

Unlocking the Archive: The Defense Department's Plan to Make Unreleased Audiovisual Records Public

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Abstract

Defense Media Activity (DMA) is the Department of Defense's (DoD) direct line of communication for news and information to U.S. forces worldwide. The agency informs DoD audiences, entertains DoD audience overseas, trains Public Affairs and Visual Information professionals, and manages the DoD's visual information.

The central audiovisual archive of the Department of Defense (DoD) holds millions of images ranging from World War I to current operations in the Middle East. The Defense Imagery Management Operations Center (DIMOC) of the Defense Media Activity centrally collects, processes, disseminates and archives audiovisual records documenting the many activities of the Defense of Department (DoD) around the globe. In an effort to make the entire DoD collection publically available online, the DIMOC has developed and implemented an innovative process to address a large portion of the collection that has not been cleared for public release. This paper explores the historical context for the mixed DoD collection and the innovative solutions implemented by DIMOC to overcome barriers to clearing this content for public access.

Defense Audiovisual Records 101

Audiovisual records of the Department of Defense (DoD) capture and preserve America's military history. Keen public interest in DoD audiovisual records is evidenced by the fact that the various military Records Groups comprise only about 35% of the total U.S. government audiovisual collections held by National Archives and Records Administration (NARA), while they generate as much as 67% of the public use requests [1].

Perhaps more importantly, DoD audiovisual records document the Department's organization, functions, policies, decisions, procedures, and essential transactions as required by law [2]. DoD audiovisual records can only be released to the public after they have been reviewed for certain military matters, national security issues, or other subjects of significant concern to the Department [3].

It follows that a significant percentage of DoD audiovisual records are not reviewed for public release because they are created and only used for specific internal purposes. While the majority of DoD audiovisual records are reviewed, a small percentage of these will contain elements which preclude public release. Such federal records must be safeguarded as Controlled Unclassified Information (CUI) consistent with law, regulations, and government-wide policies [4]. Examples of sensitive elements could include operational security, medical privacy, sensitive information, and personally identifiable information. Some estimates of the number of non-current unreleased DoD audiovisual records go as high as 1.2 million [5].

Most of these unreleased audiovisual records would remain locked up as CUI if not for several bold initiatives and process innovations undertaken by the organization responsible for centrally preserving DoD audiovisual records: the Defense

Imagery Management Operations Center (DIMOC). This paper will briefly explore the historic motivating forces behind the consolidation of the DoD audiovisual records into one "collection of collections" now curated by DIMOC and the organizational challenges they faced in transforming from a simple agency repository mindset into a 21st Century archive. We will then examine in detail the development of the new Archival Framework that has become the transformative catalyst to streamline and facilitate the review of thousands of non-current DoD audiovisual records for public release.

What the DoD Collection Is and Is Not

For reference, it is important to note that the DoD audiovisual collection curated by DIMOC is comprised almost entirely of unclassified records produced within the Department by "directed sources." Directed sources are specialized military units, specially trained personnel, and deployable units manned by a variety of communication personnel who are organized, trained, and equipped to collect and produce a variety of official media products for their supported DoD components [6]. Examples of directed audiovisual records include, but are not limited to, Combat Camera documentation of international disaster relief operations, internal military news reports, command information products, and official military training videos.

Less than one percent of the audiovisual collection comes from "derivative sources" that include manned, unmanned, and remotely piloted imagery platforms or technical and scientific documentation of weapon system tests. These types of audiovisual records are maintained separately by the intelligence community or agencies whose systems create or collect them. Only small segments are selected for public release to become part of the central DIMOC-curated audiovisual collection. For example, derivative audiovisual records ingested into the DIMOC collection might include short (less than 60 second) drone or weapon system clips depicting combat aerial strikes against enemy targets or high-speed footage of test launches of military rockets and missiles.

Because the DIMOC-curated audiovisual collection is composed entirely of federal records produced by or for the DoD, it is generally free of intellectual property rights restrictions for official uses or for distribution to the public for news and information purposes. However, the use of DoD-created audiovisual records by non-governmental entities for commercial purposes or even non-profit fund raising can present certain legal challenges that will be discussed later in this paper.

As previously noted, the primary limitation to general public access to these audiovisual records is the mandate for security and policy review for all DoD information proposed for public release [7]. Fortunately, addressing this important restriction presents the greatest potential to increase the percentage of the audiovisual holdings that can be made publically available and is what became the genesis for the DIMOC Archival Framework.

