



Administration
& Management

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

November 29, 1993

ADMINISTRATIVE INSTRUCTION NO. 50

SUBJECT: Historical Research in the Files of the Office of the Secretary of Defense (OSD)

- References:
- (a) Administrative Instruction No. 50, "Historical Research by Persons Outside the Executive Branch," January 13, 1981 (hereby canceled)
 - (b) Executive Order 12356, "National Security Information," April 2, 1982
 - (c) [DoD 5200.1-R](#), "Information Security Program Regulation," June 1986
 - (d) [DoD 5400.7-R](#), "DoD Freedom of Information Act Program," October 1990
 - (e) through (j), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction reissues reference (a), consistent with references (b) through (g), and updates and consolidates the policies and procedures for the programs that permit U.S. citizens to perform historical research in records created by or in the custody of the OSD.

2. APPLICABILITY AND SCOPE

This Instruction applies to:

2.1. The Office of the Secretary of Defense and organizations for which the Washington Headquarters Services provides administrative support (hereafter referred to collectively as "the OSD Components").

2.2. All historical researchers.

3. DEFINITION

Historical Researcher and Researcher. A person desiring to conduct historical research in OSD files for historical uses in any project (e.g., Agency historical office projects, books, articles, or reports) regardless of the person's employment status.

4. POLICY

4.1. The following applies to all historical researchers:

4.1.1. The researcher must possess or acquire the appropriate security clearance.

4.1.2. During the review, the requested information shall be accessed at a DoD activity or facility under the control of the National Archives and Records Administration. Usually such access will occur at the Washington National Records Center (WNRC).

4.1.3. Access shall be limited to specific records within the scope of the proposed historical research over which the Department of Defense has classification authority. Access shall also be limited to any other records for which the researcher obtains the written consent of other Agencies that have classification authority over information contained in or revealed by the records.

4.1.4. Access by historical researchers to unclassified OSD files shall be permitted consistent with the restrictions of the exemptions of the Freedom of Information Act that are contained in DoD 5400.7-R (reference (d)) and explained in enclosure 2 of this Instruction. The procedures for access to classified information shall be used if the requested unclassified information is contained in OSD files whose overall markings are classified.

4.2. Under E.O. 12356 (reference (b)), or its successor, persons permanently assigned within the Executive Branch may be authorized access to classified information for official projects under the classification authority of the Department of Defense provided such access is essential to the accomplishment of a lawful and

authorized Government purpose, and a written determination of the trustworthiness of the persons has been made.

4.3. Under reference (b) and paragraph 7-101e. of DoD 5200.1-R (reference (c)), persons not permanently assigned within the Executive Branch who are engaged in historical research projects or persons permanently assigned within the Executive Branch engaged in personal, i.e., unofficial projects, may be authorized access to classified information under the classification authority of the Department of Defense. The authorization shall be based on a written determination of the researcher's trustworthiness, on the proposed access being in the interests of national security, and on the researcher signing a copy of the letter (enclosure 6) by which he or she agrees to safeguard the information and to authorize a review of any notes and manuscript for determination that they contain no classified information.

4.4. Access for former Presidential appointees is limited to records they originated, reviewed, signed, or received while serving as Presidential appointees.

4.5. Contractors working for Executive Branch Agencies shall not be allowed access to classified OSD files, because non-DoD Agencies consistently object to contractor-access to classified material those Agencies originated and that is interfiled with OSD records. However, the contracting Executive Branch Agency may appoint a regularly assigned employee with the proper clearances to conduct the research portion of the project. After the research, any records originated by non-DoD Agencies deemed pertinent to the study shall be sent to that Agency for review and release to the requester. Contractors may be provided access to of unclassified files subject to the restrictions of the Freedom Information Act (reference (h)).

5. RESPONSIBILITIES

5.1. The Deputy of Administration and Management, Office of the Secretary of Defense, shall, in accordance with the Deputy Secretary of Defense Memorandum (reference (i)), be the approval authority for access to DoD classified information in OSD files and in files at the National Archives, Presidential libraries, and other similar institutions.

5.2. The Heads of the OSD Components shall:

5.2.1. Determine whether access is for lawful and authorized Government purposes or in the interests of national security.

