectations for results. I would continually use the president's words throughout the project in communicating with the agencies, especially when my oversight review suggested there was more work needed.

I understood that Obama was serious about declassifying as much information as possible and fulfilling his pledge. This was an opportunity to allow agency declassification program managers to shine, and to do their best in their searches for responsive records and declassification. I let declassification program managers know that their work would be on the radar of their agency's leadership, and the NSC intended to keep it on their radar by asking for progress reports when necessary.

We recognized the challenges associated with having seventeen agencies participate and perform consistently at the high level expected. Not only would it be challenging for these agencies to complete adequate searches and forward-leaning declassification reviews, it was also going to be a challenge for the agencies to review their equity information contained in other agency records and to do so in a timely, accurate, and consistent manner.<sup>132</sup> Normally these multi-agency reviews of single records were very time-consuming. In cases where multiple agencies had to review the same record, the delays were exponential.

# The Importance of the ADP for the Past, Present, and Future

Gedan and I both knew that we needed to push for a comprehensive declassification project. For the U.S., it was an opportunity to: reduce criticism of the president's visit by addressing the issue of the 1976 coup "head on;" provide meaningful assistance by providing records for use in ongoing trials, helping Argentina deal with its past, and, perhaps, bringing closure to those affected, including victims, and families of the missing; be truthful and "come clean" about the role of the United States in supporting the dictatorship, as well as dispel rumors from facts; and reinforce President Obama's Open Government Partnership and transparency policies that were designed to strengthen democracies in other nations.

I also strongly believed that this was an opportunity to showcase agency declassification programs. It was an opportunity to internally demonstrate the importance of records management and declassification programs to agency leadership (and

<sup>&</sup>lt;sup>130</sup> Office of the Press Secretary, "Remarks by President Obama and President Macri of Argentina in Joint Press Conference" (Casa Rosada, Buenos Aires, Argentina), The White House, 23 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/23/remarks-president-obama-and-president-macri-argentina-joint-press</u>

<sup>&</sup>lt;sup>131</sup> Office of the Press Secretary, "Remarks by President Obama and President Macri of Argentina at *Parque de La Memoria*" (Buenos Aires, Argentina), The White House, 24 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/24/remarks-president-obama-and-president-macri-argentina-parque-de-la</u>.

<sup>&</sup>lt;sup>132</sup> "Equity" is "information that was originally created and classified by or under the control of an agency," according to 32 C.F.R. 2001, the Implementing Directive for Executive Order 13526, "Classified National Security Information." See also William J. Bosanko, "32 CFR Parts 2001 and 2003 Classified National Security Information; Final Rule," Pub. L. No. 7515- 01- P (2010), https://www.archives.gov/isoo/policy-documents/isoo-implementing-directive.html. In practical terms, this means that information created by an agency belongs to that agency. While that agency can share the information with other agencies, it retains the authority to determine whether the information should continue to be classified or can be declassified. However, Executive Order 13526 limits the originating agency's ability to continue classifying information that is less than 25 years old. At that point, all information is automatically declassified unless the originating agency asks permission and receives permission to extend the classification beyond 25 years. See: Barack Obama, "The President Executive Order 13526" (2009), https://www.archives.gov/isoo/policy-documents/cnsi-eo.html.

perhaps increase support). It could prove that these programs have the potential to have a meaningful impact on U.S. policy, that they are important in documenting both agency history and that of the U.S., and that declassification can play an important part in American democracy by allowing U.S. citizens to learn from the past and hold the government accountable for its actions. This was an opportunity to showcase the important work that declassifiers perform for the United States, democracy, for understanding its history, and for their agency leadership. It was rare for records managers and declassifiers to have such a prominent role in agency operations, much less be the focus of a presidential speech and tasking.

Gedan thought that the project could also be politically important for President Macri, who had won a very close election in a run-off. He was distrusted by many on the left, including the *Abuelas de Plaza de Mayo* and almost all other Argentine human rights organizations.<sup>133</sup> The Grandmothers were not only vocal in their protests but were also influential in the political arena because of their stature in Argentine society. They publicly supported candidates whom they felt supported their cause for accountability and closure. They opposed those they felt to be ambivalent to addressing the Dirty War period.<sup>134</sup> Their voices had an impact on the electorate. Gedan envisioned that the declassification project could potentially aid Macri by building his coalition and increasing political support from organizations that normally did not support his political party.

Throughout the project, I constantly reinforced two justifying principles with agency declassification program managers and the declassifiers assigned to work on this project. First, it represented their opportunity to make a real difference. Their work was something of which they would be very proud. It would stand out in their careers in public service. Not only were they helping the U.S. improve its diplomatic ties with Argentina, they were helping other human beings. Potentially, they could help bring closure to the family of a missing victim, solve crimes, aid in the prosecution of torturers, and identify parents who illegally adopted a baby after the biological parents were killed. They were bringing history to life. They were bringing history into the light "with the bark off," as Lyndon Johnson once said.<sup>135</sup> Their work would help all Argentinians learn and understand the horror of the Dirty War so that they would not allow this history to repeat itself.

The second factor I stressed was the opportunity it presented for agency staff like records managers, archivists, historians, and declassifiers. Typically, these small units were located separately from headquarters and their programs were considered part of the bureaucracy that performed "support" and not "mission" work. Almost always, they lacked visibility among agency leadership. I often joked that these programs were usually located in the basements of annex buildings in a warehouse district, drawing on a Rodney Dangerfield type of comment that these programs "get no respect." But I always followed these comments by expressing the opportunity the ADP presented for staff members to showcase the value of strong agency records management and declassification programs. It could raise the profile of their programs by responding positively and authoritatively to the president's request. It could be highlighted on the program manager's yearly list of accomplishments as well as on the performance appraisals of the participants.

# Research, Writing, and Implementing the June 2016 Tasker

I wrote the June 2016 tasker and project plan. I wanted to arrange the specific tasks into manageable sections that also provided explicit search and review standards and directions. It was critical for the agencies to have clear instructions on

<sup>&</sup>lt;sup>133</sup> "Según Carlotto, si gana Macri 'algunos represores van a recuperar su libertad," *Perfil*, 30 October 2015, <u>https://www.perfil.com/noticias/politica/segun-carlotto-si-gana-macri-algunos-represores-van-a-recuperar-su-libertad-20151030-0014.phtml</u>.

<sup>&</sup>lt;sup>134</sup> "Recibe Macri a Abuelas de Plaza de Mayo tras polémica," *Mundo*, 23 February 2016, https://www.eluniversal.com.mx/articulo/mundo/2016/02/23/recibe-macri-abuelas-de-plaza-de-mayo-tras-polemica.

<sup>&</sup>lt;sup>135</sup> Lyndon B. Johnson, Remarks at the Dedication of the Lyndon B. Johnson Presidential Library on 22 May 1971.

both their search and their declassification reviews, which should align with President Obama's decision to conduct the ADP and provided detailed guidance for agencies to use throughout the project.

The tasker consisted of three parts. The first part provided background on the ADP and asked the agencies to support and prioritize it. The second part provided the project details on how to conduct and complete the project as discussed in the Sub IPC meetings. The third part offered an extensive list of terms that agencies should use to conduct thorough searches for records. I will discuss this list of terms in more detail below.<sup>136</sup>

The second part contained several directions that were essential for the eventual breadth, depth, and transparency of the project. Although the declassification review was to be conducted on a word-for-word basis, redacting specific information that met the Executive order standards for exempting it, the tasker also asked agencies to consider, as a matter of discretion given the importance of the project, declassifying information that normally would have been exempted. I felt it important to ask each of the agencies to complete a summary of their work once it was completed, so this request was also included. These summaries provided information on search methodologies and were designed to instill confidence in the quality of the searches. This requirement would both add transparency to the project and show the people of Argentina and the public the level of seriousness that the agencies took in completing this project. It would also serve as a roadmap for future researchers and others studying the Dirty War period. The agencies included information on all files searched and whether or not they found any responsive records. The summaries had to be signed by agency leadership and would become public at the conclusion of the project.

In deciding the time period to search for responsive records, I chose 1 January 1975, well before the 24 March 1976 coup, and 31 December 1984, well after democracy was restored on 10 December 1983 with the election of Raul Alfonsin as president. I chose the first date for several reasons. It would provide context to the social and political conditions leading up to the coup. It would also include information on U.S. diplomatic, military, and private sector activities. Likewise, I extended the search period through and past the election of Alfonsin, because I knew that political conditions in Argentina were still fragile due to the potential for criminal trials and the likelihood of records relating to the Dirty War.

I decided to divide the project into five main tasks, each with several objectives and associated timelines leading to overall task completion. The five main tasks were as follows:

*Task 1: Making U.S. Government Records Available to the Public.* This was the largest task for the agencies to complete. It required all the agencies to participate and to invest significant staff resources. There were several objectives within this task related to completing searches and the declassification review. It also included objectives for identifying and reviewing referrals. The Sub-IPC members estimated that it would take approximately 18 months to finish.

*Task 2: Making Presidential Records Available to the Public.* This task focused on searching for records from four Presidential Libraries. Archivists at these libraries would search for responsive records from unprocessed collections as well as classified records withdrawn from collections that were already publicly available. I included the George H.W. Bush Library, because when he was vice president, Bush represented the United States at Alfonsin's inauguration and there were likely responsive records in his vice-presidential collections. This task also included a few objectives related to search, review, and referral review. In all, we estimated this task could be completed in six months.

*Task 3: Making Responsive Portions of the PDB Available to the Public.* In 2015, I co-led an NSC interagency process that agreed to direct the CIA to conduct declassification reviews on the President's Daily Briefs (PDBs) from the Kennedy, Johnson, Nixon, and Ford administrations. It would be the first time that these important intelligence records, created for review by the president and very few close advisors, were ever reviewed for declassification. The plan was to review them according to a rolling schedule, with the oldest PDBs reviewed first. As a result of this directive, President Gerald Ford's

<sup>&</sup>lt;sup>136</sup> This section begins on page 30.

PDBs were scheduled for public release in August 2016. I wanted to make sure that PDB items about the Argentine coup, acts of terrorism, and any other related information on terrorism were included. I also wanted the CIA to review PDBs from the Carter and Reagan administrations, even though those records were not scheduled for review until 2021 (Carter) and 2029 (Reagan). When I proposed this task for inclusion, I knew there was at least one item from a Ford PDB that had been exempted from declassification as the CIA had prepared to release the Ford PDBs in August. I wanted the CIA to conduct another review and to consider discretionary declassification to declassify and release it.<sup>137</sup> I also knew there were items from the Carter and Reagan PDBs that were relevant to the project and wanted them included. Like the Ford PDB items, these would also require discretionary declassification, but would be more challenging to declassify given the fact that they were not yet scheduled for declassification review. We estimated that it would take three months to complete this task.

*Task 4: Making Previously Withheld Records Available to the Public.* In 2000, Secretary of State Albright agreed to declassify and provide the Argentine government with relevant State cables, some of which would aid prosecutions in on-going trials of the junta and military leaders. Secretary Powell delivered these cables in 2002. However, at that time, several hundred cables were either released in part, with specific information redacted, or exempted from declassification. They had not been re-reviewed since 2002 and State historians and declassifiers felt that more information could now be declassified. We estimated that it would take three months to complete this task.

Task 5: Make the 1977-81 Foreign Relations of the United States South America Volume Available to the Public.<sup>138</sup> Sara Berndt, the historian who compiled the volume for the Historian's Office at the Department of State, and Carl Ashley, the historian coordinating the declassification review for this office, provided the records proposed for inclusion in the volume to agencies for declassification review. The Historian's Office originally planned to publish this volume in 2019.<sup>139</sup> The publication process is time-consuming. It includes editing, editor notes, proof-reading, and conducting quality-control before it is cleared to be published by the Government Printing Office (GPO). Before it is published, a contractor typesets the volume and provides it to the Historian's Office, where the editors and compilers conduct final quality control review and proofread the draft volume. The final publication method, online-only or online plus printed, depends on funding. If there are funds available for printing, the finished proofs are sent to the GPO, which prints the volume for the public; if funds are not available, the Historian's Office publishes it only online. I wanted the publication of the entire volume pushed forward. But I also wanted the records that were included in the volume to be declassified quickly and made available as part of this project, without typesetting and the associated proofreading. While I was interested in having all the records in this complete volume included, there were two chapters comprising 109 records that I felt were critical to the ADP. One of the objectives within this task was to prioritize the declassification review of the Argentina Chapter and the Regional Issues Chapter. The Argentina chapter clearly contained information about human rights violations and the Carter administration's efforts to mitigate the violence. This chapter also included records detailing other major U.S. bilateral policies and interests that added context to U.S. human rights policies and actions. The chapter on Regional Issues was also critical. It included information on regional relationships between multiple countries and U.S. multilateral policies and

<sup>&</sup>lt;sup>137</sup> Barack Obama, "The President Executive Order 13526" (2009), Section 3.1, <u>https://www.archives.gov/isoo/policy-documents/cnsi-eo.html</u>. Section 3.1(d) states that the agency head or the senior agency official may, "as an exercise of discretion," declassify information that is of public interest even when there is still a chance that some damage to national security could result.

<sup>&</sup>lt;sup>138</sup> Foreign Relations of the United States is a series published by the Historian's Office at the Department of State. This office has a legal mandate to publish the history of significant foreign policy decisions and activities. The series is organized by presidential administration and volumes within each series focus on different areas of the globe and on functional areas of U.S. diplomacy and national security policies. The first volume was published in 1866 and covered the administration of President Abraham Lincoln.

<sup>&</sup>lt;sup>139</sup> Because of the ADP, this volume was able to be published a year earlier, in December 2018. For the volume, see Sara E. Berndt and Adam M. Howard, "Foreign Relations of the United States, 1977-1980 Volume XXIV, South America; Latin America Region," (Washington, D.C.: United States Government Publishing Office, 2018), https://history.state.gov/historicaldocuments/frus1977-80v24.

actions. Importantly for the ADP, it contained records and information about Operation Condor.<sup>140</sup> Although the car bombing and murder of Orlando Letelier and Ronni Moffitt in Washington D.C. in 1976 is the most infamous and known Condor operation to North Americans, the operational headquarters for Condor was in Buenos Aires. Argentine intelligence officials were active participants and Condor's victims included many Argentine citizens who fled the country after the 1976 coup. Several of these records included intelligence information and would require precise declassification reviews and extensive research as part of the oversight and quality control process. Still, we hoped to complete this task by December 2017.

By dividing the overall project into five separate tasks, I hoped to be in a position to better manage the overall project and conduct the quality control and oversight needed to ensure project success. I expected there to be thousands of records that required a declassification review from two of the agencies, and many of those would require review by multiple agencies. The agencies were supposed to involve records managers, historians, FOIA staff, information professionals, and declassification staff in developing and using a search methodology that was thorough and inclusive. They had to document their search and also list locations and any identifying information of the files that had been searched. Organizing the project into tasks and objectives seemed the best and most effective way to complete it. All agency declassification program managers participating in the Sub-IPC agreed that this plan made the best sense, especially for those agencies who expected to use significant resources and identify a large volume of responsive records.

The third part of the tasker, the list of terms, was also critically important—perhaps the most important. Once finalized, it was a detailed 19-page list of names, key dates and events, places, terms, and organizations that I created to help the agency records managers, declassifiers, and others who were searching for responsive records within their agencies' files.<sup>141</sup> None of the staff participating were experts, so this detailed list was critical in that it provided them with the information that was needed to conduct comprehensive and thorough searches.

From the time that the project first came to my attention, I began to learn about the Dirty War and the history of Argentina and the Southern Cone. I had some understanding of South American history through past assignments at NARA, including from my work as an archivist at the Johnson and Nixon Presidential Libraries and on the CDP, but I knew I needed more background information if I was to provide guidance and conduct oversight. I reviewed the historical NSC files on the declassification projects related to El Salvador, Guatemala, Brazil, and Chile. To better understand what happened, I read several books, including *The Pinochet File: A Declassified Dossier on Atrocity and Accountability* by Peter Kornbluh, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"* by Martin Anderson, and William Michael Schmidli's *Fate of Freedom Elsewhere: Human Rights and US Cold War Policy Towards Argentina*.<sup>142</sup> I also focused on the National Security Archive's various documentary briefing books on the Southern Cone, Chile, and the Archive of

<sup>&</sup>lt;sup>140</sup> For more on Operation Condor, see John Dinges, *The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents* (New York: New Press, 2004); Patrice McSherry, *Predatory States: Operation Condor and Covert War in Latin America* (Lanham: Rowman & Littlefield, 2005); and Francesca Lessa and Vincent Druliolle, eds., *The Memory of State Terrorism in the Southern Cone: Argentina, Chile, and Uruguay* (New York: Palgrave Macmillan, 2011).

<sup>&</sup>lt;sup>141</sup> National Security Council, "Argentina Declassification Project: Tasking Information and Schedule," June 20, 2016, <u>https://www.intelligence.gov/argentina-declassification-project/research</u>.

<sup>&</sup>lt;sup>142</sup> Peter Kornbluh, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability* (New York: New Press, 2003). Martin Anderson, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"* (Boulder: Westview Press, 1993). William Michael Schmidli, *The Fate of Freedom Elsewhere: Human Rights and U.S. Cold War Policy toward Argentina* (Ithaca: Cornell University Press, 2013).

Terror, especially those prepared by Carlos Osorio, Director of the Southern Cone Documentation Project.<sup>143</sup> My education on human rights abuses in Argentina and the Southern Cone continued throughout the project because I knew it was crucial to learn as much as possible about this period.

I knew that the list of terms provided by Argentine Ambassador Nahón in the 2015 letter to Attorney General Lynch was inadequate for the type of project I was designing. Declassifiers and agency staff who were searching for responsive records would not have sufficient knowledge to undertake a detailed and all-encompassing search based only on those few terms. It was critical that they have sufficient information to conduct the detailed searches. President Obama said the U.S. government would search for and declassify "even more" records to help victims, families, trials, and the Argentine people.<sup>144</sup> This was the way to ensure that this declassification happened. Without a detailed and comprehensive list of terms to guide the search, I feared many records would not be discovered or included.

I began creating the list but quickly realized that I needed help. I thought the ADP could benefit from outside expertise. I turned to two historians for help. The first was Sara Berndt, the historian at the Department of State who researched and compiled the 1977-1981 *Foreign Relations of the U.S. South America* volume. She also had a Ph.D. in Latin American history and had taught undergraduate classes at George Washington University on Latin American history. Most importantly, she had conducted extensive research on the Dirty War, Argentina, and the Southern Cone using the unclassified, declassified, and classified records at the Carter Presidential Library, the National Archives and other Government archives. She had both the expertise and experience to be able to help me.

The second historian was Carlos Osorio, the Director of the National Security Archive's (the Archive) Southern Cone Documentation Project. Although I had never met Osorio, I was very familiar with the Archive. As an archivist at the Johnson and Nixon Presidential Libraries, I helped their historians conduct research and find relevant records. I also knew several Archive historians from my work supporting the Interagency Security Classification Appeals Panel (ISCAP); they always submitted extensive supporting documentation, including previously declassified records, in asking the ISCAP to adjudicate their appeals of agency Mandatory Declassification Review denials in their favor.<sup>145</sup> The Archive also provided testimony before the PIDB, participated in the PIDB's public events and online blog discussions, and presented their ideas on improving the classification and declassification system. I appreciated their thoughtful discussions, their ideas for reform, and the documentation accompanying their ISCAP appeals. Based on my past experience, I thought the Archive would be willing to help and provide the expertise that I lacked in creating the detailed search list required for this project.

I believe I contacted Osorio in early March 2016, introducing myself and asking if he would be interested in meeting for a cup of coffee. I thought that his work, found on the Archive's website as 'Briefing Books' on the Dirty War was thorough and helpful. I learned that he assisted the Government of Argentina in prosecuting human rights violators through his research, providing the prosecutor's office with declassified U.S. records to use and then testifying about their authenticity and meaning in trials. His online briefing books and the declassified records they contained helped me gain a level of

<sup>&</sup>lt;sup>143</sup> Carlos Osorio, "Southern Cone Documentation Project," National Security Archive, <u>https://nsarchive.gwu.edu/project/southern-cone-documentation-project</u>.

<sup>&</sup>lt;sup>144</sup> Office of the Press Secretary, "Remarks by President Obama and President Macri of Argentina at Parque de La Memoria" (Buenos Aires, Argentina), The White House, 24 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/24/remarks-president-obama-and-president-macri-argentina-parque-de-la</u>.

<sup>&</sup>lt;sup>145</sup> Barack Obama, "The President Executive Order 13526" (2009), Section 5.3, <u>https://www.archives.gov/isoo/policy-documents/cnsi-eo.html</u>. This established the ISCAP and provided its authority to represent the president in serving as the final appellate authority to adjudicate classification challenges and mandatory declassification review decisions and approve or deny agency requests for exemptions to automatic declassification. The ISCAP regulations are codified in 32 C.F.R. 2003. A "denial" means that an agency believes the information in question should remain classified.

understanding to be comfortable discussing this era with agency declassification program managers. However, I recognized that there was much more to learn about the Dirty War as I tried to create a comprehensive search list.

I met Osorio for coffee, and we discussed the basic outline of the ADP. At this point, I was interested in learning as much as I could from him about his research and work in documenting human rights violations as well as about the declassified U.S. government records he used for his research. Osorio recounted his work and research on Argentina's Dirty War. He added context by discussing the U.S. government's previous efforts to search for and declassify records. He focused on the Department of State's 2002 effort to declassify approximately 4,700 of its cables and other records, including posting them online on their website as a special collection.<sup>146</sup> Osorio indicated that these records were very helpful in documenting the human rights violations, highlighting the cables and reports written by Foreign Service Officer F. Allen "Tex" Harris, a political attaché at the U.S. Embassy in Argentina who was assigned to monitor and document human rights violations between 1977 and 1979.<sup>147</sup> Osorio said that Harris had taken his assignment seriously, inviting family members of the detainees into the Embassy for interviews and creating a detailed index on the victims, including their names, the circumstances of what happened and when, and information on family members. I listened intently to the helpful information that would be useful in formalizing the ADP tasker and creating a detailed search list.

In hindsight, I think this was an "interview" for us both. For me, it was to see if Osorio would be willing to participate in the ADP and, if so, to provide his expertise quietly. The Archive and the U.S. government agencies often found themselves on opposite sides of a courtroom as the Archive sued for access to agency records using the Freedom of Information Act. Many of their briefing books documented history that was - and remains - controversial, from U.S. support for coups in Guatemala, Iran, and Chile to the Cold War and modern-day intelligence and military failures. I worried that the agencies would react poorly if they found out a historian from the Archive was helping me.

I also think that Osorio "interviewed" me to judge how serious both the administration and I were about this project. He was highly regarded by human rights organizations in Argentina and the United States. I thought some of these organizations were skeptical of the U.S. Government, its policies, and its commitment to releasing secret embarrassing records. I wondered if some of them would question his participation in a government project, just as some of the agencies might.

We met again for coffee after the president's trip, discussing how I hoped to use Obama's *Parque de la Memoria* speech and his trip to frame the project. I provided Osorio with details on how I planned to organize the project into five different large tasks, each with objectives, milestones, and schedules. At this point, I asked if he would be interested in assisting me, explaining that his expertise would complement my work with agencies. I asked him if he could help me compile the detailed list I thought was needed to make the agency searches thorough and as complete as possible. I was pleased—and relieved—that he agreed.

I explained that I was creating a comprehensive search list divided into several sections: U.S. citizen victims; U.S. government staff posted to Argentina; U.S. government staff in the U.S. who were involved in Argentina/Southern Cone/South America issues, policies, or events; prominent Argentine and 3rd country victims; Argentine government officials, including intelligence and military officials; terms, phrases, and organizations; dates of major events; and places.

<sup>&</sup>lt;sup>146</sup> "Virtual Reading Room Documents Search Results," U.S. Department of State: Freedom of Information Act, n.d., <u>https://foia.state.gov/Search/Results.aspx?collection=ARGENTINA&searchText=\*</u>. This website now contains records from the 2017 and 2019 releases.

<sup>&</sup>lt;sup>147</sup> Steven Alan Honley, "Larger Than Life: F. Allen 'Tex' Harris, 1938-2020," American Foreign Service Association, 2020, <u>https://www.afsa.org/larger-life-f-allen-tex-harris-1938-2020</u>.

While I had started the list, it was far from complete and where I thought it needed to be. Together, Osorio and I worked to produce an extensive list within each section. He recommended that I add two new sections, a list of Argentine police and military units involved in domestic operations, and a list of foreign military advisors stationed in Argentina. He also advised me to include context and background about each item. I followed Osorio's advice, understanding that the more detail I included, the greater the likelihood of a thorough search at each agency.

