

June 18, 1988

Dear Loni,

Please find enclosed National Archives document which makes reference to Executive Order 11652 which was signed by President Richard Nixon on March 8, 1972. This order set in motion the declassification of classified World War II documents.

During our conversation of World War II racist journalists, I mentioned to you that there were three well known journalists who made strong racist remarks against Japanese Americans and mentioned two names, Henry McLemore and Walter Lippman, but could not think of the third name. His name was Westbrook Pegler. To give you some documented proof that these journalists were racist, I am attaching two pages from the book, "America's Concentration Camp," by Allan R. Bosworth.

If you want documents on other events, please let me know and I shall do my best to procure them.

Sincerely,

Ray Uyehata

to advocate a mass evacuation on the floor of the House.¹⁴ Ford had already been busy advancing this idea to Attorney General Biddle; he had read a constituent's telegram into the *Congressional Record*. This was from film actor Leo Carillo, on January 6, asking: "Why wait until [the Japanese] pull something before we act . . . Let's get them off the coast into the interior. . . ." ¹⁵ When they read about this, Mike Masaoka and other Nisei leaders recalled wryly that on the previous Labor Day weekend Carillo had addressed a JACL district convention in Long Beach, saying he knew what it was to be persecuted and discriminated against (being Mexican) and pledging to do all he could to prevent discrimination.

A former sports writer, **Henry McLemore**, who wrote a syndicated column for the Hearst newspapers, grew vehement on January 29:

I am for immediate removal of every Japanese on the West Coast to a point deep in the interior. I don't mean a nice part of the interior, either. Herd 'em up, pack 'em off and give them the inside room in the badlands. Let 'em be pinched, hurt, hungry and dead up against it. . . .

Personally, I hate the Japanese. And that goes for all of them.¹⁶

It is probably peculiar to America, alone, that an observer of called strikes and balls at home plate should be qualified to comment upon the larger human tragedies, but McLemore had his following. Three weeks later, the highly respected **Walter Lippmann** was in San Francisco, and even he advocated setting aside the civil rights of citizens of Japanese ancestry. His syndicated column for February 20 was echoed next day by Earl Warren, before the Tolan Committee; it was still echoed a year later in General DeWitt's Final Report. Lippmann said:

the Pacific Coast is in imminent danger of a combined attack from within and from without. . . . It is [true] . . . that since the outbreak of the Japanese war there has been no important sabotage on the Pacific Coast. From what we know about the fifth col-

umn in Europe, this is not, as some have liked to think, a sign that there is nothing to be feared. It is a sign that the blow is well organized and that it is held back until it can be struck with maximum effect. . . . I am sure I understand fully and appreciate thoroughly the unwillingness of Washington to adopt a policy of mass evacuation and internment of all those who are technically enemy aliens. But I submit that Washington is not defining the problem on the coast correctly. . . . The Pacific Coast is officially a combat zone: some part of it may at any moment be a battlefield. Nobody's constitutional rights include the right to reside and do business on a battlefield. And nobody ought to be on a battlefield who has no good reason for being there.¹⁷

Other eastern columnists now joined in. Westbrook Pegler said, "to hell with habeas corpus until the danger is over."¹⁸

II

Lieutenant General John L. DeWitt, sixty-two, slight, wiry, and bespectacled, was Commander of the Western Theater of Operations, with headquarters at San Francisco's Presidio. The son of an Army General, he had been appointed lieutenant of infantry at the age of eighteen. In World War I, he served in France as Assistant Chief of Staff for Supply. Later, as a Brigadier, he commanded troops in the Philippines.

On January 2, after Pearl Harbor, DeWitt opened a three-day series of conferences with James Rowe, Jr., Assistant to the Attorney General. General DeWitt wanted the Justice Department to conduct spot raids in a search for contraband. He wanted Attorney General Biddle to order the registration of all enemy aliens and exclude them from prohibited zones—to be designated by the Army—around vital installations.

Identical memoranda, that is, identical copies, exchanged by DeWitt and Rowe on January 6 said:

Indications are that, should Army recommendations include areas in which there is resident a large number of enemy aliens *and evacuation will thereby be rendered necessary* [the Attorney Gen-

SECRECY AND DISCLOSURE: BRAKING THE CLASSIFICATION MACHINE

DAVID R. YOUNG

I have today signed an Executive Order establishing a new, more progressive system for classification and declassification of Government documents relating to national security. With these words President Nixon issued Executive Order 11652 on March 8, 1972.

Some aspects of the president's efforts to overhaul the security classification system and broaden access to classified information have been widely discussed in the press and among scholars. Little if any attention, however, has been given to the overwhelming complexity of the problem faced. Its magnitude can best be stated in numbers.