Out of Many, One

With the exception of certain intelligence media collections and special collections of the Library of Congress, the Defense Department is unique among federal agencies in requiring all its components to submit their audiovisual records into one central DoD records center for collection, dissemination, access, preservation and subsequent transfer to NARA [8]. The establishment of this unified DoD audiovisual archive in policy, doctrine and practice is something often taken for granted within the Department. Nonetheless, it is arguably the primary organizational enabler for the efficient, enterprise-level curation of agency-wide DoD audiovisual records for access and long-term preservation.

This has not always been the case. During World War I, the Army Signal Corps began actively recruiting and enlisting skilled photographers to document the war. To support this new Army photographic mission, the Signal Corps Photographic Laboratory was established at the Washington Barracks on what is now Fort McNair, Washington DC. This was the central organization responsible for managing all Army still and motion photography production along with the resulting photographic records [9].

When the U.S. entered the second World War in 1941, the Army merged the photographic laboratory with related command elements to become the Army Pictorial Service (APS), which subsequently moved from the Washington Barracks into the newly constructed Pentagon [10]. By 1944, APS was processing more than 10,000 combat still photos a month and amassed more than 500,000 images in their repository by the war's end. Army combat motion picture film and numerous training films were processed and stored at the Signal Corps Photographic Center housed in the former Paramount Studios in Long Island City, New York [11].

Each of the other Military Services undertook parallel but separate efforts in establishing still and motion picture capabilities and repositories. The Navy stood up the Naval Pictorial Service which included a still and motion picture repository at Anacostia Naval Station, Washington DC [12]. Marine Corps Combat Camera imagery was collected at separate still and motion picture depositories located on Marine Base Quantico, VA [13]. Following the constitution of the U.S. Air Force as a separate Service in 1947, the Air Staff created the Air Pictorial and Charting Service which went on to establish a still photo repository in Arlington, Virginia and a motion picture repository at Wright-Patterson Air Force Base, Ohio [14].

By September of 1961, the DoD had no less than eight distinct and separate still and motion picture depositories in full operation. Over the next twenty years, through two more wars and hundreds of operations, these separate-but-equal repositories continued to collect combat and non-combat audiovisual records from their respective Services. All eight repositories also made regular audiovisual collection transfers separately to NARA for accessioning as permanent federal records.

During the following years there was a growing concern in the Department about the burgeoning and duplicative Service-unique audiovisual activities; to include the eight repositories. After conducting no less than four internal studies on audiovisual activities, the Deputy Secretary of Defense decided in 1967 to establish the Office of Audiovisual Activities as the central DoD office for policy and oversight of all audiovisual activities. In turn, this oversight office published the first DoD audiovisual policy directive in 1972 which, among other things, established a senior governance group known as the Defense Audiovisual Committee

with representatives from the four Services to advise the Assistant Secretary of Defense on audiovisual matters [15].

As the 1970s moved along, additional DoD audiovisual consolidation studies were conducted and political pressure began to mount through a series of Congressional hearings on federal audiovisual activities. Following a scathing 1978 report by the General Accounting Office on motion picture storage and maintenance, Congress added a special annual budget exhibit to the Defense Appropriation Bill requiring the DoD to report on audiovisual activities across the Department. As if to drive the point home further, Congress then slashed all DoD audiovisual budgets by 10 percent across the board in the 1979 appropriation bill [16].

Bowing to the ongoing political pressure, and upon recommendation of a Joint Service Planning Group, the Deputy Secretary of Defense approved consolidation of the major Service audiovisual activities into a new DoD-level organization named the Defense Audiovisual Agency (DAVA) [17]. Then, faced with the cost and overhead of operating eight geographically separated audiovisual repositories, the fledgling DAVA conducted its own consolidation study which resulted in the closure of all but two repositories; the still media repository at Anacostia Naval Station, DC, and the motion media repository at Norton AFB, CA. [18]. This consolidation from eight to just two depositories required 14 tractor trailers moving approximately 150,000 boxes of 35mm, 16mm, and 2-inch videotapes, 100,000 boxes of stock footage, and 600,000 pounds of printed material [19].

