

U.S. Department of Justice

Executive Order 12958, as amended 2003 Declassification Plan (Revised)

Revised October 27, 2005

Security and Emergency Planning Staff Justice Management Division U.S. Department of Justice

Department of Justice Declassification Plan

(Formatted in accordance with published ISOO guidance)

INTRODUCTION

The Department of Justice (DOJ) Declassification Plan provides the basic data requested by the Information Security Oversight Office (ISOO). It formally promulgates guidance DOJ will employ in establishing and administering a continuing program to manage its national security information. The plan's distinctive characteristics are:

- Comprehensive coverage of fourteen DOJ components having national security information and declassification requirements.
- Up-to-date information on the volume of records, in excess of 30 million pages, on which declassification actions have been taken since DOJ's 2003 submission.
- Adherence to the Executive Order's (EO's) underlying presumption of declassifying 25 year old or older records.
- Determination at this time that it claims no exemptions for 25 year old or older records, exclusive of Federal Bureau of Investigation (FBI) records and specific Office of Intelligence Policy and Review (OIPR) records, upon approval of their pending request for file series exemptions.
- Commitment to an active, continuing departmental program to manage declassification using a detailed *Department of Justice Declassification Review and Referral Guide* that delineates specifically how the work is to be accomplished.
- Commitment to departmental oversight of components' performance and progress.
- Notification that DOJ intends to take a 5 year extension on the review of classified special media records and a 3 year delay in reviewing incoming referrals.
- Commitment of adequate funds to obtain the services of experienced records and declassification specialists under a contractual agreement with the Central Intelligence Agency (CIA) to assist in meeting the initial 2006 automatic declassification goals.

(C.) CONTENT

(C.1.) <u>DOJ's Senior Agency Official (SAO)</u> for Classified National Security Information is the Assistant Attorney General for Administration, Paul R. Corts. The SAO has designated Justice Management Division's Security and Emergency Planning Staff (SEPS) as the office of primary responsibility for the DOJ's Classification and Declassification Management Program. SEPS points of contact for the Plan are Glenn Bensley and Janice Gibbs.

NAME	TITLE	TELEPHONE	ROOM
Paul R. Corts	Assistant Attorney General for Administration	202-514-3101	Room 1111
Glenn R. Bensley	Assistant Director, Security and Emergency Planning Staff (SEPS)	202-514-4798	Room 6234
Janice J. Gibbs	Senior Security Specialist (SEPS)	202-616-5360	Room 6233

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There are 105 DOJ officials designated as Original Classification Authorities (OCA's) who also are designated Declassification Authorities (DCA's). Declassification Authority resides with the officials identified in Appendix 1.

(C.2.) Records Subject to Automatic Declassification Under Executive Order 12958, as Amended

Total Number of Pages Reviewed From FY 95 Through FY2004*

Reviewed	14,049,515
Declassified	*
Exempted	0
Referred to an OGA	*
Referred to DOJ	*
File Series Exempted	0

*The aggregate figures for this period reflect review work accomplished primarily by the Criminal Division and Office of Information and Privacy (OIP). DOJ will provide aggregate figures for pages declassified and referrals made and received by these components and for the FBI's review, referral, and declassification work accomplished during the period in its 2005 Plan.

(C.3.) Work Completed During FY04

Reviewed

10,177,500

Declassified

2,035,500

Exempted

0

Referred to an OGA

8,142,000

Referred to DOJ

50,720**

File Series Exempted

0

(C.4.) Work To Be Completed During FY05

Reviewed

25,500,000

Declassified

5,100,000

Exempted

0

Referred to an OGA

20,400,000

Referred to DOJ

76,080

File Series Exempted

0

(C.5.) Work To Be Completed During FY06

Reviewed

56,968,085

Declassified

11,393,617

Exempted

0

Referred to an OGA

45,574,468

Referred to DOJ

250,000 (Estimate)

File Series Exempted

1,250,000

^{**} Incoming Referrals include Remote Access Capture (RAC) system material, CIA referrals and referrals to DOJ at National Archives and Records Administration's (NARA) Interagency Referral Center (IRC).

