

Public Interest Declassification Board
Minutes of the Meeting
April 22, 2010

The Public Interest Declassification Board held a public meeting on Thursday, April 22, 2010. This meeting was held in the Longworth House Office Building in Washington, DC. Martin Faga chaired the meeting. Board members present were David Skaggs and Herbert Briick. Also present were William J. Bosanko, Director, Information Security Oversight Office (ISOO), serving as Executive Secretary for the PIDB; William A. Cira, John Powers, John Bell, Evan Coren, Neena Sachdeva, ISOO, serving as PIDB staff. In addition, approximately fifty-five members of the public were in attendance. Dr. Michael Kurtz, Assistant Archivist for Records Services and the Acting Director of the National Declassification Center (NDC); Mr. David Mengel, Project Manager of Business Process Re-engineering, NDC; and Mr. Wayne Leathers, Lean Six Sigma (LSS) Consultant to the NDC, provided briefings on the NDC to the Board.

I. Welcome and Opening Remarks

Acting Chairman Faga welcomed those in attendance and thanked the House Committee on Administration for providing its hearing room for the meeting. Mr. Faga also thanked former PIDB Member and historian Ron Radosh, whose term had expired earlier in the month, for his service to the Board. In his overview statement, Mr. Faga noted the President's December 29, 2009 memorandum to agency and department heads regarding the more than 400 million pages of records at the National Archive and Records Administration (NARA) that are awaiting final declassification review. In his memo, the President indicated that this backlog was to be eliminated and the records reviewed under the auspices of the NDC by December 31, 2013. Mr. Faga indicated that the main purpose of this public meeting was to learn about how the NDC will operate and accomplish its tasks. Mr. Faga introduced Dr. Michael Kurtz, David Mengel, and Wayne Leathers.

II. Briefings on the State of the National Declassification Center

Dr. Kurtz briefly introduced Mr. Leathers and Mr. Mengel. He stated he was eager to share the team's experience of establishing the NDC and designing its work processes.

Mr. Leathers' presentation provided a general overview of the Lean Six Sigma (LSS) program, an analytical methodology that evaluates internal business processes. The "lean" component assesses business processes dealing with speed and efficiency while the "six sigma" component evaluates business processes in terms of performance, accuracy, and consistency. The NDC must adopt business processes that incorporate LSS strategies to be successful. He also noted that NARA and the participating agencies need to make a "cultural change" that will allow for these new processes to be included as part of the overall declassification review. During his presentation, Mr. Leathers noted several on-going pilot projects designed to test and analyze the declassification review process using LSS methodology. These evaluation projects began in September 2009 and are continuing through May 2010. The results will be analyzed and reported back to NARA.

Dr. Kurtz began his presentation by emphasizing the mission of the NDC as "releasing all we can, protecting what we must." He noted that the NDC was physically located at the National Archives facility in College Park, Maryland. In partnership with the Department of Defense's

Deputy Chief Management Officer, NARA is currently in the process of conducting a detailed Business Process Re-engineering project. He spoke on developing a workable process to meet the objective addressed in the President's December 29, 2009 memorandum regarding the final processing of the 408 million pages. The two-phased plan focuses first on the review of textual records; the second phase focuses on the review of special media records, such as audio-visual and electronic records. The NDC must reconfigure workspace at College Park to accommodate additional reviewers, and to support the review of special media records. Current declassification processes must be changed to allow for both a quality review as well as a timely review in the first instance that eliminates unnecessary referrals and the need for subsequent reviews. In an effort to improve equity recognition and review quality, the NDC is taking measures to provide reviewers with detailed equity recognition training and an on-line library of available agency declassification guidance. However, he noted that access to agency declassification guides has been a long-standing issue of concern for some agencies.

Dr. Kurtz addressed the concept of developing a prioritization plan for reviewing records in the NDC. The plan would be based on a matrix that takes into account public interest, the likelihood of declassification, and the volume of records. The NDC will provide its initial prioritization plan to the Board for comment and solicit public input by using various social media tools. Dr. Kurtz noted that a top priority in the prioritization plan would be the review of Presidential records already scanned as part of the Remote Archives Capture project. They are "historically significant," have high researcher interest, and are already in a system that will allow for a complete review.