I also used the previously declassified record collection at the Department of State to compile the list. This collection was digitized and posted online as a special collection.<sup>148</sup> It was searchable and could be organized by date. This source would continue to be valuable as I conducted quality control of the declassification reviews of other agencies. It also proved helpful in including the names of U.S. officials who had a role in US-Argentine relations during this time. I also used - and recommended that other agencies use - the online database on the *Parque de la Memoria's* website. The memorial park includes an information center where visitors can learn more about the victims and what happened during the eight-year dictatorship. Online, the information center includes a database listing the names of 8,751 victims, which is searchable in multiple ways including by nationality.<sup>149</sup> Although the website and database are written in Spanish and my Spanish is rudimentary, I still found the database extremely useful.

To complete the tasker's list of keyword terms, I conducted online research using finding aids from the four presidential libraries, volumes of the *Public Papers of the President*, and other sites in order to identify key dates, events, and policies. The volumes included all presidential speeches, remarks, responses at press conferences, and statements. They provided very useful information, especially the Jimmy Carter volumes. I used the Department of State Office of the Historian's website to confirm the dates of visits by Argentine officials to the U.S. and U.S. officials' visits to Argentina.<sup>150</sup>

The list had to be completed by early June so it could be included as an attachment to the tasker. The final list was influenced heavily by Osorio. In fact, about half of the list came from his suggestions. He provided me with the names of prominent foreign and Argentine victims as well as of the military officials and military units that took part in state terrorism and human rights violations, and information on torture sites and clandestine prisons. Osorio provided me with additional names of U.S. diplomats who had been posted to Argentina or who had worked on Argentine matters for the U.S. government. While I included almost all his suggestions, I also opted to focus on the victims who were most likely to be identified and included in U.S. records and cables. Primarily, these were either American or European citizens, but also included Argentine and other South American victims who received press coverage in the U.S., had family in the United States, or who otherwise came to the attention of U.S officials. These victims were most often prominent Argentine citizens, outspoken human rights leaders, independent journalists, opposition political leaders and others who opposed the government, and prominent citizens of other South American countries who were living in exile in Argentina. Once completed, the list of search terms and names was nineteen pages in length and was included with the tasker and project plan that was sent to agencies.<sup>151</sup>

<sup>&</sup>lt;sup>148</sup> "Virtual Reading Room Documents Search Results," U.S. Department of State: Freedom of Information Act, n.d, <u>https://foia.state.gov/Search/Results.aspx?collection=ARGENTINA&csearchText=\*</u>.

<sup>&</sup>lt;sup>149</sup> "Registro de Víctimas," Monumento a las Víctimas del Terrorismo de Estado - Parque de la Memoria, 2020, <u>http://basededatos.parquedelamemoria.org.ar/registros/</u>.

<sup>&</sup>lt;sup>150</sup> "Public Papers of the Presidents," National Archives, 2018, <u>https://www.archives.gov/federal-</u> <u>register/publications/presidential-papers.html</u>. "A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: Argentina," Department of State Office of the Historian, <u>https://history.state.gov/countries/argentina</u>.

<sup>&</sup>lt;sup>151</sup> National Security Council, "Argentina Declassification Project: Tasking Information and Schedule," 20 June 2016, <u>https://www.intelligence.gov/argentina-declassification-project/research</u>.

#### The Tasker as Motivation to Begin the ADP

The ADP formally began in mid-June 2016 after the tasker was sent to agency Executive Secretariats by the White House Situation Room staff.<sup>152</sup> But as noted earlier, I was in contact with declassification program managers or records managers at each participating agency long before the tasker was sent. I contacted my home agency, NARA, as it would play an important role in the success or failure of the project. Many of the records were physically located in NARA facilities. These included presidential records, where public access is governed either by the rules of a Deed of Gift or by the Presidential Records Act, and Federal records, which are governed by the Federal Records Act. Each law is complex and has its own unique access processes and procedures. In a project where precision and completeness are critical, I opted for two NARA two project coordinators. Beth Fidler, Senior Archivist in the Office of Presidential Libraries in Washington D.C., led the search and review of records at the four presidential libraries. Don McIlwain, MDR and FOIA Branch Chief at the National Declassification Center, led the process for Federal records.

I also identified contacts for each presidential library, the Office of Presidential Libraries, the NDC, the Center for Legislative Archives (CLA), the Washington National Records Center (WNRC), and reference archivists with expertise in diplomatic, military, and civil agencies. Having a small rolodex of knowledgeable staff was important - and I used them to help answer questions, find records, and look for potential files or series that may be relevant. Their help throughout the project proved useful and helped my oversight work considerably.

Participation of the four presidential libraries would be crucial for success, given the content of their libraries. They were the Gerald Ford Presidential Library in Ann Arbor, Michigan; the Jimmy Carter Presidential Library in Atlanta; the Ronald Reagan Presidential Library in Simi Valley, California; and the George H.W. Bush Presidential Library in College Station, Texas.<sup>153</sup> Archivists at these libraries were responsible for searching for responsive records in their unprocessed and classified records collections. Files that had been previously declassified and released to the public were not included. Once all responsive records were located at each presidential library, they were mailed to Fidler in Washington D.C.<sup>154</sup>

There were also responsive records at NARA's CLA, including hearings, testimony, and reports. CLA archivists were very helpful in searching for and finding these records, all of which were unclassified and processed in accordance with the rules of the House of Representatives and the Senate. At the NDC, McIlwain assigned staff to focus on the ADP. Along with McIlwain, they worked closely with each agency declassification program manager that had accessioned Federal records already at NARA. These agencies were: the Army, FBI, the departments of Justice and State, the Joint Staff, and the Navy. Their first task was working with the NDC staff to search for and identify responsive records. The NDC staff then scanned the records and created case files for each series of responsive records, called a "project." NDC staff assigned each project a unique number. This database allowed the NDC staff to track progress and ensure that all referrals were adjudicated, and all declassification and public access reviews were completed. McIlwain worked with almost all the other agencies to coordinate and prioritize declassification review referrals of agency equities within these records.

<sup>&</sup>lt;sup>152</sup> The White House Situation Room staff uses a process called "e-wash" to quickly send actions and directives to agencies so they can act on them. They are always addressed to the Executive Secretary at an agency as that person is responsible for coordinating and tracking all internal responses and then responding to the NSC.

<sup>&</sup>lt;sup>153</sup> Office of the Director of National Intelligence, "Argentina Declassification Project," *IC on the Record* (blog),12 December 2016, <u>https://icontherecord.tumblr.com/page/7</u>.

<sup>&</sup>lt;sup>154</sup> Normally, only classified records marked either "Confidential" or "Secret" may be sent by mail, UPS, or FedEx. "Top Secret" records must be hand-carried or sent through the Defense Courier Service, which is both expensive and time-consuming as there are only monthly deliveries. To alleviate these concerns, I used my original classification authority, authorizing any White House or NSC originated records marked as "Top Secret" to be downgraded to "Secret" so they could be sent securely through the mail.

The one anomaly was the Department of Labor (DoL), which, given its mission, was understandable. There was a program in the 1970s to assign and station Labor attaches in many countries, including Argentina. The DoL neither had original classification authority nor a declassification program. NARA and DoL records managers confirmed that all DoL records were previously accessioned and located at NARA. NDC and NARA archivists identified one series totaling 16 boxes of records from this time period. To help the NDC, I completed the search of these records myself, which did not yield any responsive records. I learned from the Department of State historians and declassification review staff assigned to the ADP that all DoL attaches used the State Department cable network to communicate and any responsive records would therefore be part of State Department records.

Last, the WNRC stored the records of several agencies that had not yet been accessioned to NARA.<sup>155</sup> They included the records of the Office of the Secretary of Defense, USAID, and SOUTHCOM. I would need to work with records managers at those agencies as well as with staff at the WNRC to ensure that the agencies could retrieve their records, conduct reviews, document their decisions, make copies, and return the records to the WNRC. I worked closely with records managers from NARA too, as they helped find relevant transfer, scheduling, and accessioning information. This information helped me aid agency records managers, who were understaffed and overworked. It was a time-saver for them and quickened the pace of retrievals.

While all government agencies were made aware of this project and the steps needed for completion, some were more able and eager than others to work diligently for these declassification efforts. Because President Obama gave a direct order to follow through on the ADP, no agencies directly pushed back or refused to participate. Besides, the senior leaders at their agencies had already approved the project at the Deputies' Committee meeting on the Argentina trip. Most of the agencies had experienced archivists and records managers, but some saw this project differently, believing it was resource-intensive and did not adhere to the archival principles of provenance and original order.<sup>156</sup> Other agencies did not have an adequate number of trained staff to complete a project of this depth and breadth. It was a part of my job to convince them that this declassification project was worth the time and effort. I explained that these records were not so specialized that few would care about their release; rather, they had the potential to add evidence that could be used to solve disappearances and extrajudicial murders in Argentina. Their contributions had value: to help bring closure for Argentine families and provide proof of crimes committed that could bring justice. I explained why this project mattered, that their work had the power to affect people, and that it was an opportunity for their work to have real-world impact and for them to participate on a project of which they could be proud.

This selling of the project proved extremely important in ensuring that the ADP was completed successfully. As the NSC is a coordinating body rather than an implementing agency, I had to rely heavily on the agency declassification program managers to complete the action items in the tasker. Because I had formed professional relationships with most of these program managers over the years, I knew them and believed in them and their staff. I trusted that they would be able to deliver and complete the ADP successfully. Of course, constant coordination and communication was required. The NSC was never mentioned in the tasker because all records had to be reported to the Director of National Intelligence. Thus, the NSC served as the informal overseer of the project, helping each agency determine what exactly to search for and find, while the agency declassification program managers were trusted to implement the actions and conduct the declassification reviews according to the requirements in the tasker.

<sup>&</sup>lt;sup>155</sup> Agencies must submit a form to the WRNC when the records are transferred there, describing the contents of the files as well as information on content that requires review before releasing the records to the public.

<sup>&</sup>lt;sup>156</sup> Provenance refers both to an archival object's origins and its location within the file. The archival "principle of provenance" holds that objects with the same origin should remain together in an archive, in order to preserve their context. <u>https://dictionary.archivists.org/entry/provenance.html.</u> The principle of "original order" holds that the archive should reflect the same order that the creator of the items established. <u>https://dictionary.archivists.org/entry/original-order.html.</u>

In June 2016, the NSC Executive Secretariat sent the tasker to the agencies. The ADP officially started, and agencies began their searches. The ADP came out in four separate tranches spanning almost three years from August 2016 to April 2019. Each tranche brought its share of unexpected turns, yet they were all linked by many governmental staff working quickly and efficiently to review and declassify records even as circumstances changed.

# Preparing and Reviewing the Records for Release

The first set of records was released in August 2016. It was unplanned and we had not prepared for a release that quickly. In mid-July, we learned that Secretary of State John Kerry planned to travel to Brazil and Argentina in early August to launch the U.S.-Argentina High Level Dialogue with his Argentine counterpart, Foreign Minister Susana Malcorra, and to meet with President Macri. I received a telephone call from Michael Camilleri, a member in the State Department's Policy Planning Staff who was responsible for South America. He told me that Secretary Kerry wanted to deliver declassified records to the Argentine government as part of his trip and as a show of "good faith" following President Obama's announcement in Buenos Aires in March. Gedan also visited my office to discuss this possibility. His boss, Senior Director Feierstein, was also going on the trip. I explained to both Gedan and Camilleri that the ADP had only just started the previous month. Most agencies were just starting their search, so there had been little time to produce deliverables.

The one exception was the National Archives, my home agency. I had experience working with presidential records and materials, and I also knew most of the archivists. Before the president's public announcement of the project in March, I began working with Fidler from the Office of Presidential Libraries in Washington D.C. and with declassification archivists at the four presidential libraries. They already knew their records well, and started their searches immediately following the president's trip in March. As a result, the libraries had completed their searches by the time the tasker was issued and had sent all their responsive records to Fidler. I met with Fidler and explained the challenge. We came up with a plan to divide the records into two groups: those that did not require a declassification review from other agencies and those that did. Records in the first group only contained NSC equity information and could be reviewed for declassification using the NSC waiver.<sup>157</sup> Our hope was that Fidler would be able to complete the review of this first group in time for Secretary Kerry's August visit to Buenos Aires. Fidler went right to work separating the records into these two groups. Next, she reviewed each record in the first group for declassification and public access, applying the waiver and declassifying them on the NSC's behalf. There were over 1,000 pages in the group, and it took almost two weeks to complete this review. The good news was that all these records were declassified in their entirety without any redactions.

The not-so-good news was that the records then needed to be digitized, and there was only about a week to complete this task. I went to the ODNI for assistance, and they assigned a staff member called "Jim" to digitize the records. To expedite the process, I hand-delivered these records to him.<sup>158</sup> Working with the ODNI, the original plan was to scan all the records first so they could then be reviewed electronically (and remotely), allowing us to complete all the redactions electronically and then post public copies on the web. Providing these records to Secretary Kerry and posting them on the web would not

<sup>&</sup>lt;sup>157</sup> An agency issues a waiver when it does not want to review records containing its classified information from other agencies. It allows the NDC and other agencies who use that agency's waiver to process records significantly faster without the necessity of sending records to that agency for review. At this point, there was not a special NSC waiver for the ADP. Fidler used the standard NSC waiver that was then in place for all agencies to use when reviewing records for declassification. Waivers are discussed further in footnote 64 and on pages 49-50. The current waiver can be found here: "National Security Council (NSC) Partial Waiver for the Declassification Review of Certain White House and NSC Records" (Information Security Oversight Office, 12 July 2017), https://www.archives.gov/files/isoo/notices/notice-2017-03.pdf.

<sup>&</sup>lt;sup>158</sup> Some staff from Intelligence Community (IC) agencies are not permitted to publicize their employment. For this reason, I have opted to use pseudonyms for the staff members from these IC agencies. This is a pseudonym in lieu of the staff member's real name. Other pseudonyms are used occasionally throughout, always indicated by placing the pseudonym in quotation marks at first use.

have been possible without Jim. He quickly scanned all the records, made CD copies for Kerry to deliver, and prepared to post them on the ODNI's Tumblr site.

The ODNI and NSC both had essential roles throughout the ADP, although the tasker listed the ODNI as the project coordinator. The ODNI is an extremely small agency, and the office within the ODNI assigned to lead the project was also very small, comprising of around five people in total. The manager of that office, Jennifer Hudson, reached out to me as the tasker was sent to the agencies to say that she would need help overseeing the project. She thought I, as the NSC staff member responsible to the president for seeing the project through to completion, would be able to support her office. My informal role was to ensure that the searches were thorough, to verify that reviews were complete and included all equityowning agencies, and, in accordance with the president's expectations, to lead regular interagency meetings to address challenges, monitor progress, foster improved interagency communication, and coordinate public release plans. The ODNI assigned "Jim" to scan the records, create and then manage a secure digital workspace, ensure that all equity-owning agencies conducted their reviews, and work with the IT and social media staff on posting the declassified records on a public-facing site. The original plan called for all the agencies to provide their responsive records to the ODNI. Agencies with Top Secret connectivity to the ODNI would send them electronically while those agencies without Top Secret electronic communications systems would send hard copies to the ODNI for Jim to scan. After scanning the records, he uploaded them onto the ODNI's Top Secret Intelligence Community Information Technology Enterprise (ICITE) platform and created a Top Secret workspace where all agencies with access to it could review records containing their equities both virtually and simultaneously.

The ADP was the first time this type of secure, all-digital approach was used for interagency declassification review. If successful, we knew that it could serve as a potential model for future declassification reviews of historical records. We hoped this new process would improve both the effectiveness and efficiency of reviews and be the first step in introducing technological tools in declassification. We also thought it could serve as a catalyst to help modernize declassification processes and improve public access to records documenting our history.

# The August 2016 Public Release

When we planned the project and wrote the tasker, the first scheduled task was not supposed to be completed until the end of 2016. I initially planned to use that time to work with agencies and the ODNI on how to publish the declassified records. Although the U.S. planned to give the Argentine government copies of the records, the NSC and the agencies also wanted them to be widely available to the public. The ODNI quickly came up with a plan to post these records on the ODNI's Tumblr site, *IC on the Record*,<sup>159</sup> which was originally intended to improve transparency about the National Security Agency's surveillance programs. It also served as a clearinghouse where the Intelligence Community posted declassified records, Congressional testimony, and other information about the IC's intelligence activities. While I felt that using this site was not ideal since most of the other content focused on current IC activities, it was both available for ADP use and included dedicated ODNI staff who could perform all necessary logistical and technical work to post the declassified records.

While the ODNI prepared to post the declassified records on *IC on the Record*, I worked with staff from the Department of State in Washington D.C., the U.S. Embassy in Buenos Aires, and the press offices at the NSC, the ODNI, and the National Archives. We devised language for a White House and Department of State Press Release as well as one that the National Archives would issue after the declassified records were presented to the Government of Argentina. I also wrote the introductory blog post for *IC on the Record* and assisted National Archives social media staff to draft blog posts. Working with Gedan and Camilleri, I wrote a few sentences about the ADP for Secretary Kerry to highlight in his press conference

<sup>&</sup>lt;sup>159</sup> See: Office of the Director of National Intelligence, "IC on the Record," <u>https://icontherecord.tumblr.com/</u>.

with Foreign Minister Malcorra, and we also drafted possible questions from the press and answers should any questions arise.

For the overall project to succeed, it was important for all agencies to publicize their work. It was a way to demonstrate to agency leadership that this project was important. The NSC encouraged the agencies to dedicate space on their websites to highlight the newly declassified records. Whenever public releases occurred, I worked with all the agencies to ensure each shared a similar message regarding the release. Coordination and wording were important. Each release of newly declassified records could include several press releases and blog posts from the participating agencies, including from the White House, a summary post on the *IC on the Record*, as well as questions and answers in case there was more detailed press interest.

The delivery of this first tranche was quite literally at the last minute. The CDs that Secretary Kerry gave to President Macri were hand-carried to the U.S. Embassy in Buenos Aires just two days before Kerry's arrival. This tight deadline illustrated how unsure we were that this portion of the declassification project would be completed in time. Despite the physical delivery coming down to the last minute, I provided a CD copy of the newly declassified records to the Argentine Embassy in the U.S. at the same time the U.S. Embassy received Kerry's copy.

I also provided an embargoed CD to Osorio,<sup>160</sup> recognizing that his expertise would allow for analysis and identification of any records which should be highlighted. I was concerned because, frankly, I doubted that this tranche of 1,078 pages was going to be considered 'groundbreaking.' There were a few reasons for this. The secretary's request, coming less than a month after the project officially started and coming within three weeks of his trip, forced a change in the original plan. The tight deadline to provide the records for Kerry's visit dictated the types of records we included. With such a tight turnaround, we opted to segregate records and picked those that were easiest and quickest ones to declassify. In my previous experience, these types of records were usually bland and rarely offered new insight. This release would not include any intelligence, military, or law enforcement records - rather, the records were mainly discussions of policy and actions as written by the NSC.

I worried that the public release of these records would not be well received and, as a result, reflect poorly on the commitment to the project of Obama and the U.S. government. I worried that the release could have the opposite of its intended effect, harming bilateral relations rather than improving them, especially if stakeholders in Argentina felt that the U.S. was reneging on its commitment. A poor public reaction had the potential to derail the rest of the project. At the same time, the agencies were already complaining that the project was too labor-intensive and costly, and that it took valuable resources away from other critical and required projects. After receiving the request from Camilleri, I outlined these concerns to him, to my colleagues at the NSC, and to the staff at the U.S. Embassy in Buenos Aires. I also voiced my concerns to officials at the Argentine Embassy, as their government also had an important stake in the project's success.

The NSC, the U.S. Embassy, and the State Department agreed to proceed. We developed a communications plan to address my concerns and manage expectations. With that decision made, it was important to be in close contact with the Argentine Embassy and with Osorio, and to be fully transparent. As the records were prepared for release, our communication plan emphasized that this was just the first public release. There would be several other releases forthcoming. We emphasized that the project had just started; it was unprecedented in its size and scale, meaning that its coordination with so many agencies was complicated. It required time to conduct all the logistical activities to prepare records for public release.

<sup>&</sup>lt;sup>160</sup> Often the government provides the press with advance notice of an event or action or activity before it is made public. The government does this so the press can adequately prepare to cover the event or activity once it is publicly announced. Typically, the stipulation between the Government and the press is that the press must keep the information private, or "embargoed," and may not publish any information until it is publicly announced.

Kerry presented the declassified records to Macri on 4 August 2016. Press stories and stakeholder reaction was largely positive. There was public understanding that this release was unplanned and only the first of several. A week after Kerry delivered the records, the National Security Archive posted a briefing book on its website, offering its analysis on the newly declassified records.<sup>161</sup> It highlighted the internal debate within the Carter administration on the most appropriate policies to address human rights violations.

# Rethinking Privacy

As the agencies began their search for responsive records, three issues needed to be addressed. The first was the issue of privacy. After Secretary Kerry delivered the first tranche, I met with Osorio to discuss the project and its progress. At that point, the bulk of the project remained. The agencies were still searching for responsive records and had not yet started declassification reviews. Osorio brought to my attention an issue of potential concern. He showed me declassified records from previous FOIA releases and earlier releases from the FBI and State Department. These records were heavily redacted for privacy. Typically, U.S. government reviewers redact information that, if released, would "clearly constitute an unwarranted invasion of personal privacy" of a living person.<sup>162</sup> This information includes social security numbers, dates of birth, addresses, and other personal information. Like classified national security information, the need to protect privacy information wanes over time, and very rarely continues after the death of an individual. The Department of Justice guidance addressed the need to balance privacy and the public interest but highlighted an opinion from the Court of Appeals for the Washington D.C. Circuit that argued that the "presumption in favor of disclosure under this exemption is as strong as that with any other exemption."<sup>163</sup> Often, agency reviewers do not have time to conduct research on individuals mentioned in records. If performed, it could uncover whether information about an individual has previously been disclosed, is public knowledge, or if the individual is deceased.

Osorio indicated there was one aspect of the ADP that we had not sufficiently appreciated at the planning stage. Argentine stakeholders, especially the *Abuelas de Plaza de Mayo*, were interested in any remote possibility that the records could help identify illegally adopted children. These were children, some born in captivity, whose parents were killed or disappeared by the Argentine authorities after their babies had been born. These babies were often adopted by their parents' killers, policemen, military officials, or government supporters--or by Argentines who had no idea about the circumstances of their adopted child's birth.<sup>164</sup> Osorio hoped that, if records revealed details about the families of Argentine government or military officials, this information would be released to the public. As an example, he showed me a record from the Defense Intelligence Agency that had previously been declassified. It was a brief biography of an Argentine soldier who was slated to attend military training in the United States. It contained information on the official that was routinely included in U.S. government briefing packets. The biography usually included information could prove useful in helping Argentine stakeholders continue to track down and identify illegally adopted children. However, he indicated that this type of information was almost always redacted.

<sup>163</sup> Department of Justice Guide to the Freedom of Information Act, Exemption 6, 417-418. <u>https://www.justice.gov/archive/oip/foia\_guide09/exemption6.pdf</u>

<sup>&</sup>lt;sup>161</sup> National Security Archive, "'Declassified Diplomacy': Argentina (Briefing Book #556)," 11 August 2016, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2016-08-11/declassified-diplomacy-argentina</u>.

<sup>&</sup>lt;sup>162</sup> Guidance for reviewing records for an unwarranted invasion of privacy is governed by the Department of Justice's FOIA regulations, implementing the Freedom of Information Act. FOIA privacy guidance can be found here: "Department of Justice Guide to the Freedom of Information Act," Pub. L. No. Exemption 6, <u>https://www.justice.gov/oip/page/file/1207336/download</u>.

<sup>&</sup>lt;sup>164</sup> Francisco Goldman, "Children of the Dirty War," *The New Yorker*, 19 March 2012, https://www.newyorker.com/magazine/2012/03/19/children-of-the-dirty-war.

After conferring with my NSC and NARA colleagues, I convened the ADP Sub-IPC in August 2016 to discuss the issue of privacy. Among the agency declassification program managers who participated in the meeting, there was little agreement on how to address privacy issues as they came up during reviews. A few IC agencies and Department of Defense (DoD) components were concerned about having to potentially conduct more research. They were concerned about the impact this would have on their staff work plans, the additional time it would take, and its effect on other declassification program requirements. The IC and other agencies were also concerned about the potential for violating the Privacy Act, should they accidentally declassify and release information on U.S. citizens and officials that would otherwise normally be redacted.<sup>165</sup> They argued that their agency would be liable for the release of personal information that was clearly an unwarranted invasion of privacy. There were also concerns regarding inadvertently releasing sensitive information about victims. Understanding that many victims endured inhumane and horrific acts of torture that were often graphically described, declassification program managers were wary of publicly releasing this type of information. I opted to table this issue and do additional research to see if I could overcome their concerns.