(C.6.) Work To Be Completed During FY07

Reviewed 5,349,750

Declassified 1,068,950

Exempted 0

Referred to an OGA 4,278,800

Referred to DOJ 100,000 (Estimate)

File Series Exempted 2,500

In complying with ISOO's guidance, DOJ herein establishes a new baseline of workload data for its 25 year old or older, permanent classified records. This new baseline is necessary to ensure valid and complete workload data for records subject to automatic declassification under the EO. All DOJ components were tasked to update the volume and the location information for their permanent 25 year old or older classified records needing review for declassification, referral, exemption or appropriate delay. (A copy of the message requesting validation is in Appendix 2.) Information collected included location of records in all DOJ component offices, records holding areas, Federal Records Centers (FRC), the Washington National Records Center (WNRC), the National Archives at College Park (NARA II), or any of the National Archives Regional Branches. SEPS coordinated closely with component Security Programs Managers (SPMs) and Records Managers to compile this information.

DOJ holds a quantity of special media records, particularly classified audiotape recordings, requiring review. It hereby notifies ISOO that it intends to take a 5 year extension for completion of this review and also will utilize the available 3 year delay in reviewing all incoming referrals.

(C.7.) Integral File Blocking

DOJ does not at this time find the integral file block process applicable to its classified records. While this decision is based upon experience to date in reviewing its classified records, the DOJ may determine in the future that use of this process would be appropriate with some records series. Should that be the case, DOJ will address the matter and identify the specific series in its annual declassification plan update.

(C.8.) <u>DOJ Processes and Procedures: Department of Justice Declassification Review</u> and Referral Guide

Based upon reports received in response to SEP's tasking, fourteen DOJ components were identified as having responsibilities for the review and referral of classified records subject to the automatic declassification provisions of E.O. 12958, as amended. One of the fourteen, OIP, also acts as declassification and referral agent for seven Senior Leadership Offices (Office of the Attorney General, et al.) as well as for the Office of the Executive Secretariat. In total, the records of twenty two components are involved in declassification activities at this time.

The FBI, with the largest volume of material, had implemented a declassification program based upon a 1995 Memorandum of Understanding (MOU) with ISOO which exempted two major categories of records. The FBI recently restructured its operations to align them with the goals and requirements of the EO and its implementing directives and has discontinued reliance on the MOU exemptions. FBI's current strategy includes the preparation and submission of multiple file series exemptions, the disposition of unclassified material which had once been considered as national security information, and a concentration on completing review and referral of the remaining material by the December 31, 2006. FBI current workload data is included in this plan, and its performance data will continue to be reported to the DOJ and included in future Declassification Plans.

DOJ's Criminal Division has a fully functioning declassification unit reviewing records at NARA II and the WNRC. Criminal Division, with over 80% of the total DOJ records to be reviewed, exclusive of the FBI, has made excellent progress in completing reviews and referrals. As of October 28, 2005 they have a balance of approximately 4,000 cubic feet remaining to be reviewed.

The OIP has a dedicated and productive review and referral unit which is responsible for declassification actions for all OIP records, the Executive Secretariat and Senior Leadership Offices. OIP has an ongoing operation at NARA II and along with Criminal Division is a user of NARA's IRC.

DOJ has completed working sessions with six components requiring assistance in commencing reviews of their records. These components; Antitrust Division, Civil Division, Civil Rights Division, Drug Enforcement Administration, Office of Professional Responsibility and the Executive Office for United States Attorneys were briefed on the processes and procedures, actions to be taken, and completion schedules. DOJ will schedule follow-on sessions with these components and with other components requiring special assistance.

To support the declassification effort and assist all components in completing their scheduled workloads more efficiently, the Justice Management Division has developed a Department of Justice Declassification Review and Referral Guide.

The Guide provides:

DOJ policies to be applied;

- Instructions on procedures to be followed in reviewing and referring documents;
- Contact information and other government agency (OGA) notification addresses; and
- DOJ target completion dates and reporting formats.

A copy of the draft Guide is provided as an attachment to this Plan.

