

# Obama Ordered National Archives Records of His Crimes Destroyed

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By [Thomas Lipscomb](#)

In the middle of directing the difficult task of transferring the historically important records of the Obama administration into the National Archives, the archivist in charge, David Ferriero, ran into a serious problem: A lot of key records are missing.

A first-rate librarian, Ferriero has been driving a much-needed digital overhaul and expansion of the National Archives over the nine years of his appointment. This will greatly improve the ability of digital search locally and remotely, as well as accessing the files themselves.

To support this effort, in 2014 President Obama signed the **Presidential and Federal Records Act Amendments**. For the first time electronic government records were placed under the 1950 Federal Records Act. The new law also included updates clarifying "the responsibilities of federal government officials when using non-government email systems" and empowering "the National Archives to safeguard original and classified records from unauthorized removal." Additionally, it gives the Archivist of the United States the final authority in determining just what is a government record.

And yet the accumulation of recent congressional testimony has made it clear that the Obama administration itself engaged in the wholesale destruction and "loss" of tens of thousands of government records covered under the act as well as the intentional evasion of the government records recording system by engaging in private email exchanges. So far, former President Obama, former Secretary of State Hillary Clinton, former Attorney General Lynch and several EPA officials have been named as offenders. The IRS suffered record "losses" as well. Former federal prosecutor Andrew McCarthy **called** it "an unauthorized private communications system for official

business for the patent purpose of defeating federal record-keeping and disclosure laws.”

Clearly, America’s National Archives is facing the first major challenge to its historic role in preserving the records of the United States. What good is the National Archives administering a presidential library, like the planned Obama library in Chicago, if it is missing critical records of interest to scholars? And what’s to prevent evasion of the entire federal records system by subsequent administrations to suit current politics rather than serve scholars for centuries to come?

The National Archives in Washington has evolved from a few dusty shelves in 1934 to an independent agency with over 40 facilities nationwide. These include field archives, military records, Federal Records Centers, 13 presidential libraries, the Federal Register, and the National Historical Publications and Records Commission.

Its electronic records system alone, which only began in 2008, has already compiled close to 1 billion unique files from over 100 federal agencies totaling well over 400 terrabytes. The

archive describes itself as “the U.S. Government's collection of documents that records important events in American history. ... the Government agency that preserves and maintains these materials and makes them available for research.”

Federal records have solved historical mysteries and provided key information ever since the archive's founding. Adm.

Hyman Rickover's investigations there proved his suspicion that the U.S. battleship Maine had not been sunk by a Spanish mine, but rather an explosion caused by careless proximity of gunpowder storage to coal bunkers.

And in my own research, I found a detailed report of the debriefing of Nazi Deputy Reichsfuhrer Rudolf Hess by MI6 the day after he parachuted into Scotland -- a report that was not in the British Archives. It established that in May 1941, over seven months before the Wannsee Conference formalized the Nazis' “Final Solution,” Hess had told the British: “We are exterminating the Jews.” It established as lies the Allies' claims they only learned about the Holocaust later.

The archive sensibly only collects a fraction of the federal records for its permanent archive. That number varies between 2 percent and 5 percent of the total. That can be a good thing, according to historian Arthur Herman. “In studying a bureaucracy, too much evidence may be a greater danger than too little,” he said. “The amount of material often seems to be inversely proportionate to the value of its evidence.”

And Pulitzer Prize-winning historian Joseph J. Ellis points out that it is not always the record itself that is key: “Sometimes it is the marginalia. There were 28,000 notations in the John Adams collection that were critical to my interpretation of the relationship between John and Abigail Adams.”

And marginalia may be the key to solving the puzzle of just what the late Sandy Berger, acting as former President Bill Clinton’s representative, was destroying during his 2005 trips into the National Archives, where he stuffed papers into his clothing. Berger only got away with this twice before archive personnel kept tabs on him, but the first trips involved as yet uncatalogued material so no one really knows what he took. But there seemed to be copies in the archive of everything they

caught him with. And archival libraries dependent upon physical papers are vulnerable.

Every archive in the world suffers attacks, resulting in the theft of its records, the amending or destroying of them, and the archive has had five it knows of since Berger. Digital storage and authentication will be a great help in securing all holdings.

Berger was supposedly reviewing records for a Clinton response to the 9/11 Commission's considerations of mistakes made leading up to the attack on the World Trade Center and the Pentagon. Dean Emeritus of Boston University Law School Ronald Cass wonders if there was telling marginalia by Clinton or others on some of these documents that were not on the file copies. The Clintons seemed to have a longstanding problem with records, since the disappearance in 1994 and reappearance in 1996 of the subpoenaed Rose Law Firm files in the Clintons' private White House quarters.

Now the National Archives is faced with Hillary Clinton's history-making assault on government records while secretary of state, which Cass describes as fitting a pattern of "destroy,

deny and corrupt the process.” (This is no doubt why Harvard just awarded her the Radcliffe Medal citing her “transformative impact on society.”)

How does David Ferriero plan to deal with this unique challenge to his institution? First, it’s not just his problem, although he must address the realities of gaps in the record and how it will affect plans for the new Obama presidential library. But will there be penalties for violating the 2014 law? Is it even possible to continue the great tradition of maintaining an authentic record center for the United States that President Franklin Roosevelt founded 83 years ago, if that law is not supported?

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