Dr. Kurtz expects to have the results of the pilot projects by June 1, 2010, and intends to have processes in place and operating shortly thereafter. However, he noted that the ultimate measure of success would be the volume of records reviewed and the volume of records made available for public access. In moving such a large volume of records to the open shelves quickly, NARA has opted not to create additional descriptive finding aids that it normally would otherwise do. Instead, NARA will release only the existing basic finding aids that came with the records when they were transferred from the originating agencies to NARA.

There are several areas of concern as the NDC begins to operate. Dr. Kurtz noted these areas include: the volume of referrals, the necessity for re-reviews, quality assurance mechanisms, proper equity recognition, and interagency co-operation in sharing of declassification guides. Additionally, the NDC also recognizes the unique challenges of reviewing special media records. To address this critical issue, interagency cooperation and insight is essential. He noted the example of a Central Intelligence Agency (CIA) proto-type that may provide automated solutions to expedite declassification.

III. Board Questions on the Progress and Strategies of the NDC

Mr. Skaggs asked about the definition of "human sources" as distinct from "sources and methods" used in the President's December 29, 2009 memorandum on addressing the backlog of the 408 million pages. Mr. Mengel replied that agencies have expressed great concern about limiting their review to only allow for protection of the identity of "human sources." The NDC has recently asked ISOO for assistance on this issue. It was noted that some may interpret the term "human intelligence source" to include some technical means. Mr. Faga commented that "sources and methods" has such a broad connotation as to say the President's Daily Brief (PDB) qualifies as a "method."

Mr. Skaggs asked about NARA's experiences in reviewing the records of the 9/11 Commission for declassification and further asked if there were any "lessons learned" that can be applied to processes of the NDC. Dr. Kurtz replied that older records are less sensitive and easier to review whereas more recent records are more difficult.

Mr. Briick asked Mr. Leathers how risk management within LSS operates. Mr. Leathers responded that the LSS's goal is to minimize the error rate and that the risk management approach is a different standard. He further explained that, realistically, it is difficult to achieve complete accuracy in a manual review of records. Instead, he felt that an electronic search tool, such as the CIA's use of "dirty word" searches, would make the process more accurate. Mr. Briick asked what kind of sampling is required to complete processing the 408 million pages by December 31, 2013. Mr. Leathers stated that 25 percent of all un-tabbed pages in a container will be sampled. A quality review team would then assess the sample.

Mr. Faga inquired how the released records would be discoverable. Dr. Kurtz noted that a variety of basic finding aids would be made available, including the Standard Form 135 (Records Transmittal and Receipt Form). However, he noted the available documentation would not be the ideal descriptive finding aid that NARA normally would otherwise provide. Mr. Faga then inquired as to how, with tenfold increase in the workload, will the NDC meet the President's December 31, 2013 deadline for completing the final review of the 408 million pages. Dr. Kurtz responded the new LSS processes are being tested to discern levels of productivity and adjustments may be necessary. Mr. Leathers detailed the sampling process, noting that 25 percent of records within a series will be sampled. Within the sample, reviewers will search for information that would identify a "human source" or "key design concepts of weapons of mass destruction." If neither is found, the larger series of records will bypass a complete review and be placed on open shelves.

Mr. Faga asked what the NDC would do about the lack of standardization in creating sufficiently detailed declassification guides. Dr. Kurtz answered that the NDC was working with ISOO on the issue of declassification guides. He also noted that the NDC was working with ISOO to assist in developing an equity recognition training program. Mr. Faga queried Dr. Kurtz about the NDC's plan to create its prioritization plan and work plan. Dr. Kurtz stated that NDC referral processing of Presidential records would take a top priority once a prioritization plan is in place, and he thought that the NDC would review and update its prioritization plan every two to three years.

Mr. Briick wished to know if resources were sufficient to which Dr. Kurtz replied that NARA has 28 new staff and three million dollars for Information Technology (IT) in its budget request. There then ensued a brief discussion of resources beyond the NDC for declassification. Mr. Bosanko noted that the publicly available figure was a fraction spent on classification in general. He noted that this figure did not include declassification spending in the intelligence community as those costs are classified. He noted that a change in the policy would greatly inform the discussion of resources.

Mr. Briick asked Mr. Leathers about his view of the NDC processes from the perspective of LSS. Mr. Leathers answered there were several challenges. The first was the Executive Order; secondly, each agency has its own declassification processes and guides and there is no sharing or common best practice among agencies. Thirdly, the existing referral processes are not

effective or timely. Finally, Mr. Leathers stated that there are as many ways to conduct a process as there are agencies; there is no standardization.