For referrals to other agencies, DOJ will continue to use the IRC for those records reviewed at NARA II. All other referrals will be made by letter notifications. The Guide describes DOJ's plan to move toward a central referral element to serve as the control and tracking office for all outgoing and incoming referrals. Full implementation of this concept is contingent upon the assignment of staff and other resources to support the effort. DOJ's SAO is committed to this effort.

Other than approximately 4,000 pages from the CIA that need to be reviewed and returned by December 31, 2006, and approximately 4,000 Presidential Library documents on the RAC system at International Point, DOJ currently has no significant backlog of referrals from OGA's. The FBI is current with its review and return of CIA referrals. DOJ has no immediate plans to use the CIA's on-line, internet based Document Declassification Support System (DDSS) referral system. Since DDSS is scheduled for full operational capability in November 2005 and the plan is to bring both DOJ and FBI on-line in the spring of 2006, DOJ intends to closely monitor DDSS activities during this period.

DOJ has instituted a "Quarterly Schedule and Progress Report" by which quarterly workload schedules are set for each component who in turn will submit monthly progress reports against the scheduled targets (See Appendix 3). Monthly schedules are designed to accomplish the entire workload to meet the December 2006 deadline over the next 11 months.

(C.9.) Cost Estimates and Resource Allocations

DOJ estimates the cost of implementing this Declassification Plan to meet the December 31, 2006, deadline to be:

Total Dollars (security clearances, training, physical security, contracts, other expenses): \$2,930,000

Total FTE: 39

DOJ will address funding or resource shortfalls that may affect the Plan's completion through one or more of the following: reprogramming funds from other activities, organizational realignments, or utilization of contractor support. Though not expected, should a shortfall occur, DOJ will inform ISOO of the approach it will employ.

(D.) DECLASSIFICATION GUIDES AND FILE SERIES EXEMPTIONS

(D.1.) <u>Declassification Guides</u> are not required at this time since DOJ has no approved exemptions on records subject to the December 31, 2006 deadline and need not issue declassification guides for its 25 year old or older records. Should reviews of records result in the identification of information warranting exemption, DOJ will seek Interagency Security Classification Appeals Panel's (ISCAP) approval through ISOO and will develop appropriate guides to cover the specific information requiring continued protection. The decision to claim no exemptions has as a precedent the April 2000 DOJ notification (28 CFR 17.28) that announced DOJ's decision to take no exemptions on 1975 and earlier records. DOJ has located no documentation subsequent to that notice needing an exemption under E.O. provisions.

(D.2.) <u>DOJ has submitted OIPR's File Series Exemptions</u> now awaiting ISCAP review and Presidential approval. The FBI anticipates possible files series exemptions and is currently working with ISOO on them.

E.) OTHER FACTORS

DOJ'S ORGANIZATIONAL STRUCTURE

DOJ's organizational structure is unique and decentralized, encompassing 40 components having diverse, autonomous missions melded within an executive department whose current configuration evolved due largely to legislative and executive responses to national economic, social, and security demands. Components' missions directly impact national security, the law, and federal foreign and domestic programs. While this Plan uses ISOO's guidance for developing declassification plans, it is DOJ's organizational configuration that defines the context and methodology through which DOJ will satisfy the E.O. requirements.

Departmental policies, standards, and administrative guidance implementing the E.O. provide senior level involvement and policy direction for all components. The FBI's unique statutory mandates, its national crime-fighting and law enforcement responsibilities, and the highly sensitive nature of the records resulting from the FBI necessitate that it independently manage its E.O. compliance. The FBI satisfies declassification mandates with managerial and operational processes and procedures exclusively under its control. DOJ monitors and provides oversight of FBI compliance through departmental reviews of its declassification and referral workload data and quarterly progress and tracking reports. The FBI's workload and accomplishments will be reflected in DOJ's Plan. Thus, the FBI manages its declassification processes, procedures, and work while reporting to and providing necessary workload and progress data to DOJ.

RECORDS MANAGEMENT

DOJ acknowledges that the participation of records officers is absolutely essential to its successful implementation of the E.O. Departmental and component records management officials are knowledgeable resources who must provide components with essential data and information on DOJ's classified records including determinations on the permanent, temporary, and unscheduled status of such records as well as the locations of classified permanent records stored at FRCs and at the NARA.