I met with officials at the National Archives who are responsible for overseeing FOIA requests for accessioned federal records to learn how their staff process FOIA requests for historical records. I was interested in learning how their staff evaluate information in a record that could be considered private or personal. I was especially interested in learning about the criteria they applied when reviewing historical records for public access. They informed me that NARA archivists, when reviewing accessioned federal records that were created between 30 and 75 years ago, conduct additional research and use the Social Security Administration's Master Death Index as well as other resources.<sup>166</sup> If the person is still living, the archivists analyze the information to determine if it reveals details of a highly personal nature that are undisclosed and, if released, would clearly constitute an unwarranted invasion of privacy. With this information, I drafted a memorandum, "White House Proposal on the Disclosure of Personal Identifiable Information for the Argentina Declassification Project."<sup>167</sup> I informally provided the draft to the National Archives FOIA program officials and asked for their comments. After additional editing, I submitted my draft to attorneys in the NSC Legal Directorate and in the White House Counsel's Office and then incorporated their edits in finalizing the draft.

I reconvened a sub-IPC with agency declassification program managers to discuss this draft. At that meeting, I indicated to the group that we would use this draft as a straw man; I wanted them to freely discuss and be comfortable openly disagreeing with anything in the draft.<sup>168</sup> There was extensive discussion: some agencies were hesitant, while others felt it was both beyond the scope of the project and beyond their area of expertise. I highlighted concerns about different review standards, especially for the agencies that had not yet accessioned their records to the National Archives.<sup>169</sup> I explained my concern about the potential for different decisions for the same information, depending on the physical location of the record where an agency would redact information from a record in their legal custody while the National Archives would release the same information for a record in their legal custody. I thought it important to have a single standard for all the agencies to use,

<sup>167</sup> This memorandum has not yet been released to the public.

<sup>168</sup> A "straw-man" is a term the government uses in interagency discussions when one agency formally introduces a proposal in order to spark discussion and agreement; if there are disagreements, it is used to find alternative solutions and arrive at a consensus decision.

<sup>169</sup> All Intelligence Community agencies and the Office of the Secretary of Defense do not accession their records to the National Archives until the records are 50 years old.

<sup>&</sup>lt;sup>165</sup> Department of Justice, "Privacy Act of 1974," 5 U.S.C. § 552a §, <u>https://www.justice.gov/opcl/privacy-act-1974</u>.

<sup>&</sup>lt;sup>166</sup> While the general public does not have access to this database, Government agencies, including the National Archives, have access and can use it to help make public-access decisions related to privacy of U.S. persons. Archivists also use other databases, such as *The New York Times* obituaries and Ancestry.com. "SSA's Death Information," Social Security Administration, https://www.ssa.gov/dataexchange/request\_dmf.html.

highlighting these credibility concerns. If each agency used its own privacy definition, it would be difficult to reconcile the differences in their reviews of the same record. While there was some progress in the sub-IPC, there was no agreement, as several agency declassification program managers wanted to include their FOIA and/or general counsel staff.

For the next two weeks, I spoke with attorneys at the CIA, the Defense Intelligence Agency, the State Department and NARA, and finally the agencies agreed to the text on September 30, 2016. During these conversations, I explained the project and its purpose to them and addressed differences between a typical FOIA review at an agency and the public access review expected for this project. I stressed the importance of releasing as much information as possible. Many agency FOIA programs tended to focus on reviews of current records, or records that were more recent. These agencies tended to conduct their FOIA reviews through that prism while staff at the National Archives, who review historical records, conduct their FOIA reviews through that prism. I explained that since the records included in this project were over 30 years old, National Archives guidelines were more applicable and aligned with the well-established principle that privacy interests wane over time. I also invoked Obama. Since the project was presidentially directed, it was critical to have one standard that conformed to his interest in releasing as much information as possible. After many telephone and conference calls and additional edits, the various agency staff attorneys agreed on the wording of the text.

I reconvened the Sub-IPC in early October 2016 for a formal vote and agreement. The final memorandum was sent to the agencies after the meeting. It included quotations from President Obama's remarks at the *Parque de la Memoria* and a sentence indicating the president's interest in advancing the most transparent release possible. Importantly, it included compromise language that asked the agencies to waive their standard disclosure guidance and use the National Archives guidance instead.<sup>170</sup> It specified categories of information where agencies would redact privacy information, and it concluded with the sentence, "the White House strongly believes that the presumption in favor of disclosure is tantamount to a transparent democracy and should be the direction we take in this project."<sup>171</sup>

# Expanding the NSC Waiver

The NSC already had a standard waiver in place that covered almost all NSC historical records, waiving the NSC's right to review almost all its historical information that is found in other agency records. The standard waiver spelled out categories of classified information that the NSC did not need to review for declassification, as long as the records were 25 years or older.<sup>172</sup> Its purpose was to reduce the volume of classified historical records that NSC staff had to review on a regular basis. Our staff was quite small and had many different responsibilities, and we knew that the agencies, if given detailed guidance, were perfectly capable of reviewing this information themselves. It was a way to both reduce the volume of historical records the NSC had to review, and to use risk to reduce this burden. The NSC waiver stipulated that the agencies could declassify all historical NSC-original information except for records that discussed covert action, Continuity of Government, or were numbered policy records<sup>173</sup> that had not previously been declassified.

<sup>171</sup> This memorandum has not yet been released to the public.

<sup>&</sup>lt;sup>170</sup> This compromise was important as it allowed agencies to maintain privacy guidance for all of the records in their legal possession, but also ensured that, for the specific records identified for this project, they would agree to the request to use National Archives guidelines. All agencies adhered to those guidelines throughout the ADP.

<sup>&</sup>lt;sup>172</sup> The NSC waiver in place in 2016 was highlighted in ISOO Notice 2013-04; see <u>https://www.archives.gov/files/isoo/notices/notice-2013-04.pdf</u>. It was replaced with a new waiver in 2017. Information on the current NSC Waiver can be found here: <u>https://www.archives.gov/files/isoo/notices/notice-2017-03.pdf</u>

<sup>&</sup>lt;sup>173</sup> These numbered national security memoranda typically were meant to act much like a classified Executive Order. They provided direction for agencies to implement. Each presidential administration has had its own numbering system and has called them **© 2021 The Authors** | CC BY-NC-ND 3.0 US
At Sub-IPC meetings, as agencies started to inform us of their search progress, I started to worry about the potential for agencies to report a large volume of responsive records, and that some portion of those records could contain NSC information and be referred to the NSC for declassification review. However, I was confident that none of the records were sensitive enough to require an NSC review. Discussing the possibility of issuing a new blanket waiver for this project with my staff, we did not think there were any records that met the criteria set out in the current NSC waiver. We agreed that the NSC did not need to review agency records containing NSC-originated information. Agencies did not need to refer responsive records from their collections to the NSC for review. At the same time, I knew that there were over 500 pages of NSC records from the presidential libraries that required a declassification review from other agencies, and that historians at the Department of State had compiled records for the South America *FRUS* volume that also would require review by other agencies. I was worried that completion of the tasks and the overall project could be delayed by excessive referrals and the resulting additional declassification reviews. All these reviews would take extra time and coordination and had the potential to overwhelm the agencies.

I was determined to adopt strategies to quicken the pace of declassification review and to lead by example, so I drafted a new NSC waiver for agencies to use on this project. It was a simple two-page memorandum that stated, "Given President Obama's interest in advancing the most transparent release possible, when agencies and departments identify responsive records that either originated or contain White House/NSC equities, it will not be necessary for the National Security Council staff to review those materials for declassification. This limited waiver applies to all records identified by agencies and departments participating in the Argentina Declassification Project. Your declassifiers are authorized to take final declassification action, consistent with applicable standards." This memorandum was issued at the same time as the privacy memorandum to maximize the guidance available for the agencies as they continued their search and before they began their reviews. In response, the Department of State indicated at the September sub-IPC that it too would draft a similar waiver for its classified information contained in other agency records. This was an important decision since I expected the Department of State to receive the largest volume of referrals given the central foreign policy and diplomatic role it played during the Dirty War.

# Rethinking Declassification Review Processes at the CIA

At the same time the Sub-IPC was addressing privacy standards and the NSC waiver, Joe Lambert, the CIA's Director of Information Management Services, asked to meet with me and his two ADP project managers, "Hilarie" and "Celia." Lambert was the longtime senior executive who led Information Management Services, the office responsible for managing the CIA's information enterprise, including current data as well as historical records. His office was responsible for implementing E.O. 13526, which included training all CIA staff on classification procedures and processes, safeguarding, and classification training; conducting all declassification reviews, including those for FRUS, and performing FOIA reviews, pre-publication reviews, and special reviews; assisting CIA historians as they researched and wrote classified histories and lessons-learned papers;<sup>174</sup> undertaking special reviews such as the ADP, many of which focused on the Cold War or other specific CIA historical projects;<sup>175</sup> and conducting word-for-word declassification review of historical PDBs.<sup>176</sup> At the same time, his staff was searching for responsive records for the ADP, they were also finalizing the public release of historical

<sup>175</sup> See: "Publications," Central Intelligence Agency, 18 June 2020, <u>https://www.cia.gov/library/publications</u>; "Center for the Study of Intelligence," Central Intelligence Agency, 15 June 2020, <u>https://www.cia.gov/library/center-for-the-study-of-intelligence</u>; and "Historical Collections," Central Intelligence Agency, 30 July 2020, <u>https://www.cia.gov/library/readingroom/historical-collections</u>.

<sup>176</sup> See <u>https://www.cia.gov/library/readingroom/presidents-daily-brief</u>.

something slightly different. In the Nixon administration, for instance, these records were called either National Security Decision Memoranda or National Security Study Memoranda. See <a href="https://www.nixonlibrary.gov/national-security-decision-memoranda-nsdm">https://www.nixonlibrary.gov/national-security-decision-memoranda-nsdm</a>.

<sup>&</sup>lt;sup>174</sup> Much of the work his office performs, once declassified, can be found on CIA's website: "Library," Central Intelligence Agency, 18 June 2020, <u>https://www.cia.gov/library</u>.

PDBs from the Nixon and Ford administrations, building off of an earlier public release of historical PDBs from the Kennedy and Johnson administrations.<sup>177</sup>

Lambert and his project managers expressed a potential concern regarding the CIA's declassification review of its records. They were still searching and had not started their review yet, but those records that were deemed responsive posed a unique challenge. Most of the records they had identified as responsive covered regional or global intelligence reports and analysis and were not Argentina-specific. Some of these reports were daily, while others were weekly. Some were brief 1-page summaries, while many others were 20 or more pages. In almost all instances, these types of records only included one or two paragraphs (or sentences) that were relevant to the ADP. Lambert's staff was performing double duty: reviewing records for the ADP while also reviewing historical PDBs from the Ford, Carter, and Reagan administrations for declassification. Like the other types of records they were locating, the PDBs contained classified information about events spanning the globe. As an example, they showed me a 30-page weekly intelligence report that documented events in countries from all continents. They also showed me a PDB that contained much of the same information as the 30-page record. Both contained just a single sentence about Argentina.

Within these types of records, there might only be a paragraph or two that pertained specifically to Argentina, the Southern Cone, or human rights violations. Lambert and the program managers worried about having to review these records in their entirety - and word-for-word. He explained that each topical area required a declassification review from area experts, so many different staff members would review these records. Their processes also included quality control and quality assurance review, and coordinating clearances with the appropriate offices within the various directorates of the CIA. Not only would this exponentially increase the time needed to review the records, but little of the declassified information would pertain to human rights violations in Argentina or be of interest to stakeholders. Lambert and his staff sought permission to review only those portions of their records that were responsive to the ADP. They proposed that the remaining text of these records would be deemed "non-responsive," would not be reviewed, and that when the records were released, the redactions for those non-responsive portions would be marked as "non-responsive" or "NR." This redaction code also differentiated its use from other redaction codes within the responsive portions of the records.

I agreed to their request - it made sense. There was no reason to delay release of records, especially if the delays would be extensive and the results of such a comprehensive review would add little value to the ADP or contribute to knowledge about human rights abuses in Argentina. I also wanted the CIA reviewers focused on conducting the best review possible on those responsive portions. Before agreeing to the CIA's request, I asked for a few agreements in return. First, I wanted the NSC to conduct its own quality control and quality assurance reviews of CIA records. This included the ability to determine if records or parts of records that the CIA earlier concluded were 'non-responsive,' were in fact 'non-responsive.' Second, I asked that any records or portions of records that the NSC determined were responsive should be included in the ADP.<sup>178</sup> Third, I wanted the CIA to describe this review process fully in their final narrative, which would be released to the public. It was important to be transparent about the process and explain what the public would or would not see when they read the declassified records. It was essential for users of the collection to understand what was and was not included, and why. Fourth, I insisted that CIA conduct a quality control and assurance search to ensure that they had identified all

<sup>&</sup>lt;sup>177</sup> While I was at the NSC, I participated in the interagency process that led to the decision to permit the CIA to conduct a word-for-word review of historical PDBs from the Kennedy, Johnson, Nixon, and Ford administrations. Previously, the CIA stated that it did not intend to review PDBs for declassification or public access. Section 3.1(g) of EO 13526 stated that "no information was excluded from automatic declassification." Still, the CIA felt this product was so sensitive that the decision to review historical PDBs rested with the president. Subsequently, the NSC-led IPC decided that the CIA should review PDBs by administration, 40 years after the end of that administration. See "President's Daily Brief," Central Intelligence Agency, 24 August 2016, https://www.cia.gov/library/readingroom/presidents-daily-brief.

<sup>&</sup>lt;sup>178</sup> I surmised that I likely had more knowledge and context than CIA reviewers, especially since I had researched and developed the list of terms, events, places, people, and dates. This would prove useful as the reviews progressed. I was able to conduct additional research, seek information from Osorio, and explain my rationale to CIA for including the information.

responsive PDBs; and, once all were identified, that they start the declassification review of these records immediately. As part of this last request, I asked the CIA to re-review a responsive portion of a Ford administration PDB that had been redacted and was not released the previous month when PDBs from the Nixon and Ford administration were made public.<sup>179</sup> I knew the PDBs from early 1976 leading up to the coup were important for the credibility of the project. The information they contained added context to events surrounding the coup and I knew it would take time for the CIA to rereview them. The CIA agreed to all my requests.

The decision to allow the declassification review of PDBs in the summer of 2015 set the threshold for reviewing them by administration 40 years after the conclusion of that administration. The August 2016 release included PDBs from the Nixon and Ford administrations. At the time of the decision in 2015, no other PDB public releases were planned. President Carter's PDBs would be reviewed in 2020 and President Reagan's PDBs would not be reviewed until 2028. The CIA wanted assurances that responsive PDBs from these two administrations could be included in the ADP. Working with staff in the NSC Legal, Intelligence, and Western Hemisphere directorates, I secured the necessary approvals from the NSC senior leadership and then informed the CIA. In all, the CIA reviewed potions of four PDBs from these administration and 20 from the Reagan administration. To date, those are the only PDBs released from these administrations.

# The ADP in Fall 2016 – The Project Begins in Earnest Amid Changes, Competing Challenges, and Unknowns

By late summer, the agencies had project managers and plans in place. Staff were actively searching for responsive records. I hosted Sub-IPC meetings in August, September, and October to learn how the agencies had planned their projects, including staffing levels, training, search plans and progress, and declassification review plans. The sub-IPC adopted a single privacy standard and issued a memorandum to the agencies clarifying the privacy guidance for this project. The NSC also issued a blanket waiver covering all NSC information and the Department of State prepared to issue its own waiver. In August, the first public release of declassified records from the presidential libraries was successful. The National Archives, Department of State and ODNI staff raced to respond to Secretary Kerry's last- minute request to provide copies of the newly declassified records during his visit to Buenos Aires. They succeeded in completing reviews, digitizing public release copies, and uploading them onto *IC on the Record* just in time for the visit. The resulting press coverage was mostly favorable, and staff received a thank you letter from the Department of State for their quick work.

With this delivery completed, I focused next on the remaining 550 pages of responsive records from the presidential libraries. I also focused on having the CIA and other IC agencies complete declassification reviews of responsive portions of the President's Daily Briefs. I hoped to finish both these tasks before President Obama left office. However, it was apparent that the timelines I had proposed in the spring were optimistic. By fall, I knew that agency searches and reviews were taking longer, and we would not complete the project within the original two-year deadline. Several challenges and roadblocks were ahead.

We learned from the Argentine Embassy in the early fall that their government intended to honor Patricia Derian on International Human Rights Day, December 10, for her work on behalf of the Argentine people. Derian, Assistant Secretary of State for Human Rights and Humanitarian Affairs during President Carter's administration, passed away in May 2016 at the age of 86. Appointed in 1977, Derian was the first person to hold that position, and immediately became an active advocate for human rights in Argentina. She served as a leading voice in acknowledging and fighting against the

<sup>&</sup>lt;sup>179</sup> When the PDBs were first released in August 2016, no substantive information about the coup was declassified. Four PIDBs from 1976 were redacted with only the word "Argentina" declassified. They were PDBs from 13 January, 27 February, 28 February, and 5 March 1976. They were re-reviewed and declassified with minimal redactions on 16 December 2016. See <a href="https://www.dni.gov/files/documents/icotr/Argentina%20-%20Ford%20PDB.pdf">https://www.dni.gov/files/documents/icotr/Argentina%20-%20Ford%20PDB.pdf</a> for the declassified versions of these records.

human rights violations transpiring in Argentina during the Dirty War.<sup>180</sup> During her four-year tenure, she was a constant advocate for victims of human rights abuses in Argentina and a deep thorn in the side of Junta leaders. Along with "Tex" Harris, Derian was considered a hero by many Argentines.

President Obama had mentioned Derian in his remarks announcing the ADP at the Parque de la Memoria in March. Now, the Argentine government intended to rename the museum at the site of the former clandestine torture center, *Escuela Superiore de Mecanica de la Armada* (ESMA), in her honor.<sup>181</sup> Once the largest secret prison, ESMA was converted to a memory and education center. It now included exhibits and oral histories of those who were imprisoned there. Derian herself visited this facility in 1977, when she met Navy admiral and junta member Emilio Massera and demanded access to the prison.<sup>182</sup> It made sense to contribute to the ceremony honoring Derian by releasing a second set of declassified records. It also helped that we had more advance notice about the ceremony. We had more time to perform reviews and conduct quality assurance/quality control (QA/QC) checks to ensure that these declassified records met the standards of both Obama and the ADP more broadly.

We had ten weeks to deliver a new set of records. Before convening a Sub-IPC to inform the agencies of another change, I spoke with project managers at the CIA and National Archives. I wanted to learn if they could commit to completing all necessary reviews on the remaining 550 pages of presidential records. I also asked Lambert, Hilarie and Celia if the CIA could commit to completing all of the declassification reviews on the President's Daily Briefs from the Ford, Carter, and Reagan administrations. They all agreed to prioritize the declassification reviews of these records. I also spoke with ODNI and alerted them to the request and confirmed that Jim could manage the referral tracking, processing, and scanning within this time frame. Jim said he could complete all necessary logistics for posting the records on the *IC on the Record* Tumblr site and delivering a copy of the records on CD to the Department of State for the ceremony in Buenos Aires.

I convened the Sub-IPC and informed them of the December ceremony and the request to provide declassified records. Most of the declassification review work would fall to the CIA since it had the most referrals to review and it also had the PDBs to review. Still, almost all other agencies would also have referrals to review, including referrals within the PDBs. I also informed the attendees at the sub-IPC of the new Department of State declassification review waiver. The timing was helpful and reduced the need for referrals to the NSC and the Department of State. Without these waivers, the declassification reviews would have taken additional time to process at many agencies. Agency project managers agreed to prioritize any referrals they received so that ODNI could complete all logistics.

At the same time we began preparing for the December release, there were two enormous challenges unrelated to the ADP that affected the declassification staff at the NSC and agencies. First, several agencies - but mostly the CIA and the FBI - were re-reviewing tens of thousands of pages of records from the John F. Kennedy Assassination Records Collection that had previously been redacted or exempted from public release under the terms of President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act).<sup>183</sup> It specified that all previously withheld information would automatically be

<sup>182</sup> Derian's cable back to Washington reporting on her August 1977 meeting with Massera is printed as Document 60 in Foreign Relations of the United States, 1977-1980, Volume XXIV, South America; Latin America Region: https://history.state.gov/historicaldocuments/frus1977-80v24/d60

<sup>183</sup> For additional information on this Act and how it was implemented at the National Archives, see: "The President John F. Kennedy Assassination Records Collection," National Archives, 4 June 2019, <u>https://www.archives.gov/research/jfk</u>.

<sup>&</sup>lt;sup>180</sup> Paul Vitello, "Patricia Derian, Diplomat Who Made Human Rights a Priority, Dies at 86," *The New York Times*, 20 May 2016, <u>https://www.nytimes.com/2016/05/21/us/patricia-derian-diplomat-who-made-human-rights-a-priority-dies-at-86.html</u>.

<sup>&</sup>lt;sup>181</sup> Office of the Press Secretary, "Fact Sheet: Argentina Declassification Project," The White House, 12 December 2016, https://obamawhitehouse.archives.gov/the-press-office/2016/12/12/fact-sheet-argentina-declassification-project

released to the public in 2017. However, it also permitted agency heads to appeal to the president through the NSC and ask for a four-year delay in releasing information to the public. These appeals had to be made on a record-by-record basis, and involved time-consuming internal reviews by multiple offices, including by legal staff, before the agency head would sign off. For the CIA, this process included the review of tens of thousands of records, was very time-consuming, and required significant staff resources. At the NSC, our directorate served as "lead" in evaluating the requests, providing recommendations, and coordinating within the NSC and with White House Counsel.<sup>184</sup>

The second challenge was the e-mails of Hillary Clinton. While serving as Secretary of State in Obama's first term, Clinton had used a private email server and email address for communicating electronically with State Department officials, officials from other agencies, members of the NSC and White House staff, foreign officials, and with friends. In 2014, she handed over paper copies of these records, totaling over 30,000 emails and over 50,000 pages, to the Department of State. In the summer of 2015, the State Department began reviewing these records in response to FOIA requests. The State Department's public access review of these records was complicated given the large number of equities that required review by other agencies, and by the extremely high profile and recent nature of these records. Unsurprisingly, they were of public interest - even more so after Clinton became the Democratic Party's presidential candidate in 2016. Several interest groups sued the Department of State in Federal District Court for access to these records using the Freedom of Information Act. The Court directed the review of these records and required weekly releases.

Not only did the review of these records impact Department of State reviewers who were also working on the ADP, they greatly impacted the NSC. Over 33,000 pages of the 50,000 pages contained White House and/or NSC equity. The White House Counsel's Office, the NSC Legal directorate, and my directorate met to decide how best to review these referrals in a coordinated way. My directorate was tasked with leading the review of all the referrals of White House and/or NSC information. Between July 2015 and December 2016, I reviewed 33,000 pages - meeting weekly production deadlines set by the District Court - while also managing all other declassification work, including the ADP. Primarily, I reviewed the Clinton emails in the evenings and on weekends. I would often begin this work at 6:00 p.m. and work until midnight or later. One other NSC Access professional, Tom Lutte, worked with me to review the records, conduct quality control/quality assurance of each other's work, discuss our decisions with the NSC Legal and White House Counsel Office staff, and return the records to the Department of State on a weekly basis.

Meanwhile, work on the next ADP release continued in earnest. Jim uploaded all the records, including the PDBs, onto the ODNI's secure cloud. Both the CIA and I began our reviews and we were able simultaneously to review the same records and make redactions on them. That autumn, I worked closely with Celia and Hilarie, speaking with them almost every day. For my part, I wanted to make sure that I fully understood and knew all the content. This would help me conduct quality control and quality assurance for the remaining larger tasks. It also helped me categorize the value of the information in these records: what was entirely new information, and what was important information that stakeholders would want to definitely see.