Consolidation of repository functions served to reduce the agency's span of control, but the cost savings were not enough to compensate for ongoing inefficiencies in various other DAVA missions. In a move to strengthen executive oversight of DAVA, the Assistant Secretary of Defense for Public Affairs upgraded the voting membership of the Defense Audiovisual Steering Committee (DAVSC) to the level of general and flag officers in 1983 [20]. Using this increased authority and oversight role, the DAVSC reviewed the DAVA missions and responsibilities and concluded the joint audiovisual functions could be performed more effectively by operating on a decentralized basis. Based on this review, Secretary of Defense Casper Weinberger issued a formal order to disestablish DAVA effective October 1st of 1985. This order also directed that ongoing policy guidance and central management was to be provided by the Assistant Secretary of Defense for Public Affairs [21].

Although DAVA was officially disestablished as an agency after just six years in operation, the consolidation of certain audiovisual functions remained intact. These consolidated functions were assigned to the various Military Services to serve as executive agencies on behalf of the entire Department. The former DAVA still and motion media centers were transferred to the Navy and the Air Force respectively [22].

That same month, the Defense Department officially changed the name of the long-standing functional area called "Audiovisual" to the new title of "Visual Information" (VI) with the publication of the first DoD Instruction 5040.02 "Visual Information Activities" [23]. This instruction also changed the long-standing name of the DAVSC to the "Defense Visual Information Steering Committee" (DVISC). The term audiovisual slowly disappeared from the DoD lexicon until it was eventually replaced by VI. In fact, it would take a full five years for the name of the policy and oversight office that wrote 5040.02 to be changed from the Defense Audiovisual Policy (DAP) to Defense Visual Information (DVI) in 1990 [24]. In light of this functional name change, the

remainder of this paper will begin now refer to DoD audiovisual records as Visual Information (VI) records.

By October 1995, exactly ten years after the disestablishment of DAVA, the still and motion media record centers were transferred out of the Navy and Air Force and placed under the control and ownership of DVI. The following year, the still media record center in Anacostia was officially closed and all the legacy still media was consolidated into a new state-of-the-art motion and still media records center located in Riverside, CA [25].

For the first time in the 78-year history of military audiovisual and visual information records, there was now one single centralized DoD repository for all VI records, regardless of medium. This consolidation laid the foundation that would one day enable a move away from a repository mindset where VI records were simply held until someone requested them. This legacy mindset was most typified by a now retired DoD archivist who once told this author, "This is where VI records come to die."

Today, DoD VI records are doing anything but languishing and dying. By 2016, two decades after the creation of the consolidated DoD VI records center, DVI and DIMOC are turning the huge DoD record collection into a new 21st Century digital archive. In fact, by 2018 and the 100th anniversary of the establishment of the first Army photographic repository at the Army Barracks in Washington DC, nearly all of the DoD collection containing more than 6 million records will be digitized and accessible on the web. This great achievement has been a century in the making and will set the stage for the next 100 years of military photography.

Great Achievement, Greater Responsibility

DIMOC's new technical and organizational ability to post the massive DoD archive on the web also means they must take full responsibility for curating the collection for public access. This is no small feat considering DIMOC and the precursor photo depositories had never asserted ownership of the VI records for release purposes. Nor had they developed the internal expertise and processes to navigate the complex legal and policy issues surrounding public release of government information. Nevertheless, these issues had to be addressed if the strategic goal of a establishing a 21st Century digital archive was going to be achieved.

What follows is a summary of the primary solutions implemented by DVI and DIMOC to more efficiently curate the DoD VI collection for public access. These solutions addressed (1) the challenges of rights clearance, (2) authorities for collection management, and (3) the Archival Framework strategy used to streamline security and policy reviews for previously unreleased VI records.

Challenge #1: Rights Clearance

In general, DoD VI records are works of authorship prepared by U.S. Government employees as part of their official duties and are therefore not eligible for copyright protection in the United States. Considering VI records are therefore in the Public Domain, the first challenge of making government records available to the public is establishing how important equities will continue to be protected, even without copyright registration. For DoD VI records, these equities included avoiding the appearance of DoD endorsement for non-governmental entities, protecting DoD trademarks, acknowledging the potential existence of third-party intellectual property (such as stock music), and addressing the

privacy and publicity rights of DoD personnel depicted in VI records.

