

Presentation to the  
PUBLIC INTEREST DECLASSIFICATION BOARD

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On behalf of the American Historical Association

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Good morning Mr. Chairman and members of the Board, I am pleased to be here this morning to represent the historical professional on behalf of the American Historical Association and to provide comments regarding the Board's recent report to the President of the United States titled *Improving Declassification*.

Before I address the issues and recommendations presented in the report, let me provide you with some background information about me that will help place my comments into proper context. Although I am here this morning as a representative of the American Historical Association, my interest in declassification has not been a purely academic concern. I am currently the president of History Associates Incorporated, a leading provider of historical and archival services to a wide range of clients across the United States and around the world. Throughout our more than 25 years in business, we have conducted extensive historical research and analysis and provided archival and records management services in both classified and unclassified records held by various agencies and the National Archives and Records Administration (NARA). Early in my career

I even managed a declassification project under contract to the Department of Energy. Currently, much of our work related to classified sources involves helping persons (both corporations and individuals) establish their rights and interests using historical evidence obtained by pursuing declassification and release of this information under the auspices of the Freedom of Information Act. My colleagues and I have first hand experience with many of the issues raised in your report. By way of full disclosure I should also add that History Associates is a subcontractor to Lockheed Martin on NARA's Electronic Records Archives program, but I want to be clear that my comments this morning reflect my own personal opinions as a representative of the historical profession.

Time will not permit, and there is no need to comment on all of the issues you have raised. Indeed, I find myself agreeing with much of what you say. In particular I support your broad recommendation for the establishment of a National Declassification Center (NDC) within the National Archives. I would caution, however, that such a center be established in a manner that clearly preserves the role of the Archivist of United States as a non-partisan advocate for openness—a role Professor Weinstein played quite well during the last re-review controversy. Of course the center will also require a substantial commitment by both Congress and the Administration to provide adequate funds and authority to carry out its declassification responsibilities.

On a far more mundane level, but a practical one for historians, is your recommendation regarding annual reporting through the NDC that will describe historically significant declassification actions. The format of such reporting should not only involve collaboration with the agencies, but also interested historians and archivists. This is essentially an archival description challenge. Such reporting should take full advantage of all available metadata—especially that which is efficiently accessible in digital format—to present this information in appropriate context and depth allowing for ready access by scholars and citizens alike.

Throughout the report you address a number of other issues where my perspective and experience may contribute to further consideration of these matters by the Board and other interested parties.

**First, there is the matter of significance.** While I understand that part of your charge is to promote the fullest possible access to the record of significant national security decisions, I am concerned that efforts to narrowly define the scope of such records and give them priority in the declassification process will unduly affect the release of other significant materials. Significance, historical or otherwise, is of course a matter of one's perspective. My concern here is that limited declassification resources will be diverted to the "big" national security issues, and the very real and "significant" rights and interest claims of my clients, or the scholarly interests of my fellow historians, will get pushed further down the declassification review

queue. I would like to hear more about how the Board will ensure timely review of these “routine,” but still significant records, which I see as part of your broader mandate to facilitate the declassification and release of all records of archival value.

**Another area of particular interest to me is the declassification of special media and electronic records.**

Over the years I have run into issues related to the declassification of information on special and obsolete media. For example, consider the classified microfilm holdings of the Air Force Historical Research Agency, which apparently were provided to NARA in duplicate. These microfilm reels indeed contain a mixture of classified and unclassified records, and may provide a useful test case for the Board to review in addressing these issues.

I have also come across classified materials on microcard, an opaque form of microfilm used in the 1950s. In the 1990’s, when I was trying to review certain reports preserved on microcard there was no reader/printer available to actually reproduce the materials and process them for declassification. Fortunately, I was able to locate a reproducible duplicate through the Department of Energy. On its face this example lends weight to your recommendation that the NDC pursue a “museum” strategy to procure obsolete hardware to read and process special media such as microcard. However, I urge the Board to avoid such a “museum” approach wherever possible, as it is unlikely to be sustainable in the long run—especially for

electronic records. Migration to paper, standard microfilm, or digital formats is likely to be more effective.