I was also in regular contact with officials at the Argentine Embassy in Washington, Marco Oswald, the Human Rights Officer at the U.S. Embassy in Argentina, and Osorio. It was important to keep all the parties informed of progress as the Government of Argentina planned the December ceremony. I was in contact with Osorio for another reason too. He had spent years creating databases of previously declassified U.S. Government records on human rights violations in the Southern Cone, and Argentina in particular. He had metadata about those records at his fingertips and could search databases that I did not have access to. I used his extensive knowledge to inform me as I conducted quality control. It was another way to ensure that the U.S. government was declassifying and releasing information consistently and in accordance with the president's instructions. I also wanted to make sure that these newly declassified records would not redact

<sup>&</sup>lt;sup>184</sup> This process proved very challenging and time-consuming at the NSC, especially in our Directorate. First, coordinating with the CIA, FBI and NARA was difficult as the NSC had to reconcile different spreadsheets that delineated decisions about each record. Second, CIA refused to provide the records to the NSC, requiring our staff to visit their facility to conduct our own independent review. These challenges were compounded in 2017 as the legislative deadline neared; see 77.

information that had previously been released. For instance, I asked Osorio for examples of previously declassified records on topic "X," and he would email me examples. This assistance was invaluable, as I was often able to fill in holes with the added context and then help agencies improve their review and declassify additional information.

I was impressed with Hilarie and Celia's dedication as they reviewed records, using their 60+ combined years of experience. Importantly, when I did raise a question or ask them to consider declassifying segments they had originally proposed to withhold or to reduce the size of the redactions, they always listened carefully to my arguments and kept an open mind. Hilarie worked early hours while Celia worked late hours. This allowed me to speak with both - Hilarie in the morning and Celia late in the afternoon. Often, Celia and I would speak on secure telephones for an hour or more. We would toggle between unclassified screens to view previously declassified records and classified screens to view the classified record we were discussing. Viewing other declassified records added context and filled in gaps that allowed Hilarie and Celia to make informed decisions. Our frank communication improved the end results and led to additional information being declassified. Several of these records would later be highlighted in the press, and by the Archive in its electronic briefing books.

There were issues in two records that I was unable to resolve. Both involved the DIA. These two records contained DIA information, and one was a PDB. When I spoke with DIA's declassification program manager, Alesia Williams, I explained that I thought the two segments no longer met the standards for classification laid out in Section 1.3 of Executive Order (E.O.) 13526. I also highlighted section 1.1(4)(b) of the E.O., which states: "if there is significant doubt about the need to classify information, it shall not be classified."<sup>185</sup> Williams indicated her agreement that she felt the information could be declassified, but, given the type of information, she was required to refer that information to the office within DIA that originated the information. After a delay, she received a response. This office exempted the information from declassification in both records. Although we both tried to get an understanding of the reasoning, neither of us ever received an explanation. As the deadline for the ceremony was fast approaching, I opted to redact the two segments as DIA instructed and they were not included in the December 2016 release.<sup>186</sup>

The December ceremony was a success, and so was this second release of records. It included illuminating records from the presidential libraries, including intelligence reports indicating that the Southern Cone countries participating in Operation Condor planned to send assassination teams to Europe to kill opposition leaders.<sup>187</sup> Another declassified memorandum from July 1978 detailed the torture that Argentine human rights leader Alfredo Bravo endured, as Bravo described it to Tex Harris and other U.S. Embassy officials. While the memo was previously declassified and released by the Department of State, this copy included an August 1978 cover memorandum from NSC Latin America Director Robert Pastor to Carter's National Security Advisor Zbigniew Brzezinski.<sup>188</sup> Both NSC Special Assistant to the National Security Advisor Rick

<sup>&</sup>lt;sup>185</sup> Executive Order 13526, "Classified National Security Information," 29 December 2009, https://www.archives.gov/isoo/policy-documents/cnsi-eo.html

<sup>&</sup>lt;sup>186</sup> Later, I would use Section 1.8 of Executive Order 13526 to challenge the classification of these two redactions. Ultimately, the two classification challenges were decided by the Interagency Classification Appeals Panel (ISCAP), an interagency appellate body that receives its authority and acts on behalf of the president. The ISCAP decided to declassify both in their entirety.

<sup>&</sup>lt;sup>187</sup> Osorio and the National Security Archive highlighted these records in a briefing book: <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2016-12-14/operation-condor-officials-amnesty-international-targeted-liquidation</u>. What is known about Operation Condor is discussed in Dinges, *The Condor Years*, Kornbluh, *The Pinochet File*, and the recent work of Francesca Lessa. See <a href="https://blogs.lse.ac.uk/latamcaribbean/2019/08/01/argentinas-operation-condor-trial-opened-up-new-paths-to-accountability-for-past-atrocities-in-south-america-and-beyond/">https://blogs.lse.ac.uk/latamcaribbean/2019/08/01/argentinas-operation-condor-trial-opened-up-new-paths-to-accountability-for-past-atrocities-in-south-america-and-beyond/</a>

<sup>&</sup>lt;sup>188</sup> The Pastor to Brzezinski memorandum, summarizing the longer memo, was printed as Document 88 in <u>Foreign Relations of</u> <u>the United States</u>, 1977-1980, Volume XXIV, South America; Latin America Region: <u>https://history.state.gov/historicaldocuments/frus1977-80v24/d88</u>

Inderfurth and Brzezinski read Pastor's memo and the 14-page report of Bravo's torture. Both Inderfurth and Brzezinski also wrote a comment on the memo: "A compelling, powerful report." It was important to know that this "compelling, powerful report" was read at the highest levels of the U.S. Government, and did have an impact on policymakers' thinking about Argentina.

The December release was important for a few reasons. First, it showcased the hard work of the agencies, especially the CIA; and it showed the cooperation between government agencies to achieve a positive outcome. Similar to the first release in August 2016, I worked closely with the U.S. and Argentine governments to coordinate logistics, statements, and messages. We wanted all the blogs and press statements of the U.S. government agencies to promote and convey the seriousness of the project and the intense work of all the participating agencies in implementing what the president had promised.<sup>189</sup> The release reinforced the importance of the ADP and demonstrated the U.S. Government's commitment to declassifying records, including intelligence records. It included portions of PDBs from the Carter and Reagan administrations - even though they were not scheduled to be considered for declassification review until 2021 (Carter) and 2029 (Reagan). Second, this release had a noticeable and positive impact on the United States' bilateral relations with Argentina. Before the ceremony and afterwards, both Noah Mamet, the U.S. Ambassador, and Thomas Cooney, the Deputy Chief of Mission, spoke to the sub-IPC via secure video conference link, praising the work of the agencies. They indicated that this project was the single most important action the U.S. government was undertaking to improve relations. The third reason is related to the second. Mamet and Cooney told me and the Sub-IPC that Argentine Government officials were using the ADP in their efforts to gain access to other archives, including the baptism records of the Catholic Church in Argentina, the Vatican, and government archives in France.<sup>190</sup> They hoped to continue to use the example of the ADP to gain access to more archives. Fourth, the project had effective buy-in from the CIA, including agency and office leadership and extending to the staff who were assigned to work on the ADP. Fifth, it included an outsider, Osorio, as a silent independent partner who added great value. For me, Osorio was a vital resource. He could provide context and explain the historical significance of information that, on its face, would not appear relevant but in fact was responsive. This partnership helped me build a solid argument for why information that had initially been thought to be either non-responsive or still sensitive should instead be included and should be declassified. Osorio proved to be indispensable to the success of the ADP.

# 2017 Changes: A New President and New Challenges

In November 2016, Donald Trump was elected president. His election did not impact the December 2016 public release, as the agencies were completing their review of these records, and the delivery and ceremony both took place before Trump took office on 20 January 2017. But many people – agency staff and stakeholders alike - speculated that the change in political parties in the White House would change or end the United States' commitment to the ADP. I recall having several conversations with Machado and Diaz at the Argentine embassy, with Ferando Oris de Roa, the Argentine Ambassador, and with Osorio. I felt that they were anxious about the status of the ADP in the new administration. They were looking for assurance that the ADP would continue. Stakeholders in Argentina, including human rights organizations, were also anxious. Only two of the five tasks were complete. Additionally, several agencies speculated openly about the future of the project. They thought the new Republican administration would end the ADP. This seemed like a real possibility. Throughout the presidential campaign and once he took office, Trump seemed committed to taking the opposite approach to every action that Obama had taken while he was in office. Many agencies initially stopped working on the ADP. They did not want to allocate resources on a project that was about to be cancelled and they had many other pressing priorities.

<sup>&</sup>lt;sup>189</sup> Office of the Press Secretary, "Fact Sheet: Argentina Declassification Project," The White House, 12 December 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/12/12/fact-sheet-argentina-declassification-project</u>.

<sup>&</sup>lt;sup>190</sup> See <u>https://www.csmonitor.com/World/2016/1026/Catholic-church-to-open-its-archives-on-Argentina-s-Dirty-War</u>. The Digital Vatican Library is at: <u>https://digi.vatlib.it/</u>

Previous Republican administrations were seen by many as having been antagonistic to these types of projects. For instance, public interest groups highlighted a 2003 George W. Bush administration Executive Order that effectively precluded public access to Presidential Records by extending Presidential and Executive privilege. It also amended President Clinton's Executive Order on automatic declassification, granting the agencies a three-year delay in implementation and permitting them to exempt information from declassification more broadly. The Bush administration also announced that it would defend Executive Branch agency decisions to withhold information in FOIA litigation. At the time, these actions led to Congressional hearings while newspaper editorials focused on the negative impact to democratic traditions, especially of the "right to know." In January 2017, this history led many to believe the ADP would be cancelled by President Trump.<sup>191</sup>

To mitigate any concerns and continue interagency compliance, I asked senior officials from the U.S. Embassy to participate in the Sub-IPC meetings leading up to the December ceremony and afterwards. I wanted agency program managers to hear first-hand the results and positive benefits of their work on current U.S. diplomacy. After the ceremony, I drafted formal "thank you" letters from the two NSC Senior Directors, Feierstein and Fitzpatrick, to all participating agency heads. These letters included the names of all the agency staff who were participating in the project and highlighted the work of the agency ADP project manager. I also drafted individual thank you letters from Fitzpatrick to each participating staff member. I knew it was important for staff to receive recognition for their work while also ensuring that agency leadership understood how their work aided U.S. policy. Last, I thought the letters would provide a morale boost as difficult work lay ahead. The remaining tasks were the largest and the reviews were the most complex.

I also made a point of distributing press stories about the ADP to agencies. They reinforced my statements that the ADP was helping Argentina come to terms with its past and was aiding U.S. bilateral ties. Some of the stories praised the work of the agencies. I recall a story quoting an official from the National Security Archive. He commended the CIA for the quality of its declassification review and its work on the project.<sup>192</sup> I showed the story to Lambert and congratulated him. I asked if he had ever heard the National Security Archive praise the CIA before. He smiled broadly as he shook his head. This story was important for the CIA staff to read, especially since the Archive's relationship with the CIA is adversarial in terms of FOIA litigation. It was important to show agency staff that their work on this project was appreciated and had a positive impact. I would later recount this story at Policy Coordinating Committee (PCC)<sup>193</sup> and Sub-PCC meetings as we planned President Macri's visit to reinforce the positive reception.

<sup>193</sup> While the Obama administration's NSC called its interagency meetings "Interagency Policy Committees," or "IPCs," the Trump administration renamed them "Policy Coordinating Committees" or "PCCs."

<sup>&</sup>lt;sup>191</sup> EO 13292, signed 25 March 2003, can be found at <u>https://www.archives.gov/federal-register/executive-orders/2003.html#13292</u>. Dana Milbank and Mike Allen, "Release of Documents Is Delayed: Classified Papers to Be Reviewed," *Washington Post*, 26 March 2003, A15; "Secrecy: The Bush Byword," *New York Times* editorial, 28 March2003, A16; Robert Pear, "Politics Can Get in the Way of Keeping Papers Secret," *New York Times*, 10 April 2004, A9. The Society of American Archivists also wrote about the EO: <u>https://www2.archivists.org/news/2003/bush-issues-new-secrecy-executive-order</u>

<sup>&</sup>lt;sup>192</sup> In the National Security Archive's 14 December 2016 briefing book covering that release, Osorio wrote that the released records "attest to the richness of the information contained in intelligence records and the extraordinary openness of the reviewers to contributing to the clarification of the history of human rights violations in Argentina." "Operation Condor: Officials of Amnesty International Targeted for 'Liquidation,'" <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2016-12-14/operation-condor-officials-amnesty-international-targeted-liquidation</u> See also Karen DeYoung, "Newly Declassified Papers Reveal U.S. Tensions on Argentina's 'Dirty War'," *The Washington Post*, 9 August 2016, A8, which quotes Osorio: "The Monday release, posted on the website of the Office of the Director of National Intelligence, 'marks an important step forward in the quest for truth, justice and historical accountability." Tracy Wilkinson, "Trump Gives 'Dirty War' Records to Argentina's Leader," *Los Angeles Times*, 27 April 2017, also quoted Osorio: "The National Security Archive's Carlos Osorio said in a statement. 'Historical accountability continues to play an important role in current U.S. foreign relations,' he said."

Still, even if President Trump continued the ADP, there were several obstacles ahead. First, the agencies were doubtful that the incoming administration would continue the ADP. I heard agency program managers express doubt, quietly saying that President-elect Trump would not have any interest in the ADP. As noted earlier, the new administration began cancelling many Obama administration policies and programs. The agencies were sure that this would be one of the cancelled programs. Second, these policy changes were visible even to those of us serving in the White House. Staff who served in the previous administration kept their blue or green White House badges while the new staff received slightly different hued badges that easily differentiated 'old' and the 'new.' Those of us with old badges often found ourselves called "holdovers," and saw our responsibilities, influence, and authorities decrease. I was worried.

Third, there was the physical removal of all White House records from the White House that always occurs at the end of an administration. President Obama's White House records and materials had to be organized, cataloged, boxed up and then shipped to the National Archives in accordance with the Presidential Records Act. Within the NSC, this process includes creating detailed folder title lists and box content lists for each staff member, entering that information into a database, and attaching tracking information to each box. In addition to preparing our own files, our directorate was responsible for preparing all NSC records for transfer to the National Archives. We worked with individual staff members across the NSC, assisting them in creating folder title lists and box lists, labeling each box, entering the information into the database, and physically transporting them to secure storage. Between December 2016 and January 2017, I worked between 130-150 hours a week on this transition, packing NSC records and cataloging them so they would be ready for transfer to the National Archives. There was little time to focus on the ADP while also focusing on the transition.

Fourth, the change in administration also meant changes in staff - from new leadership in the NSC to new senior leaders at the agencies. Each one brings their own priorities, objectives, and interests. It also meant career staff-level changes at the agencies, especially within the Department of State and the IC as staff rotate to new assignments. At ODNI, Hudson, the official named in the June 2016 tasker as the person responsible for leading the ADP, informed me that she was leaving the agency in February. Worse, she also informed me that, due to budget cuts, ODNI was not renewing its contract with the company that employed Jim. He was the sole person who managed the secure referral ICITE website and ensured the declassified records were uploaded onto the *IC on the Record* website. I worked closely with him on quality control and quality assurance. His contract would end in the spring, so we would have a little time to discuss and plan how to conduct and complete the remaining tasks.

At the CIA, three retirements were worrisome. The first was Lambert, who led the Information Management Services directorate and had over 30 years of experience. His buy-in and leadership were critical in getting the ADP off the ground and operating as the president intended. His work in shepherding the ADP through the various directorates within CIA eased my concern and led to increased declassification. Next, CIA reviewers Celia and Hilarie both retired at the end of 2016. Given their careers and extensive experience, the CIA offices implicitly trusted their declassification decisions. I also enjoyed an excellent working relationship with both. I appreciated their willingness to listen to my views and to take risks that led to increased declassification.

There were also several departures at the NSC, where several Senior Directors were political appointees who left with the change of administration. That was the case for Feierstein as Senior Director for Western Hemisphere Affairs. He was replaced by Craig Deare, the Dean of Administration at the National Defense University. Like me, almost all the directors within the NSC were detailed to the NSC from other agencies. Unlike my detail, which was renewed annually and had no end date, most details lasted from one year to eighteen months. At the conclusion of their details, they returned to their home agencies having gained important policymaking and interagency experience. Directors rotated in and out and were spread out throughout the year. This was a way to ensure policy continuity. Gedan's 18-month detail was also ending. He informed me that he was leaving the civil service and had accepted a position at the Woodrow Wilson International Center for Scholars. This was a big blow for the ADP. He was a key advocate for the ADP from the onset and helped lead it through the interagency policy process. I had developed an excellent working relationship with Gedan and he was a valued ally. He also had the confidence of the Argentine government and senior leadership in our own government.

Typically, there is a one-week overlap from the outgoing Director departing and the new Director arriving. This aids policy continuity, allows the new Director to quickly learn her or his portfolio and prepare for upcoming policy discussions and decisions, and familiarize herself or himself with working in the White House. In early January, Gedan introduced me to Fernando Cutz, his replacement as Director for the Southern Cone. He was a detailee from the U.S. Agency for International Development. After meeting him, I was grateful that he was chosen to replace Gedan; I was confident he would also make an excellent partner.

Fourth, the agencies were frantically completing their reviews and assessments of records that were part of the John F. Kennedy Assassination Records Collection. As noted earlier, these records were previously redacted or exempted in their entirety from public release. The JFK Act required that all records in the collection be publicly released in 2017, 25 years after the passage of the law. As also noted above, the law also included a provision that allowed an agency head to personally appeal to the president before the deadline and request, on a record-by-record basis, permission to extend the delay beyond 2017.<sup>194</sup> Both the CIA and FBI had tens of thousands of pages to review while other agencies (State, Army, DIA, NSA, and DoD) had fewer than 100 records to review. Still, these reviews were very time-consuming and required multiple levels of concurrence within the agency before the agency head agreed to make the request.

I was also concerned about the potential volume of these requests to the new president. All requests to delay public release had to be vetted through an NSC process, one that would begin with our Directorate. We would be responsible for evaluating each request and for providing a recommendation and justification for each one. To further complicate matters, Lambert had retired by this time, and the new director of IMS at the CIA refused to provide the NSC with copies of the records. As a result, the NSC had to physically go to the National Archives in College Park where the records were stored in a Sensitive Compartmented Information Facility ("SCIF"). Originally, these records were stored in a special vault that required two keys to unlock it, with NARA and CIA each holding a key. Not only would this add an additional step, it also would add additional and unnecessary time. It had the potential to affect our ability to complete other tasks on the ADP.

The final challenge was personal. I was simply tired. Since joining the NSC staff in April 2015, I had only taken a single one-week vacation and had rarely taken leave. The fall of 2016 and early 2017 was an especially busy work period. I was coordinating the ADP December release, participating in the presidential transition and transfer of all NSC records to the National Archives, processing Hillary Clinton's emails for public release under court-ordered FOIA litigation schedules, and planning for the review of the Kennedy assassination records in accordance with the JFK Act. The transition was time-consuming and had a firm 20 January 2017 deadline. As mentioned, our directorate served as the lead for packing up all the NSC records, including working with the staff in each directorate to ensure all records were cataloged, described, and filed in Federal Records Center boxes.<sup>195</sup> As staff departed, we also collected the highly classified records from all White House staff offices and completed all necessary inventory and description work. By mid-December, I was working 12-16 hours or more each day, including weekends. There was no winter break or holiday - I did not work on Christmas Day and took the morning of New Year's Day off. Otherwise, I was onsite cataloging files and filling boxes. As January 20 neared, my time-cards showed that I worked 254 hours over the two weeks leading up to the Inauguration.

I had initially signed on for a one-year detail, starting in April 2015, and then agreed to remain for a second year. After the inauguration, my family was ready for me to go back to the National Archives and work a normal 40-hour week. However, I

<sup>&</sup>lt;sup>194</sup> In addition to the logistical challenges, there were procedural problems. CIA Director Mike Pompeo met with President Trump directly and without note-takers, so the NSC staff was forced to rely on the CIA for several decisions. The White House Counsel was unwilling to intervene and unwilling to ask the president about what transpired and what decisions he had made. Finally, there were presidential Tweets that conflicted with what the CIA said the President had decided, which the NSC had to interpret. In one instance, after speaking with Roger Stone, a Trump political supporter who had interest in the Kennedy Assassination, President Trump tweeted on 17 October 2017, "Subject to receiving further information, I will be allowing, as President, the long blocked and classified JFK FILES to be opened." See, for example, <u>https://www.cnn.com/2017/10/21/politics/trump-jfk-documents</u>.

<sup>&</sup>lt;sup>195</sup> Each Federal Records Center box can house 1 cubic foot of paper records, which equals about 2,500 pages.

was not ready to leave the White House. I was vested in the ADP. I started it and I wanted to see it through to its conclusion. At the time, I thought privately that the project would be completed in 2018, and I was determined to stay and complete it.

### A Telephone Surprise Leads to an April 2017 Public Release

If the agencies and others thought the ADP would end once Trump took office, they were mistaken. President Macri was one of the first foreign leaders to telephone President Trump and congratulate him. They were friends from when Macri's father and Trump were one-time real estate partners. On the call, Trump invited Macri to visit the White House, and he accepted.

As soon as I learned that Macri accepted the invitation, I knew that the ADP would continue. Presidential meetings are not simply social visits. They are opportunities to deepen bilateral ties, announce bilateral agreements, enhance regional or international policies that are in the interest of both nations, and advance U.S. national security interests. Usually, such proposed invitations are carefully vetted first in the interagency process before decisions are made: is the visit in the U.S. interest? Can the U.S. expect to receive a tangible benefit? Are there negatives in inviting the leader of the other nation? Is the meeting worth the president's time? Once the interagency agrees that an invitation should be extended (or accepted), the White House Staff Secretary sends the recommendation to the president, along with a memorandum outlining the potential benefits. Once the president agrees, the interagency goes back to work to develop "deliverables" - specific objectives to achieve on the visit, like announcing a new bilateral trade agreement or an information sharing agreement.

Given that Trump had just taken office and had invited Macri to visit without using an interagency vetting process, there was little time to negotiate and announce any new major agreements. There was some concern that the visit would not serve any policy purposes. I knew that the Macri administration was still invested in the ADP. I thought this was an opportunity to include the project as a "deliverable." It was an opportunity to invest this administration in a "carry-over" project from the previous administration but also do something Obama had not done: giving Trump the opportunity to present the records himself. I thought this was the way to ensure continuation of the project. It was also an opportunity for agency declassification programs to make an impact and demonstrate their importance to their new agency leadership.

After the presidential telephone call, I met with Cutz to discuss the forthcoming visit. Just as I was hoping to use the ADP as a deliverable, so was he. He recognized that there was little time to plan the visit and seek other deliverables. The ADP was already in progress and it was important to the Macri administration. With Cutz's approval, I spoke with officials at the Argentine Embassy, suggesting that the government of Argentina request that the Trump administration provide more declassified records during the visit. Shortly thereafter, the NSC received word that the government of Argentina had two requests for deliverables for Macri's visit to the White House, and one was to provide President Macri with more newly declassified records.<sup>196</sup>

By this time, Deare had been fired and Cutz was named the Acting Senior Director for Western Hemisphere Affairs. Cutz convened a PCC<sup>197</sup> seeking input for possible deliverables that could be announced during the visit. Agency participants included the Departments of Agriculture, Commerce, Defense, Energy, Homeland Security, and State, as well as USAID, ODNI, and the Joint Chiefs of Staff. Most of the senior-level officials participating were "acting," as the new administration had yet to make appointments. While this made it more difficult to identify new policies and deliverables at the PCC, it

<sup>&</sup>lt;sup>196</sup> The Government of Argentina's second request was related to reducing the tariffs on the importation of Argentine-grown lemons into the U.S.

<sup>&</sup>lt;sup>197</sup> The Policy Coordinating Committee was the name given to interagency meetings in President Trump's National Security Policy Memorandum 2, which established the structure of national security decision-making. In the Obama administration, these interagency meetings were called Interagency Policy Committee meetings.

helped me advocate to include the ADP as a deliverable. I described it as an ongoing project that could provide newly declassified records for President Trump to personally provide to President Macri. The participants quickly agreed to include it.

Immediately following this PCC, I convened the ADP sub-PCC and informed them of the upcoming visit. This was confirmation that the project would continue – with another unplanned public release of records. Agency declassification program managers expressed some aggravation. This was yet another change to the original plan that would require significant effort. To date, not a single task had gone according to the original plan. In response, I stressed that this was an opportunity to showcase the value of their programs to their new agency leadership. It was also an opportunity to participate and achieve something that had never happened before: the president was going to provide the records himself.

Despite their concern about the change and the 'drop everything' effect it would have on their programs, the agency declassification program managers saw the value in providing declassified records for the visit. Given the tight deadline, I was not sure what the agencies could provide. At the same time, I recognized that any declassified records provided at the visit had to be meaningful and the quality of the declassification review must be maintained.