5.2.2. Determine whether the specific records requested are within the scope of the proposed historical research.

5.2.3. Determine the location of the requested records.

5.2.4. Provide a point of contact to the OSD Records Administrator.

5.3. The OSD Records Administrator shall:

5.3.1. Exercise overall management of the Historical Research Program.

5.3.2. Maintain records necessary to process and monitor each case.

5.3.3. Provide to prospective researchers the procedures necessary for requesting access to OSD files.

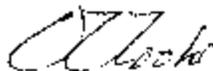
5.4. The Researcher shall provide any information and complete all forms necessary to process a request for access.

6. PROCEDURES

The procedures for processing requests for access to OSD files are in enclosures 3, 4, and 5.

7. EFFECTIVE DATE

This Instruction is effective immediately.



D. O. Cooke
Director
Administration and Management

Enclosures - 6

- E1. References, continued
- E2. FOIA Exemptions
- E3. Procedures for Historical Researchers Permanently Assigned Within the Executive Branch Working on Official Projects
- E4. Procedures for the Department of State Foreign Relations of the United States (FRUS) Series
- E5. Procedures for Historical Researchers Not Permanently Assigned to the Executive Branch
- E6. Form Letter--Conditions Governing Access to Official Records for Historical Research Purposes

E1. ENCLOSURE 1

REFERENCES, continued

- (e) [DoD Directive 5400.11](#), "Department of Defense Privacy Program," June 9, 1982
- (f) Interagency Agreement on Access for Official Agency Historians, September 23, 1982¹
- (g) [DoD Directive 5230.9](#), "Clearance of DoD Information for Public Release," April 2, 1982
- (h) Section 552 of title 5, United States Code, "Freedom of Information Act"
- (i) Deputy Secretary of Defense Memorandum, "Delegation of Authority to Act on Special Requests for Access to DoD Classified Information," August 25, 1993¹
- (j) Public Law 102-138, "Title IV - Foreign Relations of the United States Historical Series," October 28, 1991

¹ Available from Declassification and Historical Research Branch, Records Management Division, Directorate for Correspondence and Directives, Washington Headquarters Services, Pentagon, Washington, DC 20301-1155.

E2. ENCLOSURE 2

EXPLANATION OF EXEMPTIONS

FREEDOM OF INFORMATION ACT (5 USC 552):

- (b) (1) applies to information that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy (See Executive Order 12356 and DoD Regulation 5200.1-R) (Sec 1.3 Classification Categories from Executive Order 12356 are provided on pages 7 and 8);
- (b) (2) applies to information that pertains solely to the internal rules and practices of the Agency; this exemption has two profiles, "high" and "low." The "high" profile permits withholding of a document which, if released, would allow circumvention of an Agency rule, policy, or statute, thereby impeding the Agency in the conduct of its mission. The "low" profile permits withholding if there is no public interest in the document, and it would be an administrative burden to process the request;
- (b) (3) applies to information specifically exempted by a statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed;
- (b) (4) applies to information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis which, if released, would result in competitive harm to the company;
- (b) (5) applies to inter- and intra-Agency memoranda that are deliberative in nature; this exemption is appropriate for internal documents that are part of the decision-making process, and contain subjective evaluations, opinions and recommendations;
- (b) (6) applies to information the release of which could reasonably be expected to constitute a clearly unwarranted invasion of the personal privacy of individuals;
- (b) (7) applies to records or information compiled for law enforcement purposes that (A) could reasonably be expected to interfere with law enforcement proceedings; (B) would deprive a person of a right to a fair trial or impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others; (D) disclose the identity of a confidential source; (E) disclose investigative techniques and procedures; or (F) could reasonably be expected to endanger the life or physical safety of any individual.

See Chapter III of DoD Regulation 5400.7-R reference (d) for further information.

EXTRACT FROM EXECUTIVE ORDER 12356

Sec. 1.3 Classification Categories.

