

**PUBLIC INTEREST DECLASSIFICATION BOARD
MINUTES OF THE MEETING
July 8, 2009**

The Public Interest Declassification Board held its twenty-first meeting on Wednesday, July 9, 2009. This meeting was held in the William G. McGowan Theater at the National Archives and Records Administration (NARA) building in Washington, D.C. Martin Faga chaired the meeting. Board Members present were Elizabeth Rindskopf Parker, William Studeman, Sanford Ungar, Jennifer Sims, David Skaggs, and Herbert Briick. Also present: William J. Bosanko, Director, Information Security Oversight Office (ISOO), serving as the Executive Secretary for the PIDB; John Powers, A.J. Lutz, Meredith Stewart, Julie Agurkis, Chris Hofius, John Bell, Carolina Palacios, ISOO, served as the PIDB staff. In addition, more than 80 members of the public were in attendance for the meeting.

I. Welcome and Opening Remarks

Mr. Powers welcomed those in attendance to the National Archives and introduced the members of the Board. The Chair welcomed all those attending and gave opening comments. The Chair gave an overview of the Board's involvement in soliciting public recommendations on the review of Executive Order 12958, as amended, "Classified National Security Information," as requested by the National Security Advisor. The Chair provided an overview of the Board's effort, including the Declassification Policy Forum, an online opportunity for members of the public to provide comments, vote on comments or flag comments off-topic.

II. Overview of the Discussion Topics on the Declassification Policy Forum

The four Board members who authored blog entries for the Declassification Policy Forum described their topic and highlighted several of the comments submitted by members of the public on the blog.

Mr. Briick described the first topic, "Declassification Policy" and included many of the recommendations made by members of the public on this topic. Mr. Briick described the public's ideas of a "drop-dead" date for declassification and a "declassification tax." He also described the numerous recommendations made on prioritization of declassification.

Next, Mr. Skaggs offered an overview of the concept of a National Declassification Center (NDC) and several of the ideas already seen on the blog. One recommendation highlighted was that an NDC should serve as a forum for reviewing and updating agency declassification guides. Another highlight included the idea that an NDC should have a technology futures group to evaluate information systems and develop solutions as technologies evolve. Mr. Skaggs also described some of the many ideas that were stated on the blog in regards to improving the declassification workflow process at an NDC.

Ms. Sims described the "Classification Policy" topic and several of the recommendations seen so far on the blog. She specifically noted the recommendation that reclassification should be allowed except under extreme circumstances. Additionally she discussed the idea that the process for classification challenges should be streamlined.

Lastly, Mr. Ungar provided an overview to the topic, "Technology Challenges and Opportunities," that was set to begin the next day. He encouraged those in attendance with knowledge and expertise in this area to participate in the blog.

III. Public Comment

The following individuals presented their recommendations to the PIDB:

Mike German, American Civil Liberties Union

Steven Aftergood, Federation of American Scientists

Michael Binder, an agency declassification reviewer

Sharon Bradford Franklin, Constitution Project

Bill Leonard, Leonard Consulting Group

Anna Nelson, American University

Meredith Fuchs, National Security Archive

John Yokley, Progressive Technology Federal Systems

Mark Zaid, James Madison Project

James David, Smithsonian Institution

Nancy Smith, Presidential Materials Staff at the National Archives and Records Administration

Robert Storer, Office of the Secretary of Defense

Frank DeBenedictus, South Florida Research Group

Mr. German offered several suggestions regarding the wording and timelines of classification protocols. He also suggested that small monetary awards be given to agency officials who identify improper classification actions.

Mr. Aftergood began his comments by expressing some regret that the President's recent memorandum alluded to but did not specifically define overclassification. He suggested that classification guides ought to be approved by ISCAP before being implemented and that there ought to be greater opportunities to challenge classification decisions. Ms. Sims and Ms. Parker discussed with Mr. Aftergood the possibility of using ISCAP decisions as precedents in making declassification determinations.

Mr. Binder spoke next and offered insights from his work as an agency declassification reviewer. He emphasized that the opinions of actual agency declassifiers ought to be solicited before the formation of a new executive order. Mr. Binder also underscored the significant investment of time and resources that accompany the release of declassified information.

Ms. Franklin endorsed the notion of a presumption of openness and the need for a consideration of the public interest when making classification decisions. Agency level reviews should be done more frequently, she said, and Congressional oversight also needs strengthening.

Mr. Leonard urged the board to include a suggestion in their letter to General Jones that a draft of the new executive order be made available for public comment before it is finalized. Mr. Leonard also highlighted the need for a new business model which would devote greater resources to the problems at hand.

Ms. Nelson spoke of her experiences as a researcher and historian and as a member of the John F. Kennedy Assassination Records Review Board. She discussed the obstacles researchers encounter in their attempts to navigate the declassification process. Documents over 25 years old rarely pose a threat to national security, she argued, and should be made more readily available. She added that historians ought to be consulted in the formulation of the new executive order.

Ms. Fuchs spoke of the civic benefits of making information more available and making the classification process more transparent. Ms. Fuchs said a cultural change was needed in the Intelligence Community and that audits and retraining should be more frequent to prevent mistakes and encourage openness.

Mr. Yokley discussed the means by which a better business model could be created for classification through the incorporation of technology. The disparate requirements across the Executive branch in regards to classification protocols and the difficulty in finding requirements make program development very challenging. Mr. Yokley stated that declassification work is still utilizing technology in the same way it has been for the past 10 years.

Mr. Zaid offered criticism of the ongoing classification of century old documents and suggested that, in the future, ISOO should have more authority to arbitrate and decide on reclassification decisions. Mr. Zaid also pointed out ongoing problems and concerns involving the pre-publication review process, where information is not formally classified by the agency reviewers but is denied for publication.

Several others members of the audience offered comments toward the end of the meeting. Mr. David mentioned that the titles of certain file series are not publicly available. As a result, the public is unable to make informed mandatory declassification review requests. He emphasized that detailed finding aids and series titles must be more readily available to researchers at the National Archives. Ms. Smith asserted that making ISCAP decisions precedent-setting would save time and resources for presidential libraries. Mr. Storer spoke to the tremendous volume of mandatory declassification review requests that are received by executive agencies and its effect on overall agency declassification efforts. He also noted the difficulties agencies face, in terms of limited resources and Information Technology access, in reviewing records for declassification. Mr. DeBenedictus underscored the importance of releasing documents to ensure that the public remains informed about ongoing threats to domestic security.

IV. Adjournment

The chair offered concluding remarks and adjourned the meeting at 12:30 P.M.