The Sub PCC agreed that the quickest meaningful deliverable would be records from two different tasks. First, the Department of State would re-review all the records that were previously withheld or redacted in 2002. They were confident that, given the new Department of State waiver and the passage of time, most of the withheld or redacted records would be released in their entirety. Second, the CIA, State, and other agencies agreed to immediately prioritize the review of records identified by State Department Historian Sara Berndt for inclusion in the Carter *FRUS* South America volume. Specifically, they agreed to review the Argentina and Regional Issues chapters.<sup>198</sup> These two chapters included information on Argentine human rights violations, as well as the policy goals and responses of the Carter administration. The Regional Issues chapter was also important as it contained information on Operation Condor, a secret intelligence program coordinated by the Governments of Argentina, Bolivia, Chile, Paraguay, and Uruguay to arrest, imprison, torture, disappear, or kill alleged subversives and dissidents, many of whom had fled to neighboring countries seeking safety. While both chapters included records unrelated to human rights abuses, it was clear to all of us that human rights abuses and the Carter administration's efforts to address them were central to both chapter compilations.

In early February National Security Advisor Michael Flynn was fired. He was replaced by Army Lieutenant General H.R. McMaster. I had first met McMaster twenty years ago as an archivist at the Lyndon B. Johnson Presidential Library, while he was conducting research.<sup>199</sup> Cutz briefed him as the visit neared. McMaster was on board and supported the project. I conducted a quality control review of the records and was pleased with the overall review by agencies. Still, there were a few instances when the CIA reviewers had missed something important. For instance, human rights violations happening close to Argentina – in Chile, Paraguay, or Uruguay – might not have originally seemed related to crimes in Argentina, yet context demonstrated that victims could have been Argentine exiles seeking refuge in these countries who, when caught in those neighboring countries, were returned forcibly to Argentina. Osorio assisted me in this process - identifying several other previously declassified records that provided the context I needed to help my discussions with the CIA. To its credit, the CIA agreed to declassify additional information. I was pleased that there would be important newly declassified information released.

<sup>&</sup>lt;sup>198</sup> The 5th Task in the June 2016 tasker called for the review and release of the entire FRUS volume on South America for 1977-1980, which was the most relevant volume that the State Department historians had ready. We decided to solely focus on speedy declassification of the two chapters that were most likely to have information responsive to the ADP. We also decided to release the raw documents as part of the deliverable for the visit, rather than waiting for them to be typeset as they would be for the published FRUS volume.

<sup>&</sup>lt;sup>199</sup> His research was the basis for his book, *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies that led to Vietnam* (Harper Collins, 1998).

Immediately before the release, we conferred with officials at the Argentine Embassy. They expressed interest in learning more about the release. They asked if I could brief their Foreign Minister, Susana Malcorra, the day before Macri's meeting with the president. We had already provided a CD containing all the declassified records to both the Argentine Embassy and to Osorio with their agreement to embargo its release until immediately after the presidential meeting. I selected several records that I felt provided new information and brought copies with me to the Argentine Embassy. I wanted to showcase these records not only because they shed light on human rights abuses but also because they included newly declassified information from intelligence agencies. Our briefing, scheduled for only 30 minutes, lasted over an hour. Fitzpatrick and I were present as Malcorra read each record quietly and then spoke of the importance of these records to Argentina.

The day before the April 27 meeting, I drafted talking points for McMaster and Cutz to use either as a read-ahead for the president the evening before the meeting, or for briefing the president immediately before the meeting. Typically, these read-aheads were placed in a daily briefing file that included all the president's activities for the next day. It was designed to provide background, context, and information about each event. In the previous administration, this file could total hundreds of pages and was provided to the president to read in the evening in the residence. Additionally, the National Security Advisor, the Secretary of State, and the Senior Director for that area were responsible for giving the president a final briefing, lasting between 15 and 5 minutes just before the meeting. This is a way to reinforce final points from the evening briefing file or address last-minute challenges and changes. By this time in Trump's presidency, I knew from my records responsibilities that the president rarely read his briefing papers nor did he rely on talking points. I also knew that he rarely accepted pre-meeting briefings. Cutz whitled the briefing paper to one page. The schedule called for a five-minute pre-meeting brief by Cutz but, just in case, he also prepared bullet points for the president on a 3x7 card. He asked me to remain close and have my White House phone with me in case there were questions or comments, so I remained in the basement of the West Wing. That morning, I also provided the CDs in a presentation box provided by the Department of State to the NSC Visits Director for delivery to the Argentine delegation.<sup>200</sup> Cutz did not call, and I later learned that his pre-meeting 5-minute briefing did not happen.

President Macri met President Trump on April 27 and the declassified records were made available on the *IC on the Record* website immediately following the conclusion of the meeting.<sup>201</sup> I received an invitation, along with Fitzpatrick, to attend the supporting staff lunch in the Navy Mess. I sat next to the Argentine Chief Protocol Officer and he spoke of the importance of these records to Argentina. He spoke of ongoing trials of accused abusers and of his hope that the declassified records in the ADP would provide closure to families of the missing, and help Argentina deal with its past. After lunch, Fitzpatrick and I walked back to our office, where we were flagged down by Diaz in front of Blair House, where Macri was staying. He was grateful for the hard work by the agencies to make this declassification event possible in such a short time. I thought that most of the agencies had performed well for this third release. No records were exempted from declassification, while those few records with redactions were limited and precise.

After the meeting between the presidents, I wanted to make sure that there was some mention of the ADP in every meeting recap or other official record summarizing the meeting. It ended up being the very last point on the official White House recap.<sup>202</sup> This was important for me so that I could take that official recap back to agency declassification managers and show them that the president did think the ADP was important. I could thank them for the good work they had done getting

<sup>&</sup>lt;sup>200</sup> Earlier, I had asked the Department of State to find a suitable presentation box for the CD's. I also learned from the NSC Visits Officer and the protocol chief that the exchange of gifts is a misnomer. The gifts are placed on a table for display only. After the presidential meeting, the protocol officers from the two nations physically make the exchange.

<sup>&</sup>lt;sup>201</sup> Remarks by the two presidents can be found here: <u>https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-meeting-president-macri-argentina/</u>. See also <u>https://apnews.com/article/8fddba2e15094f168fca37ab50af4df1</u>

<sup>&</sup>lt;sup>202</sup> The recap read: "Finally, at President Macri's request, President Trump delivered a large tranche of declassified documents relating to human rights abuses in Argentina during its military dictatorship," <u>https://trumpwhitehouse.archives.gov/briefings-statements/joint-statement-president-donald-j-trump-president-mauricio-macri/</u>

those records ready. I could put the ADP in context, saying that two presidents had now talked about how important the project was for U.S.-Argentine relations. I could frame their own participation: how often is it that you and your staff directly support a president or a presidential visit? My thanks and the official recap would hopefully ensure that agencies would continue to prioritize their work on the ADP.

We also understood that we needed to work to make sure all stakeholders, especially those in Argentina, knew that our work was ongoing and would continue. The Argentine Embassy asked if I would consider speaking via videoconference with human rights interest groups in Argentina. They indicated that some of the organizations were still very antagonistic towards the United States and were suspicious of our processes. Although I needed permission from the NSC to accept the invitation, I immediately agreed - and then sought permission.<sup>203</sup> I received permission to speak and hosted the video conference at the Argentine Embassy on 31 August 2017.

In addition to the Embassy staff, I asked three State Department staff members to participate. They were Sara Berndt, the historian who compiled the South America *FRUS* volume; Keri Lewis, a former NSC colleague who now served as the ADP program manager at the Department of State; and Bojana Milojkavic, the Argentina desk officer. Osorio also joined the teleconference - he was a key partner, and it was important to have him participate as well. In Argentina, the call was hosted by the Ministry of Foreign Affairs and was led by Gabriela Quinteros, the Director of the Human Rights Office. Ariadne Medler, the U.S. Embassy political officer for human rights who had recently replaced Oswald, also attended in Buenos Aires.

There were approximately fifteen human rights organizations participating in the conference call.<sup>204</sup> In addition to providing them with important information on the project and next steps, my role was to assure them about the U.S. commitment to complete it. I explained how the project was designed, including information about the searches the agencies were conducting and the criteria they were using to search and review responsive records. I also wanted to hear their comments and feedback as well as listen to their suggestions for our work going forward. I viewed these Argentine organizations as partners and wanted to hear any concerns they had while we still had time to address them. I had heard concerns that the ADP would only include "low-hanging-fruit" records, so I wanted to illustrate the extensive searches that agencies were performing to find records that were highly classified or rare. I explained that the ADP's aims were broader than simply declassifying records and putting them on shelves. Instead, the ADP aimed to inform all stakeholders about the Dirty War and its effect on human rights. Project success required transparency in the process and in the results. The ADP had to include Intelligence Community records and the declassified records would have to provide the history of U.S. policy during the Dirty War time period, including the good and the bad.

# The Beginning of the End: Working Towards Project Completion in 2017 and Early 2018

After the President's April 2017 meeting with President Macri and the public release, I focused on completing the tasks as we envisioned in the project plan. The agencies had completed the declassification review of records from the presidential libraries; the CIA and IC agencies had completed the declassification review of historical PDBs; the Department of State had completed the declassification review of previously withheld records from its 2002 release; and the agencies had completed review of two chapters of the *FRUS* South America volume. These records were all posted on *IC on the Record*. What was left for the agencies to complete the project? They still had nine chapters from the *FRUS* South America volume

<sup>&</sup>lt;sup>203</sup> All NSC staff are required to submit a request to speak at a "Widely Attended Gathering" or "WAG." Since each NSC staff member represented the president, the purpose for seeking approval was to ensure that all such events were within both the ethical and political boundaries for all White House staff. These requests required approval by the NSC legal director responsible for ethics as well as the NSC Press office.

<sup>&</sup>lt;sup>204</sup> The human rights organizations included: the National Archives for Memory, the Mothers of the Plaza de Mayo, the Families of the Detailed and Disappeared for Political Rights, and the Permanent Assembly for Human Rights.

to review. But most dauntingly, they had to complete the largest task: review all the records they identified as responsive in their archives and records centers. At this point, approximately 4,600 pages were declassified and posted on *IC on the Record.* However, I estimated that 40,000 responsive pages remained.

After President Macri's visit, it was important to keep up the momentum. I hosted six periodic Sub-PCC meetings and regularly kept in touch with individual agency project managers by telephone. These conversations were meant to judge the progress of the agencies and learn about any challenges they were having. The Sub-PCC meetings were a way to impress upon agency program managers that the White House remained interested in the project and wanted to see it through to completion. I also found that Situation Room meetings provided an excellent venue to address and resolve challenges. The NSC wanted the agencies to be focused on completing the final task.

I visited the National Declassification Center and met with their leadership team. The NDC were seeking confirmation on how they planned to support the project onsite at NARA. First, there were several agencies which had previously accessioned their records to the National Archives. These agencies were: the Air Force, Army, the Departments of Justice and State, the Joint Chiefs of Staff, and the FBI. The NDC estimated that these agencies would need to search approximately 525 cubic feet of records. They devised an organized plan to allow all the agencies to search their records. It also included processes for how to review records the agencies identified as responsive.

The second challenge the NDC faced was how to process those records that the agencies identified as responsive, including those that contained information created by other agencies. The NDC decided to treat each of these records as essentially a Mandatory Declassification Review request. There were several benefits for processing responsive records this way. First, it enabled a single NDC supervisor to oversee all the reviews taking place, ensuring that the series were properly searched and that all responsive records were reviewed for declassification. Second, each record would be scanned, and a digital copy created. This would ultimately make it easier to publish the declassified records on the web. Third, it permitted an easier method to perform word-for-word declassification review and make any redactions electronically. Fourth, it permitted the NDC staff to monitor and track the progress of the reviews, including those records that required review by more than one agency. Fifth, it eliminated the challenge of reviewing entire series of records as had been done in the Brazil Declassification Project.

In the NDC's plan, the agencies which had unprocessed record series that potentially contained responsive records were required to conduct the search. Records they identified as responsive were scanned and then reviewed by the originating agency. Non-responsive records were simply set aside, not scanned nor reviewed. They were also responsible for identifying all other agencies that created classified information in each record. This enabled the NDC to inform those other agencies of the need to review specific records, document their review decisions, and track the progress of the reviews. If the NDC came across referrals to the NSC or the Department of State, they used their waivers to declassify the information.

The staff at the NDC also had a third unique challenge: how to search the approximately 5,000 pages of withdrawn records that were initially reviewed as part of the Brazilian Truth Commission Declassification Project in 2014-2015.<sup>205</sup> These records were part of various series of records that had been reviewed but had "failed" the pass/fail declassification review that were used for this project. As all of these were from the Department of State, it took the lead in searching them for records that were responsive to the ADP. Once the State Department identified responsive records, it applied its waiver. The

<sup>&</sup>lt;sup>205</sup> See The White House, "FACT SHEET: The United States and Brazil - A Mature and Multi-Faceted Partnership," 30 June 2015, <u>https://obamawhitehouse.archives.gov/the-press-office/2015/06/30/fact-sheet-united-states-and-brazil-mature-and-multi-faceted-partnership</u>. The NDC identified and, with the support of other agencies, declassified approximately 4,500 pages of records to support the Brazilian Truth Commission. As part of the project, the NDC searched over 2.5 million pages of records. When responsive records were identified, the NDC opted to review all records in that series to provide context and maintain archival original order and provenance. In all, over 400,000 pages were included and declassified from those series. Approximately 5,000 were not declassified, so those records were reviewed to see if they were responsive, and if so, reviewed for public release.

reviewers had only to identify information in those records that contained the information originated by other agencies. Once identified, the NDC managed the review by those agencies.

In addition to the largest task, there was also a partial task to complete - reviewing the remaining records from the *FRUS* South America volume. For the most part, the review of these records was uneventful. Very few of these records were responsive to the ADP, but, when compiled, they provided insight into U.S. policies towards South America. The Department of State completed its review quickly as did the NSC.<sup>206</sup> Overall, I was pleased with the quality of the agency declassification reviews. Still, there were a few records that I felt required a re-review. I followed up with those agencies to make my case for declassifying additional information in the spirit and letter of the presidential tasking.

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2018 was the critical year to conclude the project. I pressed the agencies at Sub-PCC meetings and in many one-on-one meetings with agency project managers to complete all the searches by the summer of 2017 and then focus on reviewing responsive records, knowing the review process would be time-consuming. I designed the project schedule to conclude on November 30, 2018. I knew in early 2017 that Argentina would host the G-20 in 2018. The G-20 is a forum for the countries with the largest economies to discuss economic stability, trade and commerce, political and humanitarian issues, agriculture and health issues, climate and energy, and other global concerns. It is not a single meeting, but a series of ministerial/cabinet-level meetings throughout the year leading up to a concluding summit with the heads of government. In 2018, Argentina would host five ministerial-level meetings throughout the year that included the Secretaries of Agriculture, Commerce, Energy, Health and Human Services, State, and Treasury. President Trump was scheduled to participate in the concluding summit on November 30-December 1. This was my target date to complete the project: I wanted the president to president the declassified records to President Macri in Buenos Aires.

In the fall of 2017, I thought that the agencies were making significant progress in completing declassification reviews for the largest task. At that point, I felt it was time to begin conducting quality-control checks at the agencies, to learn how the reviews were progressing, and to make sure that the agencies had identified all the records that were responsive. I wanted to confirm the agencies' search efforts and review their decisions on what they determined were responsive. My QA/QC work included looking at records the agencies had found in their initial search, but then decided were not responsive. I found that almost all the agencies abided by both the letter and spirit of the tasker and included all the records they initially identified in their searches. Still, I felt that the decisions of a few agencies were too limiting. I argued that they should include additional records as responsive. Osorio proved to be an important resource; his extensive knowledge supported my efforts to change the agencies proposed to exempt information I felt should be declassified, I used previously declassified records that had been identified by Osorio to help me persuade the agencies to reassess their initial decisions. In almost all cases, the agencies used the supporting records Osorio identified to declassify the information. While I did not succeed in each instance, I believe that a record-by-record quality control review and Osorio's research paid dividends and significantly improved the final release.

SOUTHCOM, the United States Southern Command, was the only agency located outside the Washington D.C. area, and its history complicated its recordkeeping practices. Until 1997, its headquarters was located in the Panama Canal Zone, but recordkeeping was a challenge. There were no professional records managers - this work was considered a collateral administrative duty, and the assignment usually went to the newest staff member. Its success depended on the soldier

<sup>&</sup>lt;sup>206</sup> Both the NSC and the Department of State had waivers covering all records pertaining to human rights abuses related to the Dirty War. Two chapters (Argentina and Regional Issues) were released in April 2017. The nine other country chapters (Bolivia, Brazil, Chile, Columbia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela) were not released at that time. Many records selected for these chapters did not relate to human rights abuses, but other bilateral issues. Those records had to be reviewed for declassification based on their content. For the NSC's part, we declassified all of our equities in their entirety.

assigned to these duties. Additionally, turnover was constant since billets and staff changed frequently. Command historians were the main users of records - writing yearly command histories. But, once those histories were complete, there was little interest in the disposition of the records. I learned from my research that most of the records were identified as temporary and stored depending on what space was available.<sup>207</sup> The relocation of the Command from Panama to Miami in 1997 further complicated the recordkeeping.

Those few records that had been identified as permanent were shipped to the Washington National Records Center in Suitland, Maryland. I asked the declassification program manager from the Office of the Secretary of Defense to assist in searching for relevant records. First, they were required to have access letters written by SOUTHCOM's chief of staff granting them access to its records. Next, they had to physically go to the Washington National Records Center to review them. The DoD team went through all fifteen Federal Records Center boxes of classified records from that period. They did not identify any relevant records.

SOUTHCOM had command histories that their historians compiled each year. They detailed the activities, deployments, missions, and operations of the command. Given the lack of other SOUTHCOM records and stakeholder interest in SOUTHCOM's activities in South America during the 1970s and early 1980s, I asked its chief management officer about including these histories in their entirety. She agreed. SOUTHCOM had earlier received Mandatory Declassification Requests for all their historical command histories. In response to my request, it began processing the 1975-1984 command histories first.

The review of these histories was complex and time-consuming. Not only were these records over one hundred pages each, they also contained the equities of multiple agencies, and each would have to review them. They included: Air Force, Army, CIA, DIA, Joint Staff, Navy, National Geospatial-Intelligence Agency, NSA, and the Departments of Defense and State. Because SOUTHCOM was located in Florida, these records were sent to these agencies in their entirety for review. Once the agency reviews were complete, the histories were returned to SOUTHCOM headquarters, where FOIA/MDR staff made the redactions. I conducted a cursory quality control review and there were a few instances where I pushed back on redaction decisions and asked the agencies to reconsider. While none of their redactions were related to Argentina or human rights violations, I felt that the president's directive tasked them to be as transparent as possible. In several instances, they agreed and declassified additional information.

By the end of 2017, I had held six sub-PCC meetings, countless one-on-one telephone calls with agency project managers and declassification program managers and had conducted 19 onsite visits to see firsthand what agencies accomplished. I visited the declassification offices of the Air Force, Army, CIA, DIA, FBI, Joint Staff, the National Archives, Navy, NSA, and the Office of the Secretary of Defense. These visits were also an opportunity to thank the staff at those agencies who worked on the project. For many of them, it was their main assignment and they had spent a year or more searching for and reviewing records. At the National Archives, I met with NDC officials, including federal records project manager Don McIlwain. He was responsible for overseeing the review of all federal records that were accessioned to the National Archives, including all referrals. I used this opportunity to read the content of many of the records - some of which were both chilling to read and important for the project. For the most part, I was pleased with the quality of the review and the work of hundreds of staff across the agencies who searched and reviewed records.

Since the series of retirements at the CIA's Information Management Services branch in early 2017, new staff had been assigned to work on the ADP and their workflow was reorganized. One group focused on determining the responsiveness of records, while another group in the mission centers, composed of senior review officers, made declassification decisions, and then communicated those decisions to the first group. I was only able to meet with the first group and interacted with the

<sup>&</sup>lt;sup>207</sup> I received significant assistance in trying to learn about SOUTHCOM records from the National Archives staff, including the appraisal staff, the reference services staff, and the staff at the Washington National Records Center. I also worked extensively with SOUTHCOM staff, including the Chief of Staff, the chief management officer, the records manager, and FOIA and records staff. Last, I received significant support from the Washington Headquarters Services division within the Office of the Secretary of Defense.

CIA through them. I found that the mission center senior review officers made overly conservative declassification review decisions. The staff assigned to determine responsiveness did not have the final declassification authority. If I raised a question about the review, they had to seek a re-review from the respective mission centers' senior review officers, explaining why the NSC had requested that information be declassified.

This work at the CIA was time-consuming. At times, I felt it was almost adversarial. To me, it seemed that the new CIA leadership did not have the same assessment of the importance of the ADP and did not fully accept the president's interest in the project, including completing a forward-leaning review. It was difficult for me to set up meetings with leadership if they happened at all. Had those meetings occurred, I would have used them to explain the importance of the project to the administration, detail the review processes, and inform them of the successes to date – including the positive press about the CIA.

Their disinterest trickled down to the mission center senior review officers. It was also felt by the staff who were tasked with working on this project. I began quality control checks at CIA in the fall of 2017 and they continued with greater frequency in 2018. As noted earlier, the CIA refused to let the NSC review its records at NSC, nor would they scan them and upload them to the classified system site that ODNI had developed for the project.<sup>208</sup> This meant that I (or Gregory Koch, deputy director for Access Management at the NSC) had to physically go to a CIA facility in Virginia to review records. No other agency did this. The CIA cited what I felt was a dubious precedent: this was the process the CIA used in providing the NSC access to withheld records from the Kennedy Assassination Records Collection. They stated that they did not want "operational" records to leave their custody for multi-agency review. Of course, not all the withheld records were "operational." We had several discussions within the NSC about the CIA's position. Eventually, we decided it was not worth the hassle of escalating the dispute. Instead, I traveled to their facility in Virginia, a 45-minute drive each way from the NSC, at least once a week beginning at the end of 2017.

Traveling to the agencies, including CIA, had its advantages. I found that in-person meetings, sitting alongside reviewers and discussing their decisions, were far more productive than discussing them by email or over the phone. These discussions often were fruitful and resulted in additional declassified information. Of course, the travel time to and from the CIA was time wasted. Still, working with the CIA staff assigned to the project was a pleasant experience and my interactions with them were cordial. They were placed in an unenviable position of having to implement decisions made by the senior review officers from the various mission centers. All they could do was to take my recommendations and rationale back to them.<sup>209</sup> Often, after our meetings, I emailed them previously declassified records, articles, or press reports to help make my case on why information should be declassified. They used my correspondence to ask the mission center reviewers to reconsider their earlier decisions. These efforts were also fruitful, as the mission center senior review officers either fully agreed to declassify records or agreed to reduce redactions. While the project staff did not have much influence over the declassification decisions, they did have much more leeway in determining what was - or was not - responsive. Initially, I felt that many of their assessments were too restrictive and they determined that many records that had initially been identified were not responsive. However, they listened to my views on why I thought the records were, in fact, responsive and in every instance, they reversed their earlier determination and included the records as responsive.<sup>210</sup>

<sup>&</sup>lt;sup>208</sup> The NSC and CIA used this site to review and discuss scanned records from the presidential libraries, which included many historical CIA records. Some of CIA's records were duplicates of these records - yet they refused to use this process at all.

<sup>&</sup>lt;sup>209</sup> Initially, I was not permitted to meet with the mission center senior review officers; however, after repeated requests, I was permitted to meet with one of the SRO's on two or three occasions. In those instances, I brought supporting records with me to help aid my case. These few meetings were useful and led to additional information being declassified.

<sup>&</sup>lt;sup>210</sup> The CIA kept the records that their staff compiled in two groups - those they determined were responsive and those they determined were not responsive. I reviewed all the records in both groups as part of my quality control/quality assurance review. For **© 2021 The Authors** | CC BY-NC-ND 3.0 US

I visited DIA's records facility in Maryland several times in late fall 2017 and early 2018. There, I met with Williams, the DIA's declassification program manager. Over four visits, I went through each record. The DIA's review, on the whole, was excellent and met the letter and spirit set for the project. There were only a few records that I felt should be unredacted and declassified. I asked that the DIA reconsider and provided my rationale. After meeting with other DIA stakeholders, Williams agreed. Several of these records were particularly insightful and provided important contextual information.<sup>211</sup>

After we had completed all our visits to the agencies to ensure that all the responsive records were included, the next push was to ensure the declassification reviews were as transparent as possible. This required research, analysis, persuasiveness, and persistence. It also required the assistance of Osorio, who provided extensive assistance using the National Security Archive's database. Additionally, I had previously read several books and articles on the Dirty War, and they proved useful as well. Within the Government, Keri Lewis, the Department of State's project manager, and Sara Berndt, the historian who compiled the Carter administration South America *FRUS* volume were very helpful. I also found information that the agencies had previously declassified on their websites that was related or similar to records being reviewed. These actions strengthened my arguments about why particular documents should be declassified. The Department of State's FOIA site included the declassified records provided to Argentina in 2002.<sup>212</sup> This site was an essential tool. It not only helped me find similar declassified records, but helped me understand the context which aided my supporting arguments with agencies. I also used the CIA's online database<sup>213</sup> - sometimes using these declassified records to show CIA staff that the same or similar information had previously been declassified. All these sources helped me push the agencies to declassify and release more information.