SUPPORTING ACTIVITIES

Actions begun in these areas enhance DOJ efforts to complete reviews and referrals by the December 31, 2006, deadline:

INTERAGENCY AND INTRA-AGENCY COORDINATION AND COOPERATION

Initiatives are underway to bring together DOJ elements so that current deadlines are met and a fully functional DOJ declassification management program is formulated through the cooperative interaction of all major players. Specifically, the Office of Records Management Policy (ORMP) recently established a Records Officer Council to address records management policy, operations, and concerns department-wide. SEPS will attend Council meetings to insure that classification and declassification issues are shared with this important group. In addition, SEPS has established a Declassification Working Group which includes component officials responsible for classified records. ORMP will participate in the Working Group's sessions in order to improve interaction between declassification officials and records managers, particularly in areas where components have direct, independent responsibility for scheduling and disposition of their records.

TRAINING

Since its 2004 submission to ISOO, DOJ has offered limited training on declassification and referral topics to staff members through vehicles such as the OIP Declassification Review Team Training held in April 2005. Training efforts are being reviewed and appropriate packages are being developed while DOJ utilizes packages and resources available from other government agencies such as the Air Force. Coupled with issuing the *Guide* and other training being planned for components developing classification and declassification guides, DOJ will furnish information in useful formats to those directly involved in declassification work.

APPENDIX 1

DEPARTMENT OF JUSTICE LIST OF ACTIVE CLASSIFIERS/DECLASSIFIERS BY POSITION TITLE

OFFICE OF THE ATTORNEY GENERAL

CHIEF OF STAFF TO THE ATTORNEY GENERAL

OFFICE OF THE DEPUTY ATTORNEY GENERAL

DEPUTY ATTORNEY GENERAL CHIEF OF STAFF

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

ASSOCIATE ATTORNEY GENERAL DEPUTY ASSOCIATE ATTORNEY GENERAL

OFFICE OF THE INSPECTOR GENERAL INSPECTOR GENERAL

OFFICE OF INTELLIGENCE POLICY AND REVIEW

COUNSEL FOR INTELLIGENCE POLICY DEPUTY COUNSEL FOR INTELLIGENCE POLICY DEPUTY COUNSEL FOR INTELLIGENCE OPERATIONS

ANTITRUST DIVISION - SECRET

CHIEF, FOREIGN COMMERCE SECTION

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

CRIMINAL DIVISION

ASSISTANT ATTORNEY GENERAL

DEPUTY ASSISTANT ATTORNEY GENERAL

Office of International Affairs, Internal Security Section and the Office of Special Investigations

DEPUTY ASSISTANT ATTORNEY GENERAL

Narcotic and Dangerous Drug Section and Money Laundering Section

DEPUTY ASSISTANT ATTORNEY GENERAL

Counterterrorism Section

DEPUTY DIRECTOR OF OPERATIONS, OFFICE OF SPECIAL

INVESTIGATIONS

CHIEF, INTERNAL SECURITY SECTION

PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL

DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS

CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION

DIRECTOR, DRUG INTELLIGENCE UNIT

CHIEF OF SECURITY (Declassification authority only)