The archivist of the United States estimates that there are in storage more than 760,000,000 pages (the equivalent of more than 3,000,000 copies of an average newspaper) of classified documents "appropriate for preservation" from the period 1942 to 1962. This works out to a rate of accumulation of more than 146,000 pages per workday, which means that if the papers presently in storage could be reviewed for declassification at the rate of 146,000 a day, it would take twenty years, that is, until 1992, to get up to 1962. And this of course means we would still be thirty years behind.

Moreover, the estimated rate of accumulation since 1962 was rising all the time and was probably approaching 200,000 pages a day. In the real terms of public access to government documents this meant it was going to take longer and longer for information to become available.

Recognizing the need to cut down on this overwhelming accumulation of material and to increase public access to government information, President Nixon directed in January 1971 that a comprehensive study be made of the entire classification system. The result was Executive Order 11652 which became effective June 1, 1972.

The new order, which is the first major overhaul of the security classification system in nearly twenty years, details specific measures to *reduce the amount* of material being classified.

- The definitions of what can be classified are narrowed.
- Those who may be given authority to classify are strictly limited.
- The authority to classify must be delegated in writing and lists compiled of those named.
- The person responsible for classifying the material must be named on the face of the document.

To speed declassification in the future the new order set up an automatic declassification schedule of six, eight, or ten years. For the first time the classifier is required to make a judgment when he classifies the information as to when it should be declassified. Only sensitive information falling within four specific categories (for example, cryptographic information) may be exempted beyond the ten-year period. And such continued classification may be chal-

lenged by any member of the public under a new mandatory review procedure for declassification.

This mandatory review feature in the new order is also applicable to classified material already in existence, provided it is more than ten years old, is identified with sufficient particularity, and can be found with a reasonable amount of effort. A requester is not charged the cost of finding and reviewing papers unless the request for declassification is granted and the material made available. Of some 177 requests received during the first few months, 83 have been granted in full, 4 in part, 52 denied, and 38 are pending. Those granted include requested papers related to the Abel-Powers exchange, the Adenauer visit to Moscow in 1957, and the release of the RB 47 fliers by the Soviet Union in 1961.

It is often suggested that the president, to speed declassification of material already in existence, simply order whole periods declassified, that is, not by specific request. The trouble with this approach is that a small percentage of sensitive intelligence material scattered throughout the archival holdings continues to require protection in the interest of national security. Moreover, such holdings often contain sensitive information about individuals, publication of which would constitute unwarranted invasions of privacy. Such material must therefore be reviewed page by page. But to review immediately all material more than ten years old would be impossibly time-consuming and costly. Review must therefore be undertaken in response to requests.

Review of older (World War II) materials, however, has been undertaken. Pursuant to President Nixon's request to Congress last year, \$1.2 million was appropriated to begin this task, and the best estimate is that the project should be completed by the end of 1975, but what happens after that? It will still be necessary to continue to review huge amounts of classified material if the *full* record of the 1950s and the 1960s is ever to

be made public. And if the new order had not been instituted with its automatic declassification provisions this ever-increasing expense would have continued indefinitely. Moreover, the delay in public access to such material would certainly have become more and more pronounced.

Finally, for the first time an Interagency Classification Review Committee was created to follow through on the implementation of the new order.

Ambassador John Eisenhower, who chairs the Interagency Committee, recently reported to the president that since June 1, the overall number of persons with authority to classify has been cut by 63 percent (from forty-three thousand to sixteen thousand) in the major departments of State, Defense, Justice, the Atomic Energy Commission, and the National Security Council. (In the Central Intelligence Agency the percentage cut has been 86 percent in Top Secret and 26 percent in Secret.)

Although sixteen thousand may sound high, it is only 1.5 percent of the total work force in these departments when military personnel are excluded and only 0.5 percent when military personnel are included. It is anticipated that the compilation of the sixteen thousand names will be useful in stopping unauthorized classifying.

The first appeal to the committee for a document denied under the new mandatory review procedure has now been considered. The committee voted to declassify the material, and the "Gaither Report" of 1957 has now been opened.

In short, overhauling the security classification system is a complex undertaking. The first specific and concrete steps have been taken to get control of the classification machine and facilitate increased public access to government information, but time will be required before its full impact can be assessed. There is little doubt, however, that the new order sets a policy that is more progressive and forthcoming than that of any other major power. □

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SECURITY AND DISCLOSURE: THE DECLASSIFICATION PROGRAM OF THE NATIONAL ARCHIVES AND RECORDS SERVICE

JAMES E. O'NEILL

Early in 1971, well before the appearance of the "Pentagon Papers," officials of the Department of Defense, the Department of State, and the National Archives joined together to plan the declassification of World War II documents that are still classified. No one was at all sure of how many such documents there were, of what problems would have to be faced, or of how to go about such a massive undertaking within a reasonable period of time and at reasonable cost. There was general agreement, however, that most of the twenty-five and thirty-year-old material—probably 90 percent or more—could be declassified. There was also general agreement that the National Archives, as custodian of the great bulk of the World War II documents, was the appropriate agency to carry out the declassification program, though it would require a great deal of assistance from the agencies that had created the material.