By the spring of 2018, I felt that the CIA was not taking the president's instructions as seriously as it should - and this was reflected in the quality of the reviews. The CIA was proposing to exempt, redact, or declare records not responsive that I felt should be included and should be declassified. CIA senior review officers were unwilling to make changes. I had more success in working with the staff on responsiveness and CIA agreed to include those records that I felt were responsive. Although I tried to meet with CIA's new IMS leadership repeatedly beginning in the fall of 2017, I was unsuccessful in getting my message across. Fitzpatrick and I held a meeting in the White House Situation Room with CIA's IMS director after a RAIS PCC in December 2017. We stressed that the CIA's reviews needed to improve. She heard us out, but her comments suggested to us that there would not be easy fixes to improve CIA's reviews. Our concerns intensified early in 2018 but I was unable to meet with the IMS director.<sup>214</sup> Instead, I occasionally met with the IMS chief of staff. I told him that I was concerned that, if their review decisions stood, it would compromise the overall project. I suspected that

<sup>212</sup> U.S. Department of State, "Freedom of Information Act, Document Collections" (website), n.d., <u>https://foia.state.gov/Search/Collections.aspx</u>

<sup>213</sup> [U.S.] Central Intelligence Agency (CIA), "Freedom of Information Act Electronic Reading Room" (online database), n.d., https://www.cia.gov/readingroom/

<sup>214</sup> I recall only one meeting with the IMS Director in her office that focused on macro-level concerns. I was unable to discuss decisions about specific documents with her, or provide my rationale on why I felt information within those records should be declassified.

those records initially deemed not responsive, there were many that I thought were responsive, and I worked with the CIA staff to include those records in the declassification process.

<sup>&</sup>lt;sup>211</sup> One challenge for the overall project, including for DIA's records, was that there were fewer responsive records than I had initially thought there would be. However, after conducting research using State Department records, I learned that two months after the kidnapping and murder of U.S. Consular agent John Patrick Egan in February 1975, there were credible threats to assassinate Army attaché Col. Samuel Stapleton. There was also a significant rise in political violence. As a result, the U.S. Embassy ordered significant staff reductions that remained in place from mid-1975 through the return of democracy in 1983. See: https://www.nytimes.com/1975/03/02/archives/us-embassy-aides-in-argentina-fear-more-killings.html

Argentines would judge the openness of the entire project based, rightly or wrongly, on the transparency of the CIA's review decisions.

At the same time, the National Security Agency refused to declassify any of their records. While it only had a few responsive records, none were essential to the project and none would provide new information. Still, I was surprised by their unwillingness to declassify any information at all. I visited the NSA and met with the declassification program manager and division director at least twice. I failed to impress them on the importance of trying to declassify *some* information. My efforts to convince them focused on my belief that there was a way to declassify some information without compromising sources and methods. When these efforts failed, I focused on a single record that was related to a known disappearance but offered no new or detailed information. I suggested that NSA consider releasing a summary of the record rather than the record itself. I knew that in the past some agencies had released summaries or "gists" of certain records. Specifically, the Department of Defense did this in the 1990s as part of a declassification project on human rights abuses in Guatemala. I found and showed those summaries to NSA. I also drafted a potential "gist" they could consider for use on this project. They refused to consider it. The declassification program manager and his supervisor responded that the information in these records was properly classified, and they would not consider a summary.

There were also two specific records that the CIA exempted from declassification. Department of State historian Berndt had identified them in the CIA's archive for inclusion in the *FRUS* South America volume. I reviewed them and understood why Berndt included them. I felt that they would add value to the project. I also understood the CIA's concern that the sources and methods used to collect the information in these two records remained very sensitive and was too integrated within the content of the records to even try to redact them. As I had done with the NSA, I suggested drafting a single summary of the content of the two records instead - a "gist" and offered one I wrote. Senior review officers were unwilling to consider this option. The two records were exempted from declassification and were not included in the project. In accordance with the Department of State's Memoranda of Understanding with other agencies about how to treat records that are selected by historians for *FRUS* but not declassified by agencies, only their titles and source information were printed in the FRUS volume.<sup>215</sup>

In the early spring of 2018, I sought guidance from Fitzpatrick on the challenges I was having with NSA and with CIA. Frankly, I was worried about both the quality of the reviews and not completing the project in time for the G-20 Summit at the end of November. We discussed the two CIA records in *FRUS*, and the NSA records. He agreed that the CIA records were important to the project and that neither the CIA nor the NSA were supporting the project as it should. Fitzpatrick, Koch, and I met with the Senior Director for the Western Hemisphere, Juan Cruz, and the Director for the Southern Cone and Venezuela, Lucas Henderson. They agreed with our assessment and recommended that we all meet with the Senior Director for Intelligence Programs, Michael Barry, to explain the challenge, show him the records, seek his advice, and evaluate possible solutions.<sup>216</sup> We also detailed the overall review challenges we were having with the CIA and provided them with several examples of poor reviews. Barry agreed that the CIA should reconsider its decision on one of the two records. He felt it could be redacted but felt the other was too sensitive to declassify. He liked the idea of writing a summary and felt the draft I created was acceptable, sufficiently protecting Intelligence Community sources and methods. We all agreed that the NSC should closely review the CIA's decisions to ensure it was declassifying as much information as possible. Barry offered to contact the CIA mission center director and ask for a reconsideration. We agreed and he made the

<sup>&</sup>lt;sup>215</sup> They are Documents 121 and 122 in *Foreign Relations of the United States*, 1977-1980; vol. XXIV, South America; Latin America Region. See <u>https://history.state.gov/historicaldocuments/frus1977-80v24/d121</u> and <u>https://history.state.gov/historicaldocuments/frus1977-80v24/d122</u>.

<sup>&</sup>lt;sup>216</sup> Cutz initially served as the Acting Senior Director for the Western Hemisphere. He was promoted and became National Security Advisor McMaster's Senior Policy Advisor. Juan Cruz was hired as the new Senior Director for the Western Hemisphere, and Lucas Henderson, a detailee from another Federal agency, was chosen to serve as the Director for the Southern Cone and Venezuela. After their appointments, I kept in regular contact with both of them. They knew of both the progress and challenges facing the project.

telephone call. The CIA agreed to reconsider its first decision and re-review the records, but ultimately decided not to declassify the records and decided against providing a summary.

At the same time this conversation occurred, the NSA contacted the Intelligence Programs directorate directly - bypassing the Records and Access directorate altogether. The NSA asked that their records simply be exempted from the ADP and their participation stop. Fortunately, the Intelligence Programs directorate instead called our directorate, knowing that we were the lead directorate for this project. Fitzpatrick and I quickly prepared a briefing for Barry and for the Intelligence Programs directorate and his boss, Senior Director David Kriete. Afterwards, they understood the challenges and agreed to defer to our Directorate should an agency call them directly.

The difficulties with the CIA and NSA continued. Barry elevated the question of the two *FRUS* records directly with the head of the mission center to no avail. CIA senior review officers continued to conduct an overly conservative review and, with very few exceptions, refused to declassify information that I felt could be declassified. With the agreement of Fitzpatrick, Cruz and Barry, and the concurrence of the Defense directorate, I began drafting two letters for Ambassador John Bolton, who replaced McMaster as the National Security Advisor in early April, to send to the CIA and NSA directors. They reinforced the importance of the project - noting the president's interest. The letters directed each agency to do better and to reconsider earlier decisions to exclude or redact records. Our idea was to lay out the president's continuing commitment to Macri, stress the importance of releasing as much information as possible, and reiterating the president's instructions to agencies.

Before the national security advisor, other senior White House officials, or the president himself sign a policy-based or decision-based letter, the letter must be "cleared" by all appropriate offices and/or NSC directorate leadership. Our directorate was the lead directorate for this project while the Western Hemisphere directorate had the greatest policy interest in its success. We recognized the need for allies within the NSC and the importance of keeping other directorates informed. With the change in administration in January 2017, I started periodically briefing the four other NSC directorates who might have interest in the project: the Executive Secretariat, and the Defense, Intelligence, and Legal Directorates. I wanted them to be aware of the project and what was expected of agencies. These briefings proved helpful several times. First, the Executive Secretariat proved to be an important ally as we prepared for Macri's visit in April, and again later as we sought Bolton's signature on the letters. Second, the Intelligence Programs directorate knew to call me when the NSA contacted the Intelligence Directorate directly about the NSA not participating in the project. Third, support from these directorates was critical in getting the National Security Advisor to sign the letters to CIA and NSA. Throughout 2017 and into 2018, I kept staff in these directorates informed. I felt these briefings, especially for new staff as they came on board, were beneficial and would make it easier to seek their support if or when the project hit roadblocks.<sup>217</sup>

Bolton understood interagency bureaucratic challenges. After he was appointed as National Security Advisor, he expressed a desire to address bureaucratic obstacles and overcome them. We heard this in weekly NSC Senior Directors meetings, in other meetings, and in public discourse. We felt there was a good chance that he would agree to sign the letters. Even though there was a clear presidential directive to release as much information as possible, some of the agencies were putting up resistance. I felt that these letters might be part of a larger message he was trying to send to the Intelligence Community. I drafted the letters, which Fitzpatrick edited and quickly cleared. Henderson and Cruz then cleared the drafts as did the Legal directorate. Barry did not hesitate in clearing them either; and so did the Defense directorate. The last step was to place the drafts into the Executive Secretariat queue for Bolton to sign. They each included detailed cover memoranda that provided background on the project, the reasons we were asking him to sign the letters, and the clearances by the various directorates.

<sup>&</sup>lt;sup>217</sup> These briefings also served the purpose of informing staff in other directorates that our directorate was in the lead - and in case they received any out-of-the-blue telephone calls of complaint, they would know to refer the complaint to our directorate.

### May and June 2018: Transitions at the NSC while the Project Continues

Bolton signed both letters, addressed to the CIA Director and the NSA Director respectively, and they were provided to the White House Situation Room for dispatch to the agencies. The letters provided the two agency directors with background on the project, informed them of deficiencies in their agencies' participation, and directed them to improve their agencies' performance to the level expected for fulfilling the president's instruction. The letter to the CIA had positive effect: the quality of its reviews improved. However, the outcome harmed the personal relationships I had fostered at the CIA, including some that went back a decade. After that letter had been sent, Fitzpatrick, Koch, and I agreed it would be more effective to have Koch perform onsite quality control and quality assurance. Not only had he served effectively as my deputy at the NSC, but his work on the records from the Kennedy Assassination Records Collection records that were appealed to the president was exceptional, and had allowed him to work successfully with CIA, NSA, and the other agencies who had requested delays in declassification. Koch's organizational skills were strong, and he understood the importance of this presidentially-directed project. He was also a member of the Intelligence Community and had their confidence. He understood the sensitivity of sources and methods and, as one of their own, had instant credibility.

This also made sense as I had decided to return to the National Archives. By this point, I had worked at the NSC for three years. My previous position at ISOO was no longer available; Ellen Knight had been selected as my replacement at ISOO shortly after I departed for the NSC. There was no position to return to. However, William Cira, ISOO's Associate Director for Classification Management, retired in December 2016 and his position had remained vacant for over a year. The National Archives finally permitted ISOO to fill this vacancy in early 2018. I applied for the position and was selected in May. My final day at the NSC was set for Friday, June 8.

After my departure, Koch took the immediate lead and focused on quality control/quality assurance. He spent significant time reviewing CIA declassification decisions throughout the summer and fall. He had a difficult job - making sure that the CIA was reviewing its records appropriately and in accordance with the president's direction as highlighted in Bolton's letter. In the end, the quality of the CIA's reviews improved significantly. He did an admirable job engaging with the CIA and his work made a big difference. This process, though, took additional time. As I departed the NSC, I was not sure if we would be able to complete the project in time for the president's visit to Buenos Aires on November 30 for the G-20 Summit.

While Koch was overseeing the re-review of specific responsive records the CIA had previously exempted from declassification or had excessively redacted, the NSA stood fast on its refusal to declassify a single record. It also rejected our idea of creating an unclassified substitution or summary of the one record that we felt could add value to the project. The NSA proposed another option, however, offering to show that one record to the government of Argentina privately. It would not be publicly released, but the government of Argentina would have confirmation of the content of the record. We rejected that proposal and decided not to bring it to the Argentines' attention. I felt strongly that showing them the record privately would defeat the purpose of the project, which was to publicly release as much information as possible so that victims' families and the broader Argentine public could better understand what had happened. In addition, I did not want this one-off to become a precedent for future declassification projects. Given the marginal content of the few records that the NSA identified, we felt that it was not worth elevating the declassification program office's refusal. At the very least, these records and the actions of the NSA would be described in their project narrative, which itself would be released publicly at the conclusion of the project.

The purpose of the agency project narratives was to allow the public to understand how searches were done and which files and series of records were searched. It also added transparency about how the agency conducted its search and reviewed records, including explaining any redactions and/or exemptions. In the case of NSA, we felt that a publicly released narrative would sufficiently reveal the NSA's actions on this project to the public. It would be the only agency that had identified responsive records and ultimately decided not to release any of them. The progress and results at DOD and DIA were different. I visited their facilities and met with their declassification program managers and their project managers. We read through the records they had identified, including those with redactions. When I expressed a concern and provided my rationale for declassifying additional information, these two agencies agreed to rescind their redactions. They understood that this project in many ways was unique, and not part of the simple pass/fail reviews that agencies completed as part of automatic declassification reviews. It was even different from FOIA or MDR reviews and was directed by the president. The NSC staff, after coordinating with all participating agencies, established review procedures and processes. They reviewed responsive records accordingly.

The results were also different at the FBI. I had known Nick Delaney, the FBI's declassification program manager, since 2008. At that time, ISOO started assessing agency declassification review programs to evaluate their effectiveness and compliance with Executive Order 13526.<sup>218</sup> That year, ISOO privately judged the FBI to have the worst program out of the 22 it had assessed, giving it a "red" rating. Rather than complain, Delaney asked me for help. Over the next two years, I helped Delaney as he improved the FBI's training and conducted training sessions myself. Two years later, when we reported the results of our assessments publicly, the FBI received top marks and a "green" rating.<sup>219</sup>

In the early 2000's, the government of Argentina invoked the mutual legal assistance treaty (MLAT) it had with the United States. At that time, it had indicted the former Junta leaders for their roles during the Dirty War, and intended to put them on trial for human rights abuses, including torture, disappearances, and murder. Thanks to U.S. records that had previously declassified in 1999 and 2000 through the Chile Declassification Project, government prosecutors knew that the files of Robert Scherrer, an FBI legal attaché stationed in Buenos Aires, were important to their cases against the Junta leaders.<sup>220</sup> They asked for copies of his records for the trials. The FBI responded by providing approximately 1,500 pages of heavily redacted records. The records were redacted for sources and methods, national security, diplomatic harm, and privacy. The redactions rendered the documents useless for the trials.

Shortly after the president's 2016 announcement, I met with Machado and Diaz. They asked me specifically about the FBI's records. They wanted assurances that these records would be included - and would be re-reviewed. It was clear that these records were important to the government of Argentina and I thought that the Argentines expected to receive copies with far fewer redactions this time. I later learned from Osorio that they hoped to use these records in ongoing and potentially future trials. I asked Osorio if he could provide me with a copy of all the FBI records that had previously been provided. He agreed and sent them to me a few months later, after receiving them from the prosecutor in Buenos Aires. I immediately made a copy of each record; in total they filled three binder notebooks. The good news is that most of these heavily redacted records at least included their filing information, so it would not be too difficult for FBI researchers to find and identify the unredacted records. Additionally, as the list of terms for this project was broad (and different from the earlier request from the government of Argentina), the file numbers also offered research clues for the FBI to use in searching the full files surrounding these records.<sup>221</sup>

<sup>221</sup> The FBI could not find a copy in their files of the redacted records they had provided in 2002, but they used these file location numbers to quickly search and identify other responsive records. While having a copy would have quickened the pace of their search considerably, I just wanted to make sure that the FBI identified every record it had previously provided and then reviewed each one using the criteria we established for this project. Each of these copies, although highly redacted, almost always included their file locations. **© 2021 The Authors** | CC BY-NC-ND 3.0 US

<sup>&</sup>lt;sup>218</sup> See [U.S.] National Archives and Records Administration, Information Security Oversight Office, "Report to the President 2008," <u>https://www.archives.gov/files/isoo/reports/2008-annual-report.pdf</u>, for additional information.

<sup>&</sup>lt;sup>219</sup> ISOO's 2010 annual report, including FBI's rating for its declassification program, can be found here: <u>https://www.archives.gov/isoo/reports/annual-report-archive.html</u>

<sup>&</sup>lt;sup>220</sup> Scherrer was stationed in Buenos Aires from 1970 to 1978 and was responsible for reporting on law enforcement matters in Argentina, Bolivia, Chile, Paraguay, and Uruguay. His reports about Operation Condor, the assassination of Orlando Letelier in Washington D.C., and other matters remain essential sources for understanding that time.

Delaney assigned Stacey Smallwood to manage the project, and I met with them after receiving the records from Osorio. I gave them one complete copy of the heavily redacted records. I wanted to make sure that, as the FBI was conducting its search for responsive records, they included all of these records for review. I also wanted to ensure that each of these records received a new review using the review guidelines outlined in the tasker and in the privacy memorandum. They understood immediately the importance of declassifying as much information as possible. While the notebooks containing the previously identified records gave the FBI a head start, there were two other challenges. The first was that their records were no longer stored in the same location, so finding them would be challenging. In the interim, the FBI records center had moved from Alexandria, Virginia to Winchester, Virginia. Additionally, many files had since been accessioned to the National Archives in College Park, Maryland. The FBI would need to work with archivists at the National Archives to find and review many of the records in the notebooks.

Second, many of the FBI's records contained classified information created by other agencies. In accordance with Executive Order 13526, the FBI had to refer these records to the agencies that originated the information.<sup>222</sup> Responsive FBI records included information created by the Army, the Defense Intelligence Agency, and the Department of Justice; but the two agencies with the largest number of referred records were the Department of State and the CIA. The FBI quickly dispensed with records containing information created by the Department of State by applying their waiver. Getting the CIA to review their information in FBI records was their largest challenge.

By the summer of 2017, the FBI had completed almost all the reviews of records stored in Winchester. With the exception of the CIA, they had also dealt with all of the referrals. I drove to Winchester, a 90-minute drive from the White House, to conduct a quality control/quality assurance review. I met with Delaney and Smallwood and went through the records. I took notes on those records that were of particular interest as well as those that required a review by the CIA. Afterwards, I called the CIA to ask it to prioritize the review of these records, and it agreed. Frankly, the information in several of these FBI records were very important to the project- they would solve crimes. I also knew that the CIA would review these records carefully, so I started researching the content and preparing to make my case for declassification should the CIA opt to exempt information.

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Before departing from the NSC, I visited the DIA and FBI facilities a second time. I wanted to thank their staff for their work by holding small award ceremonies. I felt that they had gone 'above and beyond' and deserved recognition for their work and for supporting the project. Each staff member received a personalized letter signed by senior NSC officials and a small memento of our appreciation. Gestures like this, which recognized people's hard work and let them know that we appreciated it, were important. They were not simply a common courtesy but were further meant to reward and encourage continued good work.

There were also several other tasks I needed to complete before leaving the White House. First, in separate meetings I alerted Osorio, Machado and Diaz of my impending departure and introduced them to Koch. I wanted to assure them that the project would continue and the NSC remained committed to completing the project. I alerted them that the agency reviews were progressing slower than we had expected, but Koch was actively engaged with agencies and monitoring their progress closely. I also called the agency project managers, informed them of my impending departure, and asked them to continue their work. I also scheduled a final Sub-PCC meeting on June 7. I wanted the agency project managers to meet

This not only allowed the FBI to search for the specific records from the earlier project, but to review records in the entire file, searching for additional responsive records. This list allowed it to quickly complete their overall search before other agencies. By the fall of 2017, the FBI had completed almost all of its declassification reviews.

<sup>&</sup>lt;sup>222</sup> Section 3.3(d)(3) of Executive Order 13526.

Koch, provide a detailed update on their progress, allow him to ask questions, and ensure there was continuity in NSC oversight while also making it clear that the president's commitment remained.

The next day, June 8, was my last day working at the White House. I left the NSC and returned to ISOO at the National Archives. I left the ADP in the very capable hands of Koch, whose work to improve the quality of CIA reviews was critical. In August, Ellen Knight was selected as my replacement as the Director of Access and Information Management. She assumed overall leadership of the project while Koch focused on the QA/QC that included reviewing over 23,000 pages. Knight would be responsible for delivering the largest tranche from the June 2016 tasker. It would be challenging - especially since the NSC was still working with the CIA to improve the quality of its reviews and was still in disagreement with the NSA. She would also have the large task of coordinating the final release, including how to make 40,000 pages available on the web.

After my return to ISOO, I still fielded telephone calls and emails from Knight, Koch, and agency project managers. I was happy to help answer all their questions. After Knight was selected as my replacement, I made sure to formally introduce her to Osorio, Machado, and Diaz. Aside from wanting to demonstrate that the project was in good hands, this was a nice first step in continuity. It was reassuring to me, and importantly to them too. I also made a point to introduce Knight to Henderson in the NSC Western Hemisphere directorate. I returned to the NSC in August as a visitor after she had joined the NSC staff. Meeting with Knight and Koch, we went through my project files - two full Federal Records Center boxes of records including my research, information about the previous releases, and examples of important records from previous releases and the upcoming one. We discussed the challenges that lay ahead - dealing with the CIA and NSA, attempting to stay on schedule for a November 30 public release, and seeking possible solutions for uploading and publishing 40,000 pages on the web. This was meant to ensure that Knight could build on the earlier successes to make the final delivery of the records special.

I knew that Knight and Koch were up to the task and I told them both to call or email me with any questions or if any difficulties arose. I had previously worked with Knight at ISOO. She worked closely with me for several years staffing the Public Interest Declassification Board. My former deputy had the experience and confidence to address concerns about the CIA's reviews; Knight's archival and information management skills were perfectly suited to oversee the project and address all remaining challenges. I left the NSC confident that the project would be a success. I remained engaged and tried to be helpful, responding to questions, brainstorming options, addressing questions about agency reviews and, when asked, meeting with Knight, Koch, and stakeholders.

I was disappointed but not surprised that Trump did not bring the declassified records with him for the trip to Argentina for the G-20 Summit. Aside from hearing rumors that the president did not want to attend the Summit (and rumors that the decision to attend was a last-minute one), the project was simply not complete. I understood that the NSC was still trying to convince the NSA to declassify *some* information. I also understood that Koch was still working with agencies in compiling and completing their narrative summaries that detailed their search and review processes. The biggest challenge facing Knight, though, was how to publish 40,000 declassified pages on the web. The *IC on the Record* platform had been an easy and quick fix, and it had aligned with the NSC's instructions for the ODNI to have a leadership role in coordinating the project. Even more, since the August 2016 public release was unplanned and last-minute, I did not have much time to find a platform. *IC on the Record* proved to be acceptable for the three smaller public releases. However, this platform was wholly insufficient to publish a large volume of records. It would fall to Knight to identify new partners within ODNI and a new platform to host the collection. Of course, I knew she would succeed and do a far better job than I could have.

Before the end of 2018, Koch had successfully completed its quality control/quality assurance reviews at the CIA. His work made a difference and led to additional information being declassified. Staff were satisfied that CIA's re-reviews were acceptable. Importantly, Knight found a willing partner in ODNI's Privacy and Civil Liberties Office. Michael Thomas, ODNI's Deputy Transparency Officer worked closely with Knight in designing and then implementing a new website, *intelligence.gov/argentina*, to host the declassified records from the entire project. It took time to first organize and then upload all the declassified records and related files, but these actions were complete in early 2019. All that remained was to

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identify the appropriate venue to host a ceremony and the appropriate officials to participate in the ceremony for the exchange.

In early 2019, I received a telephone call from Knight. She informed me that the project was complete. She was working with officials at the Argentine Embassy to plan a ceremony to exchange the declassified records and conclude the project. They also envisioned a second video conference with NGOs in Argentina before the ceremony, highlighting the work and effort by the U.S. government to complete the project, and answer questions. I was very happy to learn that the project would conclude successfully and offered to help in any way I could.