DVI engaged with the Office of the Assistant to the Secretary of Defense for Public Affairs and the DoD Office of the General Counsel in developing new policy to address specific rights and equities for publically available VI records. This new policy now requires official DoD public web sites containing VI records to post a standard legal disclaimer entitled the "Limitations For Public Use" [26]. This disclaimer was written in such a way as to reduce legal risks associated with providing official VI records to the public by citing applicable restrictions in a manner that notifies non-governmental entities prior to their commercial use of government-produced VI. The language of the disclaimer also helps to indemnify the Department from potential misuse of DoD VI material by such entities. Although the language of the disclaimer is too lengthy to include here in this paper, it provides a potentially useful template for other governmental archives and can be accessed at:

<http://www.dimoc.mil/resources/limitations.html>

Challenge #2: Clearance Authority

Established policy on the clearance of DoD information for public release normally assigns the authority and responsibility for doing so to the originating military Component [27]. On the surface, this appears to greatly limit DIMOC's release authority because VI records held in the DoD collection all originated from other military Components. In fact, DIMOC and the precursor VI depositories seldom if ever exercised clearance authority, but instead returned records to the originating Component for review on an as-needed basis.

Continuing such an approach is not feasible on a very large scale considering the wide age and sheer number of VI records (as many as 1.2 million) needing review for public release. DIMOC estimated it would require 600,000 man hours (about 357 man-years) to review all the un-cleared VI records by contacting the originating Component (assuming they still existed), and requesting an image-by-image content review [28].

Instead, DVI pursued the innovative strategy of asserting DIMOC's presumptive release authority as the designated VI Records Center for the Department of Defense [29]. This approach points out how the military Components are required to accession their VI records to DIMOC [30] and that under the Freedom of Information Act (FOIA), these records then met the legal definition of DIMOC agency records given their possession by DIMOC.

Specifically, DVI cited the Supreme Court basic, two-part test for determining what constitutes "agency records" under the FOIA: "Agency records" are records that are (1) either created or obtained by an agency, and (2) under agency control at the time of a FOIA request [31]. Furthermore, DVI held that VI records held in the central collection meet all four court-identified factors to now be DIMOC records:

1. The intent of the VI record's creator was to relinquish control over the record
2. Under the VI Record Schedule, DIMOC has authority to dispose of a VI record
3. DIMOC personnel rely upon the VI records for conduct of daily operations
4. All VI records are fully integrated into the DIMOC's recordkeeping system

DVI coordinated this new presumptive DIMOC release authority with a proposed standard clearance methodology called the “Archival Framework,” with the DVISC and with the Defense Office of Prepublication and Security Review (DOPSR). The Archival Framework provides the road map on how DIMOC now complies with established policy and security review guidance.

Elements of the Archival Framework

One of the tangible benefits of ingesting millions of digital VI records into a commercially contracted library management system is the ability to fully populate associated metadata into standardized record fields using a controlled vocabulary. This includes legacy physical VI records that are digitized and curated for metadata within this system.

The Archival Framework rides this collection-wide metadata schema to simplify the identification and review of VI records for release within the context of smaller sub-collections with common attributes. One very simple application would be something like: a military photographer submits 20 photos of an official event, but only two of the photos have been reviewed for release by the originating Component. The framework allows for the identification of the other 18 photos and the extrapolation of that clearance to the entire collection of 20.

Most of the VI records being reviewed by DIMOC are not as clear cut as this example and require the application of multiple topic-specific qualifiers before being approved for release. With this in mind, the Archival Framework applies as many as five distinct security and policy review areas to the approval of non-current VI records for release.

The classification of VI records as “non-current” is significant to DIMOC’s authority to curate VI records for public access and can be explained this way: VI records are considered current while they are within the public news and information cycle and their review for public release remains with the originating DoD Component. In general, these VI records become non-current after six months as the originating DoD component moves onto new operations and news events and DIMOC assumes custody of the record as the official DoD VI Records Center.

The section below briefly examines the areas contained in the Archival Framework. Although they are presented here in sequence, in practice the review areas may be applied in any order based on the VI collection being reviewed within the digital asset management system of record.

Area #1: Operational Security

This area is broadly defined as operational security surrounding current military operations and uses the data fields “Release Status,” “Date Shot,” and “Operation-Exercise Name.” In general, VI records of current and ongoing military operations are considered “current records.” As noted above, current VI records belong to the originating Component for release purposes. Only “non-current” VI records more than six-months old may be reviewed by DIMOC using the Archival Framework for release. Within the DIMOC, the Joint Combat Camera Center (JCCC) tracks all the current military operations and exercises until completion.