National Archives staff members made a preliminary survey of the records and developed a detailed plan for a declassification program. The value of the program in making material available and the desirability of beginning the task at once seemed to warrant an immediate request for funds. In August 1971 the president requested that Congress provide a supplemental appropriation for that fiscal year so that work could begin. Although this request for immediate funding was turned down, the money was incorporated in the budget for the following year and was appropriated by Congress in June 1972. In the few months since then the plan has become a program, and the program has already produced significant results.

It was estimated in 1971 that some 160,000,000 pages of World War II documents in the custody of the National Archives and Records Service were still

classified. Most of these, of course, were in one or another division of the National Archives in Washington. A smaller, but quite important, number were located in three of the presidential libraries: the Roosevelt, Truman, and Eisenhower Libraries. In its original form, the National Archives plan estimated that the task of leveling such a mountain of secrecy would require 114 people working for five years at a total cost of \$6,300,000.

In the spring of 1972, however, an important new element was added to the picture. On March 8 the president signed Executive Order 11652, providing a new approach to security classification and introducing a new emphasis on declassification and access. For the first time the archivist of the United States was written into the classification system and was assigned a primary role in effecting the declassification of documents.

Three parts of the new executive order are of particular importance to the National Archives and to its program. Section 3(E) gives to the archivist of the United States, for the first time, the authority to declassify material accessioned into the National Archives. He is to use this authority only "in accordance with this order, directives of the President issued through the National Security Council and pertinent regulations of the Departments." While the archivist's authority is, thus, limited, this provision eliminates the need for specific delegations of authority from each agency and will sharply reduce the time and paper previously expended in routing individual documents to the agencies for declassification action.

Section 11 grants a comparable, but broader, authority over a particularly important category of classified material, namely that classified "by a President, his White House Staff or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential Library." Again, the authority has

certain limitations, since it is to be exercised only in accord with "the terms of the donor's deed of gift," only after "consultation with the Departments having a primary subject-matter interest" in the material, and, of course, only in accord with the other pertinent provisions of the executive order itself. This section too will save time and trouble in declassification. But, more importantly, it makes explicit provision for declassifying older presidential and White House material. Previously, no one had clear authority to declassify such documents, with the result that they existed in a limbo of indefinite, and possibly perpetual, classification.

The third part of Executive Order 11652 that affects the work of the National Archives is Section 5 (E), which introduces, for the first time, the principle of automatic declassification after thirty years. For such older material classified prior to the new executive order the archivist has been given the responsibility of review for declassification, and he is to "separate and keep protected only such information as is specifically identified by the Head of the Department," who is also to "specify the period of continued classification." Such continued classification can be made only when protection of the material "is essential to the national security or disclosure would place a person in immediate jeopardy."

The new executive order, and the thirty-year rule in particular, enlarged and at the same time eased the declassification task of the National Archives and Records Service. What began as a limited five-year program to declassify the Second World War documents has now become an ongoing program to review documents as they reach their thirtieth year. As a result, the World War II material must all be dealt with by the end of 1975, rather than 1977 as the original five-year program intended. By 1976 the National Archives staff will begin working on the postwar material. At the same time, the executive order and the implementing directive of the National Secu-

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rity Council have enabled the National Archives and Records Service to cut the cost of declassifying the Second World War documents by nearly 40 percent.

To carry out the National Archives and Records Service's declassification program a new Records Declassification Division has been established under Edwin Alan Thompson, a former Eisenhower Library staff member who was brought back to Washington in April 1971 to plan the declassification of the World War II documents. Other experienced staff members have been transferred to the new division, and new staff members have been employed. At the same time the other major agencies of the government involved in the classified document area, including the intelligence community, the National Security Council, and the State Department, have provided substantial support and cooperation. The Department of the Army has been particularly responsive, assigning to the task more than two hundred reserve intelligence officers, employing experienced civilian experts in military records, and

placing in National Archives facilities a permanent unit to work on declassification.

Although the program is new and is not yet fully staffed the results are significant. The Records Declassification Division, together with army, navy, and air force teams and liaison officials of other agencies, has now declassified slightly less than 30 million of the 160 million pages of World War II documents. Some of the material declassified has been fairly routine, such as wartime records of the Army Ordnance Department or the Navy Bureau of Aeronautics. Some is more sensitive material, like the army intelligence (G-2) files for the immediate prewar and early war years. And some is of the highest level, such as the Roosevelt-Churchill correspondence and the post files of the U.S. diplomatic mission in China during the war (which include some documents on Vietnam).

The program has just started and there is much more to be done. But a beginning has been made in leveling the mountain of classified documents and making valuable material available for scholarly use. □