On March 28, Knight informed me that the date for the ceremony was set for April 12. The schedule was quite tight and there were several moving pieces. She discussed the project rollout plan. It would begin with a video conference with Argentine civil society and human rights organizations hosted by the Argentine Embassy. She asked me to attend the videoconference - set for April 3. I had previously participated in a video conference like this while at the NSC, so I was happy to do so. I thought that my presence could show the Argentine human rights community that there was continuity in completing the project. I wanted to be there to answer questions and show support. I gladly joined Knight, Osorio, and Berndt in previewing the release for the Argentine NGOs. Knight's presentation, and her answers to questions posed by the human rights organizations, were reassuring. She very effectively discussed the project and its processes and prepared these organizations for the upcoming public release.

The date for the ceremony was set for April 12. Argentine Attorney General Germán Carlos Garavano and Gabriela Quinteros, the Director of the Human Rights Bureau in the Ministry of Foreign Affairs, would receive the declassified records on behalf of the Argentine people. There were several challenges remaining and less than two weeks in which to overcome them. First, Knight needed to find an appropriate venue to host the ceremony. She asked me if David Ferriero, the Archivist of the United States, would be amenable to representing the United States by hosting the ceremony at the National Archives and providing the records to the Argentine attorney general on behalf of the American people. I was excited about the prospect for my agency to host the ceremony and agreed to ask Ferriero. After checking his calendar, he quickly agreed.

Given the tight schedule, Knight and I divided the remaining work. She focused on drafting the press release and working with the agencies to coordinate their press releases. She also worked with Michael Thomas from ODNI on completing the website. Knight also had to prepare the agenda for the ceremony and draft remarks for Fitzpatrick, who would serve as the master of ceremonies.

She asked me to coordinate the event at the National Archives and prepare the logistics for the ceremony. This work included reserving the Archivist's Reception Room, working with the facilities management staff on seating and the set-up of the room, with the events planning staff on audio-visual and photography requirements, with the security staff on entry/exit processes, with the press office to help with media requests, and with the archivist's staff on preparing remarks. I also contacted our researcher services director, Trevor Plante, who was an expert at finding records that were insightful, interesting, and important. I thought it would be a nice touch to identify one or two important records from the holdings of the National Archives that we could use to showcase our bilateral relations at the ceremony.

While at the NSC, I had always envisioned a ceremony that reflected the importance of the project for the Argentine people and one that also demonstrated the U.S. commitment to transparency and justice. I was grateful that Knight shared this view and included me in planning the ceremony. For me, designing the guest list was a key part of making the event meaningful. I hoped to include retired U.S. diplomats who had served in Argentina during the Dirty War. Osorio had earlier introduced me to "Tex" Harris, the human rights foreign service officer who had been stationed in Argentina from 1977-1979 and who worked tirelessly to document the atrocities of the Dirty War and catalog the victims. I met him and spoke with him several times as the project progressed; of course, he was someone I wanted at the ceremony. Both he and Osorio were helpful in identifying other retired U.S. diplomats for me to invite. I also wanted to include families of victims and knew from Osorio that there were both survivors and family members living in the Washington D.C. area. He had invaluable suggestions. The Argentine Embassy was also helpful. Its ties to the Argentine community in the U.S. helped make our ceremony a truly representative one. We especially wanted to be sure that the families of Argentines whose cases were documented in the release would be invited. Having survivors and victims' families in attendance would, I thought, make this a truly unique and powerful ceremony.

It was also very important to me to invite staff from the agencies who had worked on this project. Declassification programs rarely receive recognition, so I thought it was important for staff from the agencies to attend. I knew from leading the sub-PCCs and from reading the draft agency summaries that over 380 staff members had participated in the project. I was determined to invite as many as possible, even if we could not invite everyone due to the size of the room; the Archivist's Reception Room could only seat 75 people. I also wanted to invite representatives from civil society and human rights organizations. Knight and I compiled a preliminary guest list that included over 100 people, including official U.S. government guests, the Argentine delegation and their guests, the press, and others from the various groups listed above. I would rearrange the seating to accommodate them all.

Knight worked with the Argentine Embassy to confirm their delegation. She also had a tight deadline for identifying and inviting the appropriate U.S. officials. Ultimately, the U.S. delegation included John Demers, the Assistant Attorney General for National Security; John Dinkelman, the Assistant Secretary of State for Administration; Corin Stone, the Deputy Director of National Intelligence for Strategy and Engagement; and Karen Myers, the Director for the Washington Headquarters Services for the Department of Defense. The official Argentine delegation also included Ambassador Oris de Roa; Argentine representatives to the Organization of the American States; Paulo Abrão, the Executive Secretary of the Inter-American Commission on Human Rights; and several staff members from the Argentine Embassy, including Diaz and Machado. Additionally, there was significant media interest in the ceremony, with six media organizations in Argentina and five U.S. media organizations signing up to cover the event.

Knight and I went over the final details for the ceremony. Plante had identified several fantastic records to exhibit outside the Archivist's Reception Room. They included two early trade and navigation treaties from 1853. The United States was the third nation to recognize Argentina's independence from Spain in 1822, and Plante had the first treaty between the two nations on display in the Public Vaults exhibit. Before the ceremony, I arranged for the delegation to meet the Archivist in his office and receive gifts from him – copies of the first treaty between the two nations. Afterwards, I took them on a private tour of the Rotunda where they saw the Declaration of Independence, the Constitution, and the Bill of Rights.

Guests arriving for the ceremony viewed the two treaties before entering the Archivist's Reception Room. Once inside, attendees received a decorated business card with the web address for accessing the declassified records. I reserved seats for the families and for retired diplomats. As Knight and I were discussing the draft program the week before the ceremony, we knew that Fitzpatrick would serve as the master of ceremonies, introducing speakers and moving the program along. We knew that the Archivist and Garavano would speak. We also planned to have the Archivist read a letter from the president addressed to Macri, and then present the presidential letter and a decorative box containing Compact Disks of the declassified records. The website would go live as the ceremony began.

After the Archivist agreed to host the ceremony, I began drafting his remarks. Having written several speeches for him in the past, I knew that there were a few themes he liked to include that I thought were especially appropriate. At the ceremony, he said, "Public access to government records strengthens democracy by allowing citizens to hold their government accountable, understand their history, and participate more effectively in their government." For me, this is exactly what this project was about. It was meant to help the Argentine people strengthen their democracy. The declassification of these records was meant to help Argentine citizens hold those former government officials who were responsible for human rights violations and atrocities accountable for their actions. It was meant to help the Argentine people understand their history and build a better future through active participation in government.

I made sure to include details about the scope of the project and the effort involved: the project included the work of over 380 employees from 16 agencies who spent over two years and 32,000 hours searching for and reviewing responsive records. I took care to make sure he thanked the declassifiers from all the participating agencies but that he also thanked the National Archives staff for their work too, especially since there were so many different units involved. It was also an opportunity to showcase the work of the National Declassification Center and how it worked with other agencies to quickly review thousands of pages of multiple equity records.

Given the partnership I had with Osorio, I also thought he should speak at the ceremony. Normally, when a member of a civil society organization is asked to speak, that task falls to the head of that organization to speak. Osorio's boss was Tom Blanton, the Director of the National Security Archive, who had appeared at past events and who is an engaging speaker. In this instance, however, I felt that it was Osorio who knew the most about these records and their value not only as historical records, but as records with deep meaning to the Argentine people as a whole. Fitzpatrick agreed - he too thought Osorio was a sound choice to provide commentary and discuss the project from an outside-of-government perspective. I called Osorio to let him know. He was reluctant at first, but I convinced him. At the ceremony, Osorio's remarks were very moving, but they were also authoritative and spoke to the importance of the project and the declassified records.<sup>223</sup>

I knew when I planned this event that the ceremony would not be typical for the National Archives. I have participated in oral history programs in the McGowan Theater, Know Your Records lectures, book signings, ISOO public events, and PIDB public meetings. This one was the most emotional event I have personally witnessed at the National Archives. The only event that comes close, in my experience, is an annual one in December on Constitution Day, when new citizens take the oath in the Rotunda in front of the Constitution. The unique mix of people who attended the ceremony, most of whom had some personal experience with the collection of the declassified records, certainly contributed to it. The slate of speakers emphasized both the complexity of the process that had gotten us to that point, and the deep importance of what was being released for the process of healing in Argentina. We recognized both the family members in the audience and the retired U.S. officials who were in Argentina and who had worked tirelessly for human rights. It was an extremely fitting end to a process that had begun over three years before.

# Lessons Learned and a Look towards Future Special Declassification Projects

The ADP can serve as an exemplar for future declassification projects.<sup>224</sup> As opposed to continuing the system of pass/fail declassification reviews, the ADP required a thorough screening of all relevant records. A word-for-word review will hopefully become the new normal of declassification projects. The use of advanced technologies that use machine learning and artificial intelligence will make these types of projects much more efficient and effective. While there will be greater volumes of electronic data to search, the process will eventually no longer rely on hundreds of staff to search thousands of boxes filled with paper records. The implementation of electronic record-keeping systems, which is required by law as of next year, will greatly aid these types of projects. Metadata standards and smart data will improve searches and then ease declassification reviews. They will also support easier and more efficient processes for word-for-word reviews.

Presidential support was a key driver in getting agencies to expend resources and work on the ADP. Agency records management programs and declassification programs are typically terribly underfunded and are almost always neglected by top agency leaders. The importance of having presidential backing for these projects cannot be overstated. The deputy

<sup>&</sup>lt;sup>223</sup> As with the previous public releases, we provided Osorio with an embargoed copy of the declassified records in advance of their public release. This last tranche included 40,000 pages and ODNI staff were working up almost until the day of the ceremony to complete their task. Still, we were able to provide the embargoed copy in advance of the ceremony to allow Osorio to review the contents and highlight several in his presentation. This also proved helpful as, after the ceremony, he was interviewed by the staff from the *New York Times*, and he was able to provide them with several important declassified records for their story.

<sup>&</sup>lt;sup>224</sup> Steven Aftergood, "Argentina Declassification Project Sets New Standard," Secrecy News (blog), 15 April 2019, https://fas.org/blogs/secrecy/2019/04/argentina-declass/.

directors of the agencies had agreed to conduct the project as a deliverable in the Deputies Committee meeting planning President Obama's trip. As a result, since they had agreed to it, the agencies were vested in the project. But, after Obama spoke about the project at the *Parque de la Memoria* during his visit, there was no way to cancel it. These factors were very helpful, indeed critical, to my efforts to get the agencies going and then maintaining momentum, and to push them to lean forward in their searches and declassification reviews. It proved critical again in 2017, after President Trump was elected and the fate of the project was uncertain. Luckily, in looking for a deliverable for Macri's visit to the White House, the president liked the idea of providing Macri with newly declassified records. This visit was exactly what was needed to get the agencies back on track and leaning forward in their reviews. I would use the president's support for the project to resolve disputes and differences. It was important to remind the agencies why they were searching old boxes and were performing word-for-word declassification reviews.

Of course, not all went according to the plan and not all went the way I thought it should. First, the proposed two-year timeline proved optimistic. The searches took longer than I expected; some of the record-keeping practices of the agencies from that period were poor and required additional research and larger searches. To help records managers, I also conducted research and searched boxes and files. A few agencies found more records than they anticipated, and thus took additional time to make sure they had identified all responsive records. Others did not find enough, and I instructed them to go back and search their records again. Still others had difficulty because it was not clear if the records even existed.<sup>225</sup> Once the searches were complete, there were occasional issues with what the agencies initially determined was responsive. My quality control/quality assurance reviews were helpful, but time-consuming. In the end, more records were included.

The declassification reviews were also slower than I estimated. I conducted more quality control/quality assurance reviews than I had anticipated. During this process, I learned that some of the agencies had failed to do adequate reviews, either by exempting records from declassification or by redacting too much information. Osorio was invaluable. His work allowed me to push back on those initial reviews by showcasing why records were responsive and/or why they should be declassified. Of course, reminding the agencies that the president supported the project and was vested in its success was also helpful. While I was pleased with the overall results, my oversight added additional time. It was helpful that the NSC leadership fully supported the project. Having Bolton send a letter to the Director of the CIA insisting on improved reviews and greater declassification had the effect I sought.<sup>226</sup> On the negative side, it also harmed relationships with agency declassification staff and, had I remained at the NSC, would have harmed my ability to work actively with them. Having my deputy, who was fully versed in the project, take over allowed the NSC to maintain oversight and continue to request that additional information be declassified.

We did not fully adhere to the main tasks in the way I had envisioned. I had planned an orderly process and divided the work accordingly. I had no foreknowledge that Kerry would ask us, just five weeks after we sent the tasker to agencies, to provide *some* declassified records to President Macri in August 2016. I was thankful that archivists at the four presidential libraries had already completed their searches and sent responsive records to Washington D.C. for review. While less than ideal, this allowed the National Archives staff to use the NSC waiver and bucket the records - those they could immediately declassify, and those that required other agencies to review. This happened twice more: in December for the ceremony honoring Patricia Derian in Buenos Aires; and then in April 2017 when the president decided to deliver records to Macri when he visited the White House. In all instances, the declassification staff at the agencies rose to the occasion and we were able to deliver meaningful declassified records. But we had also broken up our plan and our tasks. The agencies were not

<sup>&</sup>lt;sup>225</sup> The U.S. Government presence and staff in Argentina decreased substantially after the U.S. Consul John Patrick Egan was killed in 1975 and several other U.S. officials were targeted and threatened. It is certainly possible that this void impacted how officers in multiple agencies collected information and what they were directed to focus on. It would be interesting to see the intelligence records of other Western governments in Argentina at that time.

<sup>&</sup>lt;sup>226</sup> While Bolton's note had the necessary effect of improving CIA's declassification reviews; it had no effect on the NSA and their unwillingness to participate. In the end, we decided that it was not worth pushing the issue as the information at issue was not critical to the project. In other projects, this additional effort may be needed.

pleased to have to deal with so many significant and sudden changes, which affected their schedules, their planning, and their allocation of resources. This was not their only project; they had many other requirements and deadlines. The changes impacted other agency programs, too. After Secretary Kerry's request, and the decision to provide him with declassified records for his visit, I convened the sub-PCC, where this change was a significant topic of discussion. I asked the participants for patience and to be prepared since I was sure that other changes would follow. The agencies understood and, begrudgingly, accepted that there would be additional unexpected changes. This resilience allowed us all to maintain quality and sanity.

Several external challenges also impacted timeliness. Both the JFK Act deadlines and the court-ordered deadlines for reviewing Hillary Clinton's emails affected the timeline at the NSC and at agencies. The challenges of meeting the JFK Act deadline essentially froze the ADP in its tracks as the agencies, the CIA and FBI in particular, focused on this deadline. The change in presidential administration also caused many agencies to slow their work as they waited to see whether the new administration would support the project. As mentioned, the fact that Macri visited so early in Trump's term provided the leverage to get the project back on track. Unanticipated personnel issues—retirements, a lack of permanent agency leadership who were empowered to make hard decisions, and the need to bring new agency staff up to speed—also hampered the speed with which we could work. The next declassification projects will have to consider these obstacles, and plan on how to overcome similar ones. Perhaps ensuring that agency-specific written requirements exist early in the project would make it easier to continue quality reviews in times of transition.

Given the ADP's prominence with the president and with the agencies' leadership, declassification program managers assigned experienced staff to support it, and several agencies assigned staff from different components to work on the project, including records managers, FOIA professionals, declassifiers, and agency historians. Not only did these staff members work well with one another, for the most part, they also worked well with me. Government historians played an important supporting role for many of the agencies' declassifiers. As experts in researching and using their agency's files, they helped staff identify various series to search and review. At the Department of Defense, the historians in the Office of the Secretary of Defense provided extensive support and their work added many records to their responsive list. SOUTHCOM's historian worked with me, other National Archives staff, and staff from the Office of the Secretary of Defense to look for additional responsive records beyond the Command histories. At the Department of State, historian Sara Berndt not only compiled the FRUS volume, but worked closely with staff searching for additional responsive records. She was also available throughout the project to help me when I had questions. As I sought to have agencies declassify information, I often turned to her to help find supporting evidence that would allow agencies to declassify the information. This was especially helpful in records she had identified for inclusion in FRUS or were part of the "back-up" records.<sup>227</sup> She helped ensure that as much information as possible was declassified in this group of records as well as other Department of State records. Later, as the project was concluding, she also wrote a concise history of U.S. policy during the Dirty War for users who may not know much about this terrible era. The link to this history was included in the press release and posted on the intelligence.gov/argentina webpage.

As with any large project, I have a few regrets, and would have done some things differently. First, I would have taken more time to meet with new agency leaders and new declassification program managers during the presidential transition and as new leaders and program managers took over. I would have gone into great detail on how the project came about, how decisions on the project were made, and who was backing the project. Had I taken this additional step, I might have had

 $<sup>^{227}</sup>$  "Back-up records" are records that the Department of State historians felt were important enough to be considered for inclusion in the *FRUS* volume they were researching but ultimately were not included. Some of them were referenced in footnotes in the *FRUS* volume, but others were not. In the case of the Argentina chapter in the *FRUS* South America volume for 1977-1981, Berndt identified approximately 4,500 pages of records that fit in this "back-up" category. They included records from the Department of State, the White House, the NSC, the Department of Defense, NARA, and other agency records. As part of the initial ADP planning, most interagency *FRUS* partners agreed that the records Berndt had previously found in their files could be combed through to find records that were specifically responsive to the ADP and then reviewed for declassification. As mentioned, Don McIlwain at NARA coordinated that process.

fewer issues with the CIA and a few other agencies. At the CIA especially, I think this would have not only led to improved reviews, but I would have allowed me to maintain the relationships that soured after Bolton's letter. It might even have made the letter unnecessary.

One issue that no one had thought much about at the beginning of the project was *how* to publicly release the records that were declassified. I purposefully designed the project in "crawl-walk-run" fashion so the first public releases would be smaller, building up to a final public release for the largest tranche. I initially thought that I would have time to develop a comprehensive public release plan. I planned to work with ODNI and the other agencies, involving their technologists and web managers on finding the best solution on how to publish the declassified records. As mentioned, that did not happen, and Secretary Kerry asked us to deliver declassified records two months after the project launched. I had anticipated the first public release in December at the earliest - not August. Circumstances therefore dictated how we would release the records.

The ODNI nominally coordinated the project, but the office tasked with that responsibility was understaffed and underresourced. As outlines above, given the challenges of a tight deadline and lack of resources, we opted to use an existing platform, *IC on the Record.* It was the easiest and the quickest way to post a small number of declassified records on the web. In hindsight, it was not a great fit for this project. It was originally established in 2013 to publicly address intelligence and privacy concerns following the Edward Snowden leak of NSA intelligence programs. It had been designed as the public platform for the Director of National Intelligence and the IC leadership to post information about those programs, including declassified records and Congressional testimony about them. Inherently, all the records and information posted on the site was current – not historical. We would be interlopers, and the historical declassified records we posted were wholly unrelated to all the other declassified records on the site.

This site worked well enough for the release of these smaller tranches, but it clearly would not work for the final tranche. Additionally, the site was not easily searchable, and one of the project's objectives was to permit greater access. This site was simply not going to make finding or viewing the declassified records easy. It would have been extremely useful to have developed a single website at the beginning of the project to host all the declassified records. Knight's work with the ODNI in creating a dedicated website was, to me, the most important aspect of the project. The website she designed with ODNI's Thomas hosted all the declassified records from all four releases, the agency's summaries describing their search and review procedures, and all the press releases and related informational materials. The project benefited greatly from Knight and Thomas's collaboration. This type of collaboration, coupled with dedicated resources, technical help from web designers, and support from agency leadership should serve as a model for future projects.

After the April 2019 concluding ceremony, agency project managers and all those who had worked on the project expressed a sense of accomplishment - and relief. There were impressive results and more than a few mistakes and challenges. Had it been possible, I would have liked to have conducted a detailed interagency 'lessons learned' exercise after the final release. Had that occurred, collectively we would have been able to identify different ways of moving forward for the next project. The agencies themselves would almost certainly have important suggestions.

There were two main drivers for the success of the project. As noted earlier, the first was the office of the president: the ADP was the president's project. Obama decided to do it, and then Trump decided to continue and finish it. Obama's initial remarks outlining the scope and expectations of the project were invaluable. So too were the high-profile ceremonies and events that included the president or Cabinet members and senior executive branch officials interacting with their Argentine counterparts. The project received approval from the various agency leaders through the IPC/PCC and Deputies Committee processes. Our ability to remind the agencies of the president's interest and instructions, as well as of their agency leadership's approval, was very helpful if not always successful. That said, the change of administration could have effectively ended the project, and future project managers may have to find through-lines between different presidencies.

The second main reason for the success of the project was the involvement of Carlos Osorio, who was a critical partner from the onset. He served both as the subject matter expert and also as an independent voice. As an expert who had spent over a decade researching and writing about human rights abuses in Argentina during the Dirty War, he had a knowledge base that

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neither I nor anyone on the project had. I relied on his expertise often and throughout the project. When challenges arose, I usually called Osorio. He helped connect information in records that although seemingly not responsive, in fact were.<sup>228</sup> His help ensured that these records were included.

Osorio was also an independent voice who used his knowledge of previously declassified records, earlier U.S. government declassification efforts, and information gleaned from victims, families, and human rights organizations in Argentina. He had previously testified in human rights trials and was called as an expert witness. Occasionally, we would meet to discuss project progress or go over information that I thought might be relevant, and he offered advice and suggestions on where else to search. I valued his counsel and advice. He helped me obtain copies of the highly redacted FBI records that were provided to the Government of Argentina over a decade ago and suggested many names and entries for the list I provided agencies to help with their search. This partnership was, I think, the reason why so many records were included and declassified.

I believe deeply in the American ideals that were demonstrated at the heart of the ADP. These records created a space for justice that, for many years, did not exist. That space can now help solve disappearances or bring perpetrators of crimes to trial. The concluding ceremony in April 2019 demonstrated how important and emotional the declassification of these records has been for the Argentine people and the human rights community. It demonstrated how important records can be for processes of justice and accountability. It also illustrated that the rule of law is the hallmark of democracy, and the rule of law is impossible without transparency.

<sup>&</sup>lt;sup>228</sup> Sometimes our conversations were challenging, as he was not a Federal government employee, and he did not have a security clearance to review classified records. In those instances, I tried to find ways to talk about the content of the records in a way that did not reveal classified information. For instance, the name of an Argentine official (or just a name or place) was written in a record. I would ask, "Have you ever heard this name?" In response, he would either have the information on the spot or conduct research to provide context I could not have found elsewhere.

# "United States (U.S.) Declassification Diplomacy with Argentina: A Timeline" by Tyler J. Goldberger and Carlos Osorio

This timeline outlines key events that led to the launching of the Argentina Declassification Project (ADP) by the U.S. government as a diplomatic gesture. It also highlights turning points in an effort that took three years and involved two administrations, governmental and non-governmental actors, and "tens of thousands of work hours from hundreds of government experts across 16 departments and agencies, including records managers, archivists, historians, policymakers and declassification and information access professionals."<sup>229</sup>

# 24 March 1976

A military coup d'état overthrows Argentine President Isabel Perón and replaces her with a military dictatorship. The military dictatorship lasted until 1983 and disappeared up to 30,000 people.

### 16 August 2000

While meeting with various human rights organizations in Argentina, Secretary of State Madeleine Albright announces the declassification of U.S. Department of State documents that will help clarify human rights violations committed during the military dictatorship in Argentina. Albright notes that these records are not just housed within the State Department and that the CIA, Department of Defense, and White House might have additional documents to provide further clarity.<sup>230</sup> Secretary Albright tells the Grandmothers of the Plaza de Mayo, a group that works to locate grandchildren stolen during the dictatorship, to first look for relevant documents at the National Security Archive.

### 18 January 2001

The National Security Archive and Argentine Center for Legal and Social Studies (CELS) write and deliver a guide to the U.S. Department of State which contains a chronology of human rights violations, a list of the suspected perpetrators of violations committed during the military dictatorship, and lists of disappeared children that were compiled by the Grandmothers of the Plaza de Mayo.<sup>231</sup>

### 20 August 2002

The U.S. Department of State releases 4,677 documents which became key evidence for a number of trials in Argentina. These documents do not include military, intelligence, or law enforcement records.<sup>232</sup>

### 2008-2015:

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<sup>&</sup>lt;sup>229</sup> "Argentina Declassification Project: Overview," INTEL.gov, <u>https://www.intelligence.gov/argentina-declassification-project/overview</u>.