(a) Information shall be considered for classification if it concerns:

- (1) military plans, weapons, or operations;
- (2) the vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security;
- (3) foreign government information;
- (4) intelligence activities (including special activities), or intelligence sources or methods;
- (5) foreign relations or foreign activity of the United States;
- (6) scientific, technological, or economic matters relating to the national security;
- (7) United States Government programs for safeguarding nuclear materials or facilities;
- (8) cryptology;
- (9) a confidential source, or
- (10) other categories of information that are related to national security and that require protection against disclosure as determined by the President or by other officials who have been delegated original classification authority by the President. Any determination made under this subsection shall be reported promptly to the Director of the Information Security Oversight Office.

(b) Information that is determined to concern one or more of the categories in Section 1.3(a) shall be classified when an original classification authority also determines that its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security.

(c) Unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security.

(d) Information classified in accordance with Section 1.3 shall not be declassified automatically as a result of any unofficial publication or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information.

E3. ENCLOSURE 3

PROCEDURES FOR HISTORICAL RESEARCHERS PERMANENTLY ASSIGNED WITHIN THE EXECUTIVE BRANCH WORKING ON OFFICIAL PROJECTS

E3.1.1. The Head of each OSD Component shall:

E3.1.1.1. Make a written determination that the requested access is essential to the accomplishment of a lawful and authorized Government purpose, stating whether the requested records can be made available; if disapproved, cite specific reasons.

E3.1.1.2. Provide the location of the requested records, including accession and box numbers if the material has been retired to the WNRC.

E3.1.1.3. Provide a point of contact for liaison with the OSD Records administrator if any requested records are located in OSD Component working files.

E3.1.2. The OSD Records Administrator shall:

E3.1.2.1. Request an access determination (subparagraph E3.1.1.1. of this enclosure, above) from the OSD Components and location of the requested records, including accession and box numbers if the records are in retired files.

E3.1.2.2. Request authorization for access from other Agencies as necessary:

E3.1.2.2.1. By the terms of the "Interagency Agreement on Access for Official Agency Historians," hereafter referred to as "the Agreement" (reference (f)), historians employed by a signatory Agency may have access to the material of any other Agency signatory to the Agreement found in OSD files. The Central Intelligence Agency (CIA) and National Security Council (NSC) are not signatory to the Agreement. Authorization for access must be obtained from these Agencies, as well as from any other non-signatory Agency whose information is expected to be found in the files to be accessed.

E3.1.2.2.2. If the historian is employed by an Agency that is not a signatory to the Agreement, authorization for access shall be obtained from the CIA, NSC, Department of State (DoS), and any other non-DoD Agency whose information is expected to be found in the files to be accessed.

E3.1.3. Make a written determination as to the researcher's trustworthiness based on his or her having been issued a security clearance.

E3.1.4. Compile all information on the request for access to classified information to include evidence of an appropriately issued personnel security clearance and forward to the Director of Administration and Management, Office of the Secretary of Defense (DA&M, OSD), who shall make the final access determination.

E3.1.5. Notify the researcher of the authorization and conditions for access to the requested records or of the denial of access and the reason(s).

E3.1.6. Ensure that all conditions for access and release of information for use in the project are met.

E3.1.7. Make arrangements and issue the clearance for the researcher to visit the WNRC and review the records if the records have been retired there. If the records are maintained in an OSD Component's working files, make arrangements for the researcher to review the material and for the researcher to make any copies desired in the OSD Component's offices.

E3.1.8. Recall any records from the WNRC pertinent to the study that the researcher wants to copy. Make arrangements for the researcher to make the copies.

E3.1.9. Notify the National Archives or the Presidential library concerned of the authorization and conditions for access, if the researcher desiring to research material in those facilities is employed by an Agency that is not a signatory to the agreement.

E3.1.3. The Researcher shall:

E3.1.3.1. Submit a request for access to OSD files to the OSD Records Administrator, Room 5C315, Pentagon, Washington, DC 20301-1155, signed by appropriate higher authority, citing name, security clearance, office assignment, an explicit description of the type of information desired, purpose of the project, and, if known, the office to which the records belong.

E3.1.3.2. Ensure his or her SECURITY MANAGER or PERSONNEL SECURITY OFFICE verifies security clearances in writing to the OSD Records Administrator.