If an ongoing named military operation lasts longer than six months it can result in an operational security “hit” for those un-cleared records under review. The “Notes” field will then be annotated and the record(s) will be placed into the “Hold Workflow State” where DIMOC Public Affairs will either review

for release, hold until completion of the operation, or refer them to the appropriate competent authority for release.

Area #2: Freedom of Information Act

This area examines VI records for possible exemption from public release under the Freedom of Information Act (FOIA) of 1966 and uses the data fields, “Release Status,” “Date Shot,” “Caption/Description,” and “Keywords.” The FOIA review compares un-cleared VI records against eight legally specified FOIA exemptions [32] using the descriptive narrative contained in the caption and specified FOIA keywords established by DIMOC. If a FOIA exemption “hit” is encountered, the subject records are annotated in the “Notes” field and placed into the “Hold Workflow State” for further review by DIMOC Public Affairs personnel.

Area #3: Sensitive Subjects/PA Guidance

This review area compares un-cleared VI records against the most current list of DoD sensitive subjects and other restrictions established by Public Affairs (PA) Guidance (PAG). As published for military operations and other topics, PAG contains constraints and restraints established by proper authority regarding public communication activities [33]. Sensitive subjects are usually established by either the Military Services or the DoD to specify narrow restrictions on release of certain kinds of unclassified information.

Some examples of constraints and sensitive subjects are arms treaty implementation, essential communication sites, and high-energy laser technologies [34]. The data fields used for this review include “Release Status,” “Date Shot,” “Operation-Exercise Name,” “Caption/Description,” and “Keywords.” To optimize the effectiveness of this review, DIMOC may also establish keywords within the controlled vocabulary to reflect long-term restricted subjects.

Area #4: Apply Collection Standards

This review either applies (1) a standard date-dependent release authorization for VI records or (2) looks for similar records that have already been released by a competent authority. To streamline the clearance process and foster public access to non-current DoD VI records, DIMOC (with few exceptions) will automatically release VI records that are greater than 25 years old.

This 25-year principle aligns the public release of unclassified VI records with the 25-year automatic declassification of national security classified information established by President Obama by Executive Order (EO) 13526 in 2010. Among other things, this EO directs that no US national security information may remain classified or restricted from release forever. The standard application of a 25-year release principle uses the data fields “Release Status” and “Date Shot.” VI records released under this principle will have their “Notes” field annotated as to when, why, and who released them.

While there are currently no similar mandated “decontrol” dates for Controlled Unclassified Information (CUI), a separate Executive Order #13556 designated NARA as the Executive Agent for CUI across the federal government. NARA is currently developing standard CUI categories, associated markings, safeguarding, dissemination and “decontrol” (release) procedures for publication in 2018.

In consultation with the DVISC and DOPSR, DIMOC determined the level of risk for releasing VI records older than 25 years was so slight that it did not justify the program cost of additional review mechanisms. In practice, this release rule has

greatly sped up the process of releasing legacy VI records and saved hundreds of man hours of unnecessary work.

For records less than 25 years old that touch on sensitive subjects or PAG, DIMOC specialists will look for similar VI records in the same collection that have already been released by competent authority. In this case, the existence of a sensitive topic in the metadata of a VI records does not necessarily mean the visual depiction actually violates the associated restriction. For example, photos of the Deputy Secretary of Defense touring a nuclear storage facility that were released by the Air Force could be cited in releasing very similar photos of a former Secretary of Defense touring that same facility in previous years. VI records released using the “release decision extrapolation” principle will be annotated as such in the “Notes” by DIMOC. The data fields used for this review include “Release Status,” “Date Shot,” “Operation-Exercise Name,” “Caption/Description,” “Notes,” and “Keywords.”

Conclusion

The establishment of a unified DoD Visual Information archive in 1996 laid the foundation for what is becoming a truly 21st Century digital archive. Under the guidance and leadership of the Defense Visual Information component, DIMOC has successfully transitioned out of a nearly century-old mindset of “audiovisual repository” into a massive on-line archive giving access to 100 years of military history.

Faced with the daunting challenge of reviewing and clearing as many as 1.2 million un-cleared records for public access, DIMOC worked in concert with their governance and policy partners to establish new policy for rights clearance and assert their presumptive authority to review records created by other DoD Components. The innovative Archival Framework based upon standard metadata, security policy and FOIA law has greatly accelerated the large-scale review of un-cleared VI records. The lessons learned and established solutions may serve as benchmarks for other governmental or public audiovisual archives.

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