<sup>&</sup>lt;sup>230</sup> Jonathan Wright, "Argentina: Update 1-U.S. to 'Do Its Best' on Dirty War Documents," *Reuters*, 8 August 2000, <u>https://nsarchive.files.wordpress.com/2018/05/august-16-2000-reuters.pdf</u>.

<sup>&</sup>lt;sup>231</sup> Carlos Osorio, "Chronology of the Argentina Documents Release," 20 August 2002.

<sup>&</sup>lt;sup>232</sup> "Document Collections: Argentina Declassification Process," U.S. Department of State: Freedom of Information Act, n.d., <u>https://foia.state.gov/Search/Collections.aspx</u>.

Working with CELS in Buenos Aires, and with Argentine Ambassadors to the United States Héctor Timerman (2007-2010) and Cecilia Nahón (2013-2015), the National Security Archive writes a "voluminous set of terms, keywords, and guidelines to use when requesting declassification of U.S. intelligence, security, and military records regarding human rights violations during the dictatorship."<sup>233</sup>

### 20 November 2015

Argentine Ambassador Nahón writes to U.S. Attorney General Loretta Lynch and requests the U.S. Department of Justice's cooperation in the declassification process. Nahón provides a list of key-word searches in order to facilitate these efforts.<sup>234</sup>

### 10 December 2015

Mauricio Macri assumes the presidency of Argentina. There are expectations that Argentine-U.S. relations will improve.<sup>235</sup> During the previous presidency of Cristina Fernandez, the relationship between Argentina and the United States had reached a historical low point.<sup>236</sup>

### 23 December 2015

Argentine Attorney General's Office for Crimes Against Humanity coordinator Carolina Varsky asks the Argentine Foreign Ministry to support the declassification process by working with the U.S. Department of State to remove all redactions from documents released in 2002.<sup>237</sup>

### 18 February 2016

The White House announces that President Barack Obama will visit Argentina on March 23rd and 24th, 2016, following a trip to Cuba. Obama's trip will focus on improving relations between the two nations, as this is the first bilaterally focused meeting of a U.S. and an Argentine president in almost twenty years. The trip coincides with the 40th anniversary of the military coup d'état.<sup>238</sup>

<sup>235</sup> Joshua Partlow and Irene Caselli, "Does Argentina's pro-business vote mean the Latin American left is dead?", *The Washington Post*, 23 November 2015, <u>https://www.washingtonpost.com/world/the\_americas/does-argentinas-pro-business-vote-mean-the-latin-american-left-is-dead/2015/11/23/acb85f04-915a-11e5-befa-99ceebcbb272\_story.html</u>.

<sup>236</sup> Benjamin Gedan, George Washington University LAHSP presentation, 5 April 2018, https://www.pscp.tv/w/1gqxvpbLNqBGB.

<sup>237</sup> Carolina Varsky to Federico Villegas Beltrán, 22 December 2015.

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<sup>&</sup>lt;sup>233</sup> "Declassification Diplomacy: Trump Administration Turns Over Massive Collection of Intelligence Records on Human Rights and Argentina (Briefing Book #669)," National Security Archive, 12 April 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records.</u>

<sup>&</sup>lt;sup>234</sup> Cecilia Nahón to Loretta Lynch, 20 November 2015.

<sup>&</sup>lt;sup>238</sup> Office of the Press Secretary, "Statement by the Press Secretary on the President's Travel to Cuba and Argentina," The White House, Washington, D.C., 18 February 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/02/18/statement-press-secretary-presidents-travel-cuba-and-argentina</u>.

### 24 February 2016

Argentine human rights organizations, led by the Grandmothers of Plaza de Mayo President Estela de Carlotto, approach newly elected President Macri to continue progress on the State's promise of "Memory, Truth, and Justice." Following the meeting, Carlotto states, "It would be great to ask [President Obama] for things such as the declassification of documents of the United States." A representative of HIJOS, a human rights organization made up of children of the disappeared, calls the visit by Obama a "provocation."<sup>239</sup>

### 2 March 2016

1980 Nobel Peace Prize recipient Adolfo Pérez Esquivel writes a letter to Obama protesting his visit on the very anniversary of the military coup d'état. Pérez Esquivel calls for the president to acknowledge the "many pending debts with [Argentina] and with many others." His letter ends with advice: "...if you choose not to postpone your visit for another date, you shall hear what the Argentine people have to say to the world."<sup>240</sup>

### 11 March 2016

Argentine human rights organizations write to U.S. Ambassador to Argentina Noah Mamet requesting the declassification of United States intelligence records. The Grandmothers of Plaza de Mayo, *Madres de Plaza de Mayo, Familiares de Desaparecidos y Detenidos por Razones Políticas*, and CELS co-author this letter to "uncover the truth about what happened to the disappeared in Argentina and learn of their fate."<sup>241</sup>

### 17 March 2016

National Security Advisor Susan E. Rice announces the Obama administration's "comprehensive effort to declassify additional documents, including, for the first time, military and intelligence records" at a speech at the Atlantic Council, and she acknowledges that Obama's visit falls on the fortieth anniversary of the military coup d'état. In this context, she also announces that Obama will be visiting the *Parque de la Memoria* in Buenos Aires, Argentina on that day and commits the United States "to do [its] part as Argentina continues to heal."<sup>242</sup>

### 21 March 2016

Uki Goñi, a prestigious Argentine journalist, writes an op-ed in the *New York Times* entitled "The Long Shadow of Argentina's Dictatorship." Goñi acknowledges the difficult yet important work of Argentine human rights organizations in their attempts to reconnect the disappeared with their family members. He also validates the frustration of many

<sup>&</sup>lt;sup>239</sup> "Las Abuelas Plaza de Mayo Piden a Macri Compromiso Con La Justicia y La Memoria," *EFE*, 24 February 2016, https://www.efe.com/efe/america/cono-sur/las-abuelas-plaza-de-mayo-piden-a-macri-compromiso-con-la-justicia-y-memoria/50000553-2848559.

<sup>&</sup>lt;sup>240</sup> Adolfo Pérez Esquivel to Barack Obama, "Carta de Pérez Esquivel a Obama Por Su Visita a La Argentina El 24 de Marzo," 2 March 2015, <u>http://www.adolfoperezesquivel.org/?p=3866</u>.

<sup>&</sup>lt;sup>241</sup> Abuelas de Plaza de Mayo et al. to Noah B. Mamet, 11 March 2016.

<sup>&</sup>lt;sup>242</sup> Susan E. Rice, "Remarks by National Security Advisor Susan E. Rice: 'Seizing a Transformational Moment in the Western Hemisphere," The White House, Washington, D.C., 17 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/17/remarks-national-security-advisor-susan-e-rice-seizing-transformational</u>.

Argentines related to Obama's visit to Argentina, stating that "leading human rights campaigners in Argentina feel justified in protesting Mr. Obama's presence on this gruesome anniversary."<sup>243</sup>

# 23 March 2016

Welcoming Obama at a press conference at the Casa Rosada, the Argentine presidential palace, Macri asks him to declassify United States' documents pertaining to the military junta. The United States commits to comprehensive efforts in support of the declassification of relevant documents to "hold human rights abusers accountable."<sup>244</sup>

### 23 March 2016

The Director of Access Management at the National Security Council (NSC), John Powers reaches out to the National Security Archive in Washington to ask for assistance in what will become the Argentina Declassification Project.<sup>245</sup>

### 24 March 2016

Obama confirms the United States government's commitment to declassify documents about the human rights violations in Argentina's past. Obama and Macri speak on the fortieth anniversary of the military coup at the *Parque de la Memoria* in Buenos Aires, Argentina. Obama states that he "believe[s] we have a responsibility to confront the past with honesty and transparency." Macri recognizes the work of Obama by "reaffirming [our] commitment to democracy and human rights." Macri also acknowledges this day as the anniversary of the National Day for Memory, Truth, and Justice.<sup>246</sup>

### March-April 2016

The Department of State Historian's Office, working with archivists at several presidential libraries and historians at other agencies, assists the NSC in identifying potential file locations and search terms that agencies might use to locate records. The Historian's Office also reaches an agreement with its partner agencies that allow documents collected for unreleased *Foreign Relations of the United States* volumes to be incorporated into the Argentina Declassification Project declassification process.<sup>247</sup>

# 9 April 2016

<sup>245</sup> "Declassification Diplomacy: Trump Administration Turns Over Massive Collection of Intelligence Records on Human Rights and Argentina (Briefing Book #669)," National Security Archive, 12 April 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records.</u>

<sup>246</sup> Office of the Press Secretary, "Remarks by President Obama and President Macri of Argentina at Parque de La Memoria" (Buenos Aires, Argentina), The White House, 24 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/24/remarks-president-obama-and-president-macri-argentina-parque-de-la</u>.

<sup>&</sup>lt;sup>243</sup> Uki Goñi, "The Long Shadow of Argentina's Dictatorship," *The New York Times*, 21 March 2016, <u>https://www.nytimes.com/2016/03/23/opinion/the-long-shadow-of-argentinas-dictatorship.html</u>.

<sup>&</sup>lt;sup>244</sup>Office of the Press Secretary, "Remarks by President Obama and President Macri of Argentina in Joint Press Conference" (Casa Rosada, Buenos Aires, Argentina), The White House, 23 March 2016, <u>https://obamawhitehouse.archives.gov/the-press-office/2016/03/23/remarks-president-obama-and-president-macri-argentina-joint-press</u>.

<sup>&</sup>lt;sup>247</sup> Sara Berndt, interview by Carlos Osorio, 27 April 2021.

The National Security Archive provides the NSC with 40 pages of a comprehensive research packet built and polished over the years including: chronologies outlining key human rights violations and counterinsurgency operations; the names of perpetrators and military units; U.S. intelligence, military and security archival series and types of documents; keywords and terms; and a list provided by the Argentine Grandmothers of Plaza de Mayo with the names of 344 disappeared mothers whose children are suspected of having been appropriated by security forces in Argentina. For the next two years, the National Security Archive maintains a regular channel of communication and consultancy with the NSC team.<sup>248</sup>

# 13 June 2016

The NSC sends a memorandum to Executive Secretaries and Deputies at the Department of State, the Department of Defense, the Department of Justice, the Office of the Director of National Intelligence, the Federal Bureau of Investigation, the Central Intelligence Agency, the U.S. Agency for International Development, and the National Archives and Records Administration that emphasizes the Obama administration's commitment to the "Argentina Declassification Project."<sup>249</sup> The delivery of this memorandum is the result of multiple interagency meetings that began in February and led to agency commitments to participate in the U.S. Declassification Project for Argentina. Importantly, this project uniquely includes intelligence, law enforcement, defense, and military agencies.<sup>250</sup>

# 20 June 2016

NSC Director of Information and Access Management John Powers issues a tasker to support the 13 June 2019 memorandum, outlining deliverables, guidelines, and expectations to the seventeen agencies and departments that will participate in the Argentina Declassification Project.<sup>251</sup> It provides key-word search terms to be used to search the documents and a timeline that will aid in the location of documents that pertain to this time period. It also clarifies that this project applies to all Intelligence Community agencies and components, as well as all components of the Department of Defense, including the military departments.<sup>252</sup>

### 8 August 2016

While visiting Argentina on a diplomatic trip, Secretary of State John Kerry hands Macri 1,078 pages of documents pertaining to human rights violations during the military dictatorship. Most of the material in this first release is held at the Jimmy Carter Presidential Library.<sup>253</sup>

<sup>250</sup> John Powers, interview by Carlos Osorio, 4 April 2021.

<sup>251</sup> Agencies and departments involved: Air Force, Army, CIA, DIA, DOJ, DOL, FBI, JCS, NARA, Navy, NSA, NSC, ODNI, OSD, Southcom, State, and USAID (John Powers, interview by Carlos Osorio, 4 April 2021.).

<sup>252</sup>National Security Council, "Argentina Declassification Project: Tasking Information and Schedule," 20 June 2016, <u>https://www.intelligence.gov/argentina-declassification-project/research</u>.

<sup>253</sup>U.S. Mission Argentina, "Argentina Declassification Project," U.S. Embassy in Argentina, 8 August 2016, <u>https://ar.usembassy.gov/our-relationship/official-reports/argentina-declassification-projects/argentina-declassification-project-august-2016/</u>.

<sup>&</sup>lt;sup>248</sup> Declassification Diplomacy: Trump Administration Turns Over Massive Collection of Intelligence Records on Human Rights and Argentina (Briefing Book #669)," National Security Archive, 12 April 2019, <u>https://nsarchive.gwu.edu/briefing-book/southern-cone/2019-04-12/declassification-diplomacy-trump-administration-turns-over-massive-collection-intelligence-records.</u>

<sup>&</sup>lt;sup>249</sup> Suzanne A. George to Joseph E. McManus et al., "Argentina Declassification Project," 13 June 2016.

### 30 September 2016

The NSC sends two memoranda to agency officials that are designed to speed up the review process and emphasize presidential interest in transparency. These two memoranda discuss the NSC's waiver of its interest in reviewing other agencies' records and the privacy guidelines for records released through the ADP.<sup>254</sup>

### 8 November 2016

Donald Trump is elected President of the United States.

### Mid-November 2016

Macri calls president-elect Trump to congratulate him.

### 12 December 2016

As part of the ceremony honoring Patricia Derian, former Assistant Secretary of State for Human Rights and Humanitarian Affairs under President Jimmy Carter, U.S. Ambassador to Argentina Mamet delivers the second tranche, which is comprised of over 500 newly released documents from the Jimmy Carter, Gerald Ford, Ronald Reagan, and George H.W. Bush presidential libraries. For the first time, this declassification also includes presidential Daily Briefs from Presidents Carter and Reagan.<sup>255</sup>

### 4 January 2017

John Fitzpatrick, NSC Senior Director for Records, Access, and Information Security, requests that the agencies provide a status update and reaffirms the need for agencies to complete narratives that detail all aspects of their work in completing the project, including search information, methodologies used, and declassification review information.<sup>256</sup>

### 20 January 2017

Trump is inaugurated as President of the United States.

# 15 February 2017

Macri calls Trump to congratulate him on his inauguration, and Trump invites Macri for a U.S. visit.<sup>257</sup>

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<sup>&</sup>lt;sup>254</sup> "National Security Council (NSC) Partial Waiver for the Declassification Review of Certain White House and NSC Records," Information Security Oversight Office, 12 July 2017, <u>https://www.archives.gov/files/isoo/notices/notice-2017-03.pdf</u>.

<sup>&</sup>lt;sup>255</sup> Office of the Director of National Intelligence, "Argentina Declassification Project," *IC on the Record* (blog), 12 December 2016, <u>https://icontherecord.tumblr.com/page/7</u>.

<sup>&</sup>lt;sup>256</sup> John Powers, interview by Tyler Goldberger, 3 June 2020.

<sup>&</sup>lt;sup>257</sup> "Argentina's Macri, Trump discuss Venezuela in call: spokesman," *Reuters*, 16 February 2017, <u>https://www.reuters.com/article/us-argentina-usa-venezuela/argentinas-macri-trump-discuss-venezuela-in-call-spokesman-idUSKBN15U2RG</u>.

# April 2017

Fernando Cutz, the NSC's acting Senior Director for Western Hemisphere Affairs, briefs Trump in preparation for Macri's state visit. He explains that Macri personally requested the special declassification when Obama had visited Buenos Aires a year earlier.<sup>258</sup>

# 27 April 2017

Trump hosts Macri for a working visit that includes an Oval Office meeting and questions from the press followed by a working lunch in the Cabinet Room with selected Cabinet members and the Argentine official delegation. Trump delivers 932 declassified documents (3,300 pages) to Macri in the White House. They include 813 documents re-reviewed and originally withheld from the U.S. Department of State's 2002 release of declassified documents and documents selected by the Office of the Historian to be included in the *Foreign Relations of the United States* volume on South America, 1977-1981.<sup>259</sup>

# 31 August 2017

An unprecedented video conference is hosted by the Argentine Embassy with staff from the NSC who are in charge of the ADP; the Department of State's Argentina desk; the National Security Archive; and half a dozen representatives of human rights organizations, as well as a representative from the U.S. Embassy in Buenos Aires. John Powers of the NSC reaffirms the importance of this project, highlighting the fact that two Presidents from different political parties have directed the project, and reports on its process and progress.<sup>260</sup>

# 5 April 2018

George Washington University (GWU) hosts a public panel discussion, "Argentina Declassified: The Release of U.S. Government Records on the Last Military Dictatorship." Paula Alonso, Director of GWU's Latin American and Hemispheric Studies Program and Associate Professor of History and International Affairs, serves as moderator. Argentine Ambassador to the U.S. Fernando Oris de Roa offers opening remarks; Benjamin Gedan, former South America director on the National Security Council, discusses the origins of the project during his time at the NSC in the Obama administration; Sara Berndt, Historian at the U.S. Department of State, outlines the declassification process and emphasizes that many factors indicated that the U.S. government understood "that the final delivery of documents is incredibly important for the U.S.-Argentine relationship"; and Carlos Osorio, Director of the Southern Cone Project at the National Security Archive, discusses the records that had been released so far and notes that the final and largest release of military, intelligence, and law enforcement records that are expected for the end of the year "will be judged by its breadth, depth and transparency."<sup>261</sup>

<sup>&</sup>lt;sup>258</sup> Peter Kornbluh, "Secret U.S. Intelligence Files Provide History's Verdict on Argentina's Dirty War," The Nation, 18 November 2019, <u>https://www.thenation.com/article/archive/argentina-dirty-wars/</u>.

<sup>&</sup>lt;sup>259</sup> Office of the Director of National Intelligence, "Argentina Declassification Project," *IC on the Record* (blog), 27 April 2017, https://icontherecord.tumblr.com/post/160054447173/argentina-declassification-project-april-27-2017.

<sup>&</sup>lt;sup>260</sup> John Powers, "Draft Email for Gerry and Sofia," September 4, 2017. "II Videoconferencia del proceso de desclasificación de archivos del gobierno de los EEUU para Argentina," 31 August 2017.

<sup>&</sup>lt;sup>261</sup> "Argentina Declassified: The Release of U.S. Government Records on the Last Military Dictatorship." GWU Latin American and Hemispheric Studies Program, 5 April 2018, <u>https://www.pscp.tv/w/1gqxvpbLNqBGB</u>.

### May 2018

A letter from National Security Adviser John Bolton proves crucial to overcoming resistance and to having CIA records released through the ADP.<sup>262</sup>

#### Summer 2018

The NSC Director for Information and Access Management ends his detail and returns to the National Archives. He is succeeded by Ellen Knight, who sees the U.S. Declassification Project for Argentina through to completion.<sup>263</sup>

#### 29 November 2018

The FBI set of documents that have been declassified under ADP is "scheduled to be released... and available at <u>https://vault.fbi.gov/argentina-declassification-project</u>."<sup>264</sup>

### 30 November 30-1 December 2018

Although the Argentina Declassification Project is complete and ready to be handed to Argentina during the G20 Summit gathering in Buenos Aires, an expected meeting between Trump and Macri does not take place.<sup>265</sup>

#### 11 March 2019

The National Security Archive and key staffers of the Argentine Embassy in Washington D.C. meet to discuss the status of the ADP. The Archive indicates that the material is ready and simply needs to be requested. The meeting prompts an official initiative by the U.S. and Argentine governments to announce the release and transfer of the largest and the final batch of ADP in four weeks' time.<sup>266</sup>

#### 24 March 2019

On the 43rd anniversary of the military coup in Argentina, Macri announces that the Trump administration will provide "the largest delivery of declassified documents, in size and file quality, to another nation"—formerly secret U.S. records relating to human rights abuses committed during the military dictatorship between 1976 and 1983. The official transfer of

<sup>&</sup>lt;sup>262</sup> Carlos Osorio to Thomas Blanton, "Meeting John Powers," 9 April 2019.

<sup>&</sup>lt;sup>263</sup> John Powers, interview by Carlos Osorio, 4 April 2021.

<sup>&</sup>lt;sup>264</sup> David M. Hardy to John P. Fitzpatrick, "The Federal Bureau of Investigation's Response to Presidential Tasking on the Argentina Declassification Project," 11 April 2019.

<sup>&</sup>lt;sup>265</sup> Carlos Osorio to Thomas Blanton, "Message to hr organizations," 30 November 2018.

<sup>&</sup>lt;sup>266</sup> Carlos Osorio to Sofia Machado, "Encuentro a Las 4pm," 11 March 2019.

the records is planned for mid-April during a visit by Argentina's Minister of Justice, Germán Garavano, to Washington D.C.<sup>267</sup>

# 3 April 2019

At the Embassy of Argentina in Washington DC, Director Knight leads a videoconference with human rights groups in Argentina. Also present are staffers from the Argentine Foreign Ministry in Buenos Aires, the U.S. Department of State, and the National Security Archive. A little over a week before the release of the last set of documents, the NSC reviews the progress made and announces the release for 12 April 2019.<sup>268</sup>

# 12 April 2019

The final release of declassified documents, which completes the work of the ADP, makes public 5,000 records consisting of over 40,000 pages. In a formal ceremony at the U.S. National Archives headquarters, Archivist of the United States David Ferreiro delivers the records directly to Argentine Minister of Justice and Human Rights Garavano. At the same time, ODNI launches https://www.intelligence.gov/argentina to ensure that all the ADP documents that have been released since 2016 are more easily accessible to the public. In his remarks, Ferreiro highlights the "historic and significant" nature of the project, and notes that "The project is unparalleled for its scope and breadth. Sixteen Executive branch agencies participated, including Intelligence, Defense, and law enforcement agencies. Over 380 employees from these agencies spent almost 32,000 hours searching for and reviewing records on a word-for-word basis. The results of those reviews are impressive and reflect the President's interest. Over 43,000 pages were—or are about to be publicly released. The declassification rate on these pages is 97% and aligns with the President's instruction to release as much information as possible."<sup>269</sup>

# 15 April 2019

The National Security Archive Southern Cone Documentation Project begins indexing the ADP documents with the support of William & Mary undergraduate students. Two years later, in April 2021, the initiative will have indexed 4,500 documents released by the CIA, the FBI, the Defense Intelligence Agency (DIA), and the National Archives and Records Administration (NARA). Documents identified through this research collaboration will be used in half a dozen human rights trials in Argentina, featured in dozens of articles around the world, and shared with numerous survivors.

# 17 September 2019

The Argentine Ministry of Foreign Affairs recognizes the commitment of five U.S. Government officials for the success of the ADP. Argentine Ambassador to the U.S. Fernando Oris de Roa delivers an official diploma to John Fitzpatrick, Senior Director, Records Access & Information Security Management of the NSC, The White House; John Powers, Associate Director, Classification Management, Information Security Oversight Office, U.S. National Archives and Records Administration; Ellen J. Knight, Director for Access Management, NSC; Gregory Koch, Chief for Classification

<sup>&</sup>lt;sup>267</sup> "Declassification Diplomacy: Trump Administration to Turn Over Trove of Declassified Records to Argentina...," National Security Archive, 24 March 2019, <u>https://nsarchive.gwu.edu/news/southern-cone/2019-03-24/declassification-diplomacy-trump-administration-turn-over-trove-declassified-records-argentina-human</u>.

<sup>&</sup>lt;sup>268</sup> Ellen Knight, "Argentina Declassification Project Update: Videoconference," Embassy of Argentina, 3 April 2019. Carlos Osorio, interview by Tyler Goldberger, 1 April 2020.

<sup>&</sup>lt;sup>269</sup> David S. Ferriero, "Remarks for 'Declassification Diplomacy: The United States Declassification Project for Argentina," National Archives, 12 April 2019, <u>https://www.archives.gov/about/speeches/2019/declassification-diplomacy</u>.

Management, Information Management Division, Office of the Director of National Intelligence; and Sara Berndt, Historian in the Office of the Historian at the U.S. Department of State.<sup>270</sup>

# 16 January 2020

The Director of National Intelligence's Office of Civil Liberties, Privacy, and Transparency recognizes a team of employees from multiple agencies with the 2019 Intelligence Community Transparency Team of the Year Award for their work on the ADP. The award is presented as part of the Intelligence Community's Civil Liberties, Privacy, and Transparency Summit in Bethesda, Maryland.<sup>271</sup>

<sup>&</sup>lt;sup>270</sup> Argentine Embassy on the U.S., "Reconocimiento a funcionarios del Gobierno de EEUU por su contribución al Proyecto de Desclasificación de Argentina," September 17, 2020, <u>https://eeeuu.cancilleria.gob.ar/es/reconocimiento-funcionarios-del-gobierno-de-eeuu-por-su-contribuci%C3%B3n-al-proyecto-de-desclasificaci%C3%B3n</u>.

<sup>&</sup>lt;sup>271</sup> IC Civil Liberties Privacy and Transparency (CLPT) Summit brochure, January 2020.