E3.1.3.3. Submit notes taken during research, as follows:

E3.1.3.3.1. Use letter-sized paper (approximately 8 1/2 by 11 inches), writing on only one side of the paper. Each page of notes must pertain to only one document.

E3.1.3.3.2. Indicate at the top of each page of notes the document's origin, date, subject (if subject is classified, indicate the classification), folder number or other identification, accession number and box number in which document was found, and the security classification of the document .

E3.1.3.3.3. Number each page of the notes consecutively.

E3.1.3.3.4. Leave the last 1 1/2 inches on the bottom of each page of notes blank for use by reviewing authorities.

E3.1.3.3.5. Ensure the notes are legible, in English, and in BLACK ink.

E3.1.3.4. Maintain the file integrity of the records being reviewed, ensuring that no records are removed and that all folders are replaced in the correct box in their proper order.

E3.1.3.5. Make copies of any documents desired for retention.

E3.1.3.6. Submit, before unclassified presentation or publication, the completed manuscript, along with any copies of documents used and notes taken, to the OSD Records Administrator for onward transmission to the Director, Freedom of Information and Security Review, Office of the Assistant to the Secretary of Defense (Public Affairs), for review.

E3.1.3.7. Address requests for access to records at the National Archives or a Presidential library directly to the pertinent facility with an information copy to the OSD Records Administrator, if the requester is an official historian of an agreement signatory Agency. Authorization for such access is automatically approved by the agreement. The following pertain:

E3.1.3.7.1. The historian's security clearances must be verified to the National Archives or the Presidential library.

E3.1.3.7.2. Subparagraphs E3.1.3.3., E3.1.3.4., E3.1.3.5., and E3.1.3.6. of this enclosure, above, apply to research in files at the National Archives or a Presidential library.

E4. ENCLOSURE 4

PROCEDURES FOR THE DEPARTMENT OF STATE FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES

E4.1.1. The OSD Records Administrator shall:

E4.1.1.1. Determine the location of the records being requested by the for the FRUS series under Pub. L. No. 102-138 (1991) (reference (j)).

E4.1.1.2. Request authorization from the CIA, NSC, and any other non-DoD Agency not signatory to the agreement (reference (f)) for the State historians to have access to such non-DoD Agency information likely to be interfiled with OSD records.

E4.1.1.3. Obtain written verification from the DoS Personnel Security staff of all security clearances.

E4.1.1.4. Make the necessary arrangements for the State historians to access and review OSD files.

E4.1.1.5. Make arrangements for the State historians to copy documents selected for use in their research.

E4.1.1.6. Submit to the respective Agency a list of CIA and NSC documents copied and released to the State historians.

E4.1.1.7. Process requests from the DoS Historian's office for members of the Advisory Committee on Historical Diplomatic Documentation, who possess the appropriate security clearances, to have access to documents used by the State historians to compile the FRUS series volumes.

E4.1.2. The DoS Historian shall:

E4.1.2.1. Submit requests for access to OSD files to the OSD Records Administrator, Room 5C315, Pentagon, Washington, DC 20301-1155. The request should list the names and security clearances for the historians doing the research and an explicit description, including the accession and box numbers, of the files to be reviewed.

E4.1.2.2. Submit requests for access for members of the Advisory Committee on Historical Diplomatic Documentation to documents copied by the State historians for the series.

E4.1.2.3. Request that the DoS personnel security staff verify all security clearances in writing to the OSD Records Administrator.

E4.1.2.4. Submit any DoD documents desired for use or pages of the manuscript containing DoD classified information to the Office of the Assistant to the Secretary of Defense (Public Affairs), Director, Freedom of Information and Security Review, Room 2C757, Pentagon, Washington, DC 20301-1400 for a declassification review before publication.

E5. ENCLOSURE 5

PROCEDURES FOR HISTORICAL RESEARCHERS NOT PERMANENTLY ASSIGNED
TO THE EXECUTIVE BRANCH

E5.1.1. The Head of each OSD Component shall:

E5.1.1.1. Make recommendations to the DA&M, OSD, as to approval or disapproval of requests for access to OSD files stating whether release of the requested information is in the interest of national security and whether the information can be made available; if disapproval is recommended, specific reasons should be cited.