Mr. Skaggs asked how the NDC sees itself two fiscal years from now and if NARA would be required to carry the full fiscal burden (or will other agencies participate and provide resources). Dr. Kurtz responded there is some IT funding in the FY 2011 NARA budget and more funding is part of the FY 2012 NARA budget request. Additionally, there is a request for 28 staff positions; however, after these initial positions are filled, there are no other new positions forthcoming. Mr. Leathers then said that agencies must identify work and staffing needs that will allow them to complete the review of the 408 million pages in forty months. Mr. Skaggs asked if other agencies would contribute staff in actual numbers. Dr. Kurtz stated there are presently approximately one hundred reviewers from other agencies at the National Archives in College Park conducting declassification review but he does not foresee additional assistance beyond those already in place.

Mr. Skaggs inquired about the issue of allowing agencies to access other agencies declassification guides. Dr. Kurtz observed that some agencies are concerned that other agency reviewers will misinterpret information in the declassification guide and review the information, including technical information, incorrectly. Some agencies, therefore, do not think it appropriate to share their declassification guides across agencies. Mr. Bosanko noted that the Interagency Security Classification Appeals Panel (ISCAP) will be engaging with agencies regarding approval of their declassification guides. He noted that the ISCAP must take on the process at the initial writing of the guide rather than at the end of production of the guide. There needs to be meaningful standardized declassification guides as well as equity recognition training for the entire declassification review process to work successfully.

Mr. Faga asked about the availability of automated tools to facilitate declassification review. Dr. Kurtz noted that there is ongoing collaboration with the CIA on a prototype. There was then a discussion of the subject of the NDC process's definition of a "defect." It was pointed out that right now a "defect" is only being considered a missed equity. Mr. Bosanko noted that a "defect" should also be information that is withheld which should not be withheld (that is, over classification). In the long term this needs to be addressed and included in the business process assessment after the backlog has been eliminated.

Ms. Jennifer Sims, a member of the Board who submitted questions in absentia, asked the following questions: "What is declassification review related data? How will standards for these be set to ensure that high quality processes will not be compromised in one agency to achieve standardization across agencies? How is the NDC defining "high quality" – as most efficient or least error prone? Who decides on this trade off?" In response, Mr. Leathers held that the NDC is first focusing on eliminating the backlog of 408 million pages; it has not yet focused on addressing the long-term challenges of declassification. In developing standards for the NDC processes, he stated that he does not segregate efficiency or "lean" from quality, lower defects or "six sigma"; rather, he views the two as conjoined.

IV. Questions and Comments from the Public in Attendance

The following individuals presented comments or posed questions, individually or in concert, to members of the Board, Dr. Kurtz, Mr. Mengel, and Mr. Leathers:

William Burr, National Security Archive
James David, Smithsonian Institution
Frank DeBenedictus, Cold War Times
Nate Jones, National Security Archive
Brian Martin, History Associates
Anna Nelson, Professor, American University
Mary Ronan, Access Management Office, National Security Council
Jim Scott, no affiliation identified
David Shapiro, Brennan Center

Mr. David discussed the accessioning process for older records and the need to update the records schedules of critical record groups that have historical significance; of particular interest were the records of the Office of the Secretary of Defense (RG 330) which he thought should be transferred much earlier than the current 50 year schedule. He stated that these records are of high value to researchers but are unavailable. Dr. Kurtz concurred, noting that war records in general should be transferred earlier under an ongoing pre-accessioning program, especially Iraq and Afghanistan war records. He noted that there are a number of issues with RG 330 that the Joint Referral Center and NARA need to resolve.

Ms. Nelson provided several suggestions to the Board and the NDC. Firstly, she stated priorities must be ad hoc and such priorities must come from outside steering groups and the larger community of knowledgeable researchers. On the issue of "human intelligence sources," she spoke of her experience on the John F. Kennedy Assassination Records Review Board (JFK Review Board), and said that there should be no declassification exemptions granted from generation to generation, and no exemptions beyond fifty years. Also, Ms. Nelson affirmed that a page-by-page review of fifty-year old records could not be realistically sustained or continued. Dr. Kurtz assured Ms. Nelson there would be no page-by-page review and the NDC's priority plan will target ad hoc input from the public and public interest groups (such as historians) in developing the work plan. Mr. Bosanko stated that ISOO, working with the CIA and other agencies, is going to address the concept of obtaining a workable definition of "sources and methods" for reviewing the 408 million pages. Ms. Nelson contended the JFK Review Board definition of "sources and methods" should be examined and considered. Mr. Briick asked Ms. Nelson if Presidential records should be the top priority and be reviewed for declassification first. She replied that military records and some State Department and Department of Energy records that are not included in the Presidential Library collections are also very important and should have priority. Further, she noted that the records in Presidential Libraries are important, but that the Libraries are too cautious in declassifying their holdings. She also noted that no CIA records had been accessioned to NARA and were thus not available for inclusion in a NARA/NDC prioritization plan.

Mr. Scott asked about the release of documents related to the CIA's "Family Jewels." Of particular concern, were records relating to the wiretapping of his father in 1962. He asserted the specific documents on his father's activities were heavily redacted even though they are almost fifty years old. He inquired if there was something to compel the CIA to release them, or if the Board could assist him in obtaining them. Mr. Bosanko noted that the "Family Jewels" were still in the legal custody of the CIA, but the records may be requested by filing a Freedom of Information Act (FOIA) request or a Mandatory Declassification Review (MDR) request. He also mentioned that the fifty or seventy-five-year rule would kick in three years from the initial effective date of Executive Order 13526. Mr. Scott mentioned his frustration on gaining access

to these documents to which Mr. Faga stated that while the Board could not compel a decision by the CIA, it could make recommendations. Mr. Brick suggested that Mr. Scott specify which documents he wants released; identifying the specific pages from the approximately seven hundred page document would likely make the request easier for the CIA to process.

Next, Mr. DeBenedictus of the “Cold War Times” noted that the use of the term “national security classification” has become too broad and includes topics outside its limited parameters. Both Mr. Skaggs and Mr. Bosanko attested, in actuality, classified national security information has been limited over time.

Mr. Martin, President of the History Associates, asked if the focus on reviewing the 408 million pages at the NDC would otherwise also affect the processing of FOIA requests, leading to additional delays in processing. Dr. Kurtz answered that FOIA requests are processed by a separate NARA staff. The NDC is wholly separate and its staff is focused on processing the 408 million pages.

Mr. Jones of the National Security Archive inquired whether the 408 million pages included the backlogs at the Presidential Libraries. Dr. Kurtz informed Mr. Jones that it did not. The Presidential Libraries have scanned four to five million pages as part of the Remote Archives Capture project and they will be reviewed at the NDC.

Mr. David asked if the NDC would use the “pass-fail” method or execute redactions. Mr. Mengel responded the NDC would use the “pass-fail” method but redactions would be executed under the FOIA and MDR processes. Mr. Bosanko noted the NDC processes would have more flexibility after the completion of the backlog, noting that redactions could be done for high priority records. It was stated that redaction is a laborious, time intensive and costly process.

Mr. Shapiro of the Brennan Center was concerned how errors would be measured at the NDC and how failures to identify sensitive equities would be addressed. Mr. Leathers answered that the President in his December 29, 2009 memorandum to agencies specified that the focus of the review of records in the backlog was to only identify those records that identified human sources or key design concepts of weapons of mass destruction. ISOO, Mr. Bosanko noted, is examining agency declassification actions (including improper exemptions, missed equities, and inappropriate referrals) in its broader declassification assessments. ISOO has provided feedback to agencies and, beginning this fiscal year, will report findings to the public.

Ms. Ronan of the National Security Staff commented on the usefulness of redaction of information in RAC documents by stating that a simple “pass/fail” process could mean that often the records would “fail” simply because there is a classified name in the distribution line or other administrative issue even when the main text is declassified. She suggested that there be a standard, government-wide policy on how to review, process, and redact agency names, office locations, telephone numbers, and initials of individual clerks, among other information. Ms. Ronan strongly asserted that continuing classification of these records is expensive in terms of manual review and storage costs. Mr. Briick concurred replying the idea deserved careful consideration.

The last speaker, Mr. Burr of the National Security Archive advocated for placing the 408 million page backlog in a publicly accessible format online which would assist the public in

providing input into prioritizing the review of the backlog. Dr. Kurtz responded that any database is an internal agency product and therefore could not be made public.

Mr. Faga adjourned the session.

Additional Documents:

[National Declassification Center Update](#)

[Lean Six Sigma Overview](#)