DRUG ENFORCEMENT ADMINISTRATION

ADMINISTRATOR

DEPUTY ADMINISTRATOR

CHIEF OF OPERATIONS

CHIEF INSPECTOR

CHIEF COUNSEL

ASSISTANT ADMINISTRATOR FOR INTELLIGENCE

ASSISTANT ADMINISTRATOR FOR OPERATIONAL SUPPORT

SPECIAL AGENT IN CHARGE, EL PASO INTELLIGENCE CENTER

DRUG ENFORCEMENT ADMINISTRATION

DEPUTY ASSISTANT ADMINISTRATOR FOR INTELLIGENCE, OFFICE OF SPECIAL INTELLIGENCE

CHIEF, DOMESTIC OPERATIONS

DEPUTY CHIEF, INTELLIGENCE POLICY AND MANAGEMENT

SPECIAL AGENT IN CHARGE, SPECIAL OPERATIONS DIVISION

CHIEF, INTERNATIONAL OPERATIONS

SECURITY PROGRAMS MANAGER

SPECIAL AGENT IN CHARGE, NEW YORK FIELD DIVISION

SPECIAL AGENT IN CHARGE, MIAMI FIELD DIVISION

SPECIAL AGENT IN CHARGE, HOUSTON FIELD DIVISION

SPECIAL AGENT IN CHARGE, LOS ANGELES FIELD DIVISION

SPECIAL AGENT IN CHARGE, EL PASO FIELD DIVISION

SPECIAL AGENT IN CHARGE, PHOENIX FIELD DIVISION

SPECIAL AGENT IN CHARGE, SAN DIEGO FIELD DIVISION

COUNTRY ATTACHE, MEXICO CITY COUNTRY OFFICE COUNTRY ATTACHE, BOGOTA COUNTRY OFFICE COUNTRY ATTACHE, LIMA COUNTRY OFFICE COUNTRY ATTACHE, BOLIVIA COUNTRY OFFICE COUNTRY ATTACHE, BANGKOK COUNTRY OFFICE DEA LIAISON OFFICER, INTERPOL/LYON, FRANCE

FEDERAL BUREAU OF INVESTIGATION

UC NS-2C, NSD UC NS-2D, NSD

DIRECTOR GENERAL COUNSEL, DIRECTOR'S OFFICE DEPUTY GENERAL COUNSEL, DIRECTOR'S OFFICE ASSOCIATE GENERAL COUNSEL NATIONAL SECURITY, DIRECTOR'S OFFICE SPEC STF NATIONAL SECURITY, DIRECTOR'S OFFICE SENIOR REPRESENTATIVE TO THE NATIONAL COUNTERINTELLIGENCE UC DOCUMENT CLASS, INFORMATION RESOURCES DIVISION (IRD) DCU, IRD DCU, PARALEGAL #8, IRD DCU #1, IRD DCU #2, IRD DCU #3, IRD DCU #4, IRD DCU #5, IRD DCU #6. IRD DCU #7, IRD UC. LE TECH/ENG, IRD SO, IRD ASSISTANT DIRECTOR, NATIONAL SECURITY DIVISION (NSD) DEPUTY ASSISTANT DIRECTOR, OPERATIONS, NSD DEPUTY ASSISTANT DIRECTOR, INTELLIGENCE, NSD SECTION CHIEF (SC) NS-1, NSD SC NS-2, NSD SC NS-3, NSD SC NS-4, NSD SC NS-5. NSD SC NS-6, NSD UNIT CHIEF (UC), NS-1A, NSD UC NS-1B, NSD UC NS-1C, NSD UC NS-1D, NSD NS-2A, NSD UC NS-2B, NSD

SUPV NS-5/SPEC PROJ, NSD UC NS-6B, NSD SECURITY OFFICER, ENGINEERING RESEARCH FACILITY ISSU NS 6-A, NSD ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION (CID) DEPUTY ASSISTANT DIRECTOR, INTELLIGENCE, CID UNIT CHIEF, BUDGET, FINANCE DIVISION SA FCI, CHICAGO FCI/SECURITY OFFICER, DETROIT SO. A-3, HOUSTON ASAC/NSD-3, LOS ANGELES ASAC/NSD-4, LOS ANGELES SUPV/FCI/SCPM, MIAMI ASAC/PRGM MGR NFIP, NEWARK SAC, SPEC OPS, NEW YORK SAC NSD, NEW YORK ASAC/FCI, SAN FRANCISCO ASAC/FCI, WASHINGTON METROPOLITAN FIELD OFFICE (WMFO) SUPV/FC!, WMFO

FOREIGN TERRORIST TRACKING TASK FORCE

DIRECTOR

JUSTICE MANAGEMENT DIVISION

ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF

NATIONAL DRUG INTELLIGENCE CENTER

DIRECTOR

UNITED STATES MARSHALS SERVICE

DIRECTOR

FEDERAL BUREAU OF PRISONS

DIRECTOR

APPENDIX 2

Copy of SEPS E-mail of September Requesting Revalidation of Statistical Data.