E5.1.1.2. Provide the location of the requested information, including the accession and box numbers for any records that have been retired to the WNRC.

E5.1.1.3. Provide a point of contact for liaison with the OSD Records Administrator if any requested records are located in Component working files.

E5.1.2. The OSD Records Administrator shall:

E5.1.2.1. Process all requests from non-Executive Branch researchers for access to OSD files and certify the requester has an appropriate clearance.

E5.1.2.2. Provide the requester with a list of other Federal Agencies whose authorization for access to their information shall be required before access may be granted, and shall provide examples of how the requests for access should be worded.

E5.1.2.3. Determine which OSD Component generated the requested records, and obtain written recommendations (paragraph E5.1.1. of this enclosure, above) for the researcher to review the information.

E5.1.2.4. Obtain a copy of the letter in enclosure 6 of this Instruction signed by the researcher and any assistants.

E5.1.2.5. After completion of actions described in subparagraphs E5.1.2.2. and E5.1.2.3. of this enclosure, above, obtain from the requester and any assistants the forms necessary for the issuance of the appropriate security clearances. The appropriate forms will be provided for requesters when necessary. The forms and a copy of the signed letter (subparagraph E5.1.2.4. of this enclosure, above) shall be forwarded to the Security Division, Washington Headquarters Services, which will initiate the personnel security investigation appropriate to the classification level of the information for which access has been requested.

E5.1.2.6. Make a written determination as to the researcher's trustworthiness, based on his or her having been issued a security clearance.

E5.1.2.7. Compile all information on the request for access to classified information to include either evidence of an appropriately issued personnel security clearance or the results of the personnel security investigation and forward to the DA&M, OSD, who shall make the final determination on the applicant's eligibility for access to classified OSD files. If the determination is favorable, the DA&M, OSD, shall then execute an authorization for access, which shall be valid for not more than 2 years.

E5.1.2.8. Notify the researcher of approval or disapproval of the request. If the request has been approved, the notification shall identify the files authorized for review and shall specify that the authorization:

E5.1.2.8.1. Is approved for a predetermined time frame.

E5.1.2.8.2. Is limited to files that OSD Components have designated in writing.

E5.1.2.8.3. Does not include access to records and/or information of other Federal Agencies, unless such access has been specifically authorized by those Agencies in response to a request from the researcher.

E5.1.2.9. Make all necessary arrangements with the WNRC for the researcher to have access to any retired files, to include written authorization for access and security clearance verification.

E5.1.2.10. If the requested records are still in OSD working files, make arrangements with the OSD office for the researcher to have access to the files, providing that office with a written statement of the conditions under which access is permitted.

E5.1.2.11. Notify the pertinent facility of the authorization and conditions for access if the information to be researched is on file at the National Archives or a Presidential library.

E5.1.2.12. Submit all notes taken by the researcher to the OSD Component and/or other Federal Agency for a declassification review and authorization for release of the notes to the researcher.

E5.1.2.13. Submit the released notes and completed manuscript when received from the researcher, along with the declassification decisions made on the notes, to the Director, Freedom of Information and Security Review, Office of the Assistant to the Secretary of Defense (Public Affairs) for final security review and clearance under DoD Directive 5230.9 (reference (g)).

E5.1.3. The Researcher shall:

E5.1.3.1. Submit a request for access to OSD files to the OSD Records Administrator, Room 5C315, Pentagon, Washington, DC 20301-1155. The request must contain the following:

E5.1.3.1.1. The most accurate possible description of the requested information so that identification and location of the information may be facilitated.

E5.1.3.1.2. A statement as to how the information will be used.

E5.1.3.1.3. The names of any persons who will be assisting the researcher in the project. If such assistants have security clearances, provide the level of clearance and the name of the issuing Agency.

E5.1.3.2. Obtain prior authorization to review records from the CIA, the DoS, the NSC, and any other Agency whose records are expected to be interfiled with OSD records. Provide the OSD Records Administrator with a copy of each Agency's response.