For digital materials, I believe the Board will be well-served by following through on its own plans to explore how the Electronic Records Archive intends to facilitate the declassification process and integrate the handling of classified and declassified materials into its ingest, preservation, and dissemination capabilities. Although I am by no means an expert in information technology, I also recommend that the Board explore how agencies are already using increasingly powerful tools to interpret and process various digital formats using artificial intelligence. I suspect that over the next decade or more the entire declassification process may become significantly more efficient by eliminating the necessity for human review and judgment from at least some aspects of the review process.

Also, given the growing interest in presenting history in multimedia and interactive formats it would be unwise to discount the unique historical value of audiotapes, videotapes, motion pictures, and other special media, even if the information itself was available in formats more conducive to existing declassification review processes. Of course it is possible to migrate many of these formats to digital media, which may then be more adaptable to declassification review.

**Finally, you are correct in highlighting the access delays entailed by reviews for other exempted information as well as archival processing.** Certainly reviews for other

exempted information should be coordinated with the declassification process to preclude inefficient multiple reviews of the same documents. It is also critical that the government develops standard and more cost-effective ways to address Controlled Unclassified Information (CUI) in records of enduring value. Identifying and controlling CUI archival records should not become as costly (or more so) than dealing with classified information. I also strongly support the Board's recommendation that NARA actively pursue the full resources necessary to eliminate the archival processing backlog of classified and unclassified materials alike. I would add that NARA should aggressively and appropriately apply the various minimal processing techniques currently under development within the archival profession to speed access and reduce processing costs.

In conclusion, let me commend the Board for the hard work, careful listening and thoughtful deliberation reflected in its report. The Public Interest Declassification Board plays an important role in helping the American people and their government strike "the balance between the secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States."<sup>1</sup>

My written presentation includes a few additional comments which I submit to the Board for the record along with a copy of my resume and contact information. Thank you for this opportunity to appear before the Board.

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<sup>1</sup> Public Interest Declassification Board, *Improving Declassification*, (December 2007) Appendix D, p. 41.

## Additional Comments:

With regard to Issue #2—Apart from the concerns raised above, the Board might consider how such a topically driven program could benefit from a decentralized approach. For example, after designating an “historically significant” event as early in the record life cycle as appropriate (for many events much sooner than 25 years after the fact), the advisory Board could facilitate the establishment of ad-hoc groups of historians, archivists, and other members of the public along with relevant agency officials. These event specific groups would use their collective subject matter expertise to identify and describe the full range of classified and unclassified records pertinent to that particular event. Agency and National Archives officials could then use this information to ensure that these records are preserved and that their order and provenance be maintained throughout the records life cycle. These government officials could also identify those contingencies most likely to determine when the materials could be declassified, thus establishing more precise scheduling for declassification review.

With regard to Issue #8—I strongly agree with the Board’s recommendation #3 to provide statutory protection to members of the public from prosecution or other adverse consequences “for maintaining, using, disseminating a record or information contained in a document that was lawfully obtained from the National Archives or any other agency of the Federal Government.”<sup>2</sup> However, I suggest

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<sup>2</sup> Public Interest Declassification Board, *Improving Declassification* (December 2007), p. 27.

that such protection also extend to federal officials and contractors (including those who have security clearances) who lawfully obtain such records or information.

On a more general note, I understand that NARA has adequate procedures to track and maintain the archival relationships between the declassified and withdrawn or otherwise exempt (or still classified) portions of particular record series. These procedures ensure that over time the contents of the entire record series will be preserved and maintained intellectually and ultimately physically. The same cannot be said for records that undergo initial declassification review while in the physical custody of many agencies. Too often by the time such records reach the physical custody (and are ultimately transferred to the legal custody) of the National Archives, the withdrawn or exempt materials have been removed and “lost,” thus compromising the historical record. I urge the Board to recommend that NARA and the agencies establish effective procedures early in the records life cycle to assure the preservation of complete collections of declassified records of enduring value.