Executive Order 12958, "Classified National Security Information," as amended, requires that the Department of Justice (DOJ) plan for completing reviews for declassification, exemption, or referral of all classified permanent records which are 25-years-old or older prior to December 31, 2006.

The DOJ's 2004 plan submitted to the Information Security Oversight Office (ISOO) was returned as being inadequate. In their letter to the Attorney General, the DOJ workload numbers were characterized as being incomplete, inaccurate, and in some cases components with accessioned records at the National Archives and Records Administration (NARA), erroneously gave negative reports. The DOJ is now required to resubmit a report which is current and accurate. The Assistant Attorney General for Administration has a target date of October 15, 2005 for completion of the resubmission.

We are now requesting an updated report on the volume of permanent, 25-year-old or older, classified records that will need to be reviewed for declassification and/or referral. Included are records in all DOJ component offices, records holding areas, contractor controlled storage areas, Federal Records Centers (FRC's), the Washington National Records Center (WNRC), or records accessioned to the NARA at College Park, or any of the National Archives Regional Archives Branches located throughout the country. Also, provide the number of Full-Time Employees (FTE's) expended for this effort. For relevant information on EO 12958, as amended, and the implementing ISOO Directive NO. 1, see the ISOO website: http://www.archives.gov/isoo/.

It is important to coordinate with your component's records manager in providing accurate and complete information on all such records by October 3, 2005, to Glenn R. Bensley, Assistant Director, Office of Information Safeguards and Security Oversight. Data previously reported by your component and/or the JMD Office of Records Management are listed on the first line of the table below. Please revalidate these figures or provide corrections on the second line of the table. Note that the information to be reported in the table should include the volume of records, in either cubic footage or the number of pages and the location of the records. Negative responses are required. Questions regarding the requested information may be directed to Mr. Bensley on 202-514-4798 (JCON: glenn.r.bensley@usdoj.gov) or Janice Gibbs on 202-616-5360 (JCON: janice.j.gibbs@usdoj.gov). Your cooperation and a prompt response will be greatly appreciated.

Component	FTE's	Work Areas	FRCs	NARA	Other	Total
OTJ	-	0	0	0	0	()*
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^{*} Previous report not received, no indication of responsive records subject to review.

Sent on behalf of Glenn R. Bensley.

Janice J. Gibbs Security Specialist

APPENDIX 3

Sample Quarterly Schedule and Tracking Report

Department of Justice Declassification Program						
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Component Name (Name of DOJ Component)	Starting Totals	Oct 05	Nov 05	Dec 05	Ending Totals	
Records Locations						
NARA II - College Park	20					
NARA II Monthly Schedules		4	7	7	18	
NARA II Monthly Actual		2	6	8	16	
NARA II Delta (+ or -)		- 2	· - 1	÷ +1	- 2	
NARA II Referral Notifications	(Pages)	110	250	220	580	
WNRC – Suitland	2					
WNRC Monthly Schedules	<u></u>	0	0	2	2	
WNRC Monthly Actual		0	0	2.	2	
WNRC Delta (+ or -)		0	0	+2	-0-	
WNRC Referral Notifications	(Pages)	0.	0	160	160	
Office Files – All Locations	2					
Office Files Monthly Schedules		2	0	0	2	
Office Files Monthly Actual		1	\$ 1	0.	2	
Office Files Delta (+ or -)		- 1	+1	0	-0-	
Office Files Referral Notifications	(Pages)			in a grant of		
				<u> </u>		

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Monthly reports from components provide the Department with the tool to monitor progress and control the outcome. An example of a form for reporting progress is as shown. On a quarterly basis the Security and Emergency Planning Staff (SEPS) will send the form to each component with its review schedule (Yellow Highlights) for the quarter. Components will use the form to report monthly completions (Green Highlights) and send to SEPS along with prepared referral notification letters to other government agencies. SEPS will do a quality control check before releasing the referral notification letters and maintain a suspense file.

NARA = National Archives and Records Administration

WNRC = Washington National Records Center