E5.1.3.3. Sign a copy of the letter (enclosure 6 of this Instruction) by which the requester agrees to safeguard the information and to authorize a review of any notes and manuscript for a determination that they contain no classified information. Each project assistant must also sign a copy of the letter.

E5.1.3.4. Complete the forms necessary (see subparagraph E5.1.2.5. of this enclosure, above) to obtain a security clearance. Each project assistant will also need

to complete the forms necessary to obtain a security clearance. If the requester or any assistants have current security clearances, their PERSONNEL SECURITY OFFICE must provide certification in writing to the OSD Records Administrator.

E5.1.3.5. Maintain the integrity of the files being reviewed, ensuring that no records are removed and that all folders are replaced in the correct box in their proper order.

E5.1.3.6. Make no copies of documents. If copies of any documents are wanted, they should be requested under the Mandatory Declassification Review Program from the Director, Freedom of Information and Security Review, Office of the Assistant to the Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, DC 20301-1400.

E5.1.3.7. Submit all notes (classified and unclassified) made from the records to the OSD Records Administrator through the custodian of the files at the end of each day's review as described in subparagraph E3.1.3.3.1. through E3.1.3.3.5., enclosure 3.

E5.1.3.8. Submit the notes and final manuscript to the OSD Records Administrator for onward transmission to the Director, Freedom of Information and Security Review, Office of the Assistant to the Secretary of Defense (Public Affairs) for a security review and clearance under DoD Directive 5230.9 (reference (g)) before publication, presentation, or any other public use.

E6. ENCLOSURE 6

FORM LETTER - - CONDITIONS GOVERNING ACCESS TO OFFICIAL RECORDS
FOR HISTORICAL RESEARCH PURPOSES

Date:

OSD Records Administrator
Room 5C315, Pentagon
Washington, DC 20301-1155

Dear

I understand that the classified information to which I have requested access for historical research purposes is concerned with the national defense or foreign relations of the United States, and the unauthorized disclosure of it could reasonably be expected to cause damage, serious damage, or exceptionally grave damage to the national security depending on whether the information is classified Confidential, Secret, or Top Secret, respectively. If granted access, I therefore agree to the following conditions governing access to the Office of the Secretary of Defense (OSD) files:

1. I will abide by any rules and restrictions promulgated in your letter of authorization including those of other Agencies whose information is interfiled with that of the OSD.

2. I agree to safeguard the classified information, to which I gain possession or knowledge as a result of my access, in a manner consistent with Part 4 of Executive Order 12356, "National Security Information," and the applicable provisions of the Department of Defense regulations concerning safeguarding classified information, including DoD 5200.1-R, "Information Security Program Regulation."

3. I agree not to reveal to any person or Agency any classified information obtained as a result of this access except as authorized in the terms of your authorization letter or a follow-on letter, and I further agree that I shall not use the information for purposes other than those set forth in my request for access.

4. I agree to submit my research notes for security review, to determine if classified information is contained in them, before their removal from the specific area assigned to me for research. I further agree to submit my manuscript for a similar review before its publication or presentation. In each of these reviews, I agree to comply with any decision of the reviewing official in the interests of the security of the United States,

including the retention or deletion of any classified parts of such notes and manuscript whenever the Federal Agency concerned deems such retention or deletion necessary.

5. I understand that failure to abide by the conditions in this statement shall constitute sufficient cause for canceling my access to classified information and for denying me any future access, and may subject me to criminal provisions of Federal Law as referred to in item 6., below.

6. I have been informed that provisions of Title 18 of the United States Code impose criminal penalties, under certain circumstances, for the unauthorized disclosure, loss, copying or destruction of defense information.

THIS STATEMENT IS MADE TO THE UNITED STATES GOVERNMENT TO ENABLE IT TO EXERCISE ITS RESPONSIBILITY FOR THE PROTECTION OF INFORMATION AFFECTING THE NATIONAL SECURITY. I UNDERSTAND THAT ANY MATERIAL FALSE STATEMENT THAT I MAKE KNOWINGLY AND WILFULLY SHALL SUBJECT ME TO THE PENALTIES OF TITLE 18, U.S. CODE, SECTION 1001.

Signature:

Witness' Signature:

Date: