

PUBLIC INTEREST DECLASSIFICATION BOARD

MINUTES OF THE MEETING

February 24, 2007

The Public Interest Declassification Board (PIDB) held its eleventh meeting on Saturday, February 24, 2007. This meeting was held in the Archivist's Reception Room, Room 105, National Archives Building in Washington, D.C. Steven Aftergood and Dr. Bruce Berkowitz, representatives from the public, presented their experiences, views, and suggestions on the declassification system to the Board. David E. Skaggs, Vice-Chairman of the PIDB, chaired the meeting. Professor Allen Weinstein, Archivist of the United States attended the meeting. Other Board Members present were Joan Vail Grimson, Martin Faga, and William O. Studeman. Also present: J. William Leonard, Director, Information Security Oversight Office (ISOO), serving as Executive Secretary for the PIDB; Dr. Michael Kurtz, Assistant Archivist for Records Services; William J. Bosanko, Kristofer L. Johnson, Lee H. Morrison, Patty Frye, and Robert Tringali, ISOO, serving as the PIDB staff.

I. Pre-Brief – Executive Session (Closed)

The focus of the pre-brief was to prepare for the Board's subsequent meeting with Mr. Stephen Hadley, National Security Advisor. The Board reviewed and discussed a list of topics in order to determine which were most important to cover in the meeting with Mr. Hadley. The Board also discussed the need for more government historians to be more involved in the process of declassification. Mr. Leonard suggested the Board support the formation of a panel of historians to come up with a prioritized view for declassification efforts. The Board fully supported this suggestion. The Board then moved to the Archivist's Reception Room for the open portion of the meeting.

II. Board Meeting – Opening Comments (Open)

The Vice-Chairman, Mr. Skaggs, welcomed everyone and then turned to Professor Weinstein for his opening comments. He began his remarks by noting that it had been one year since the reclassification issue began. Professor Weinstein gave an update on what has been done to fulfill the National Archives and Records Administration's (NARA) commitment to resolving the problems and discussed the successes and failures. The Archivist then turned to Dr. Michael Kurtz for a more detailed briefing. Dr. Kurtz's presentation slides are attached. He discussed the quality assurance efforts implemented by NARA through the National Declassification Initiative (NDI) and a decision-making matrix that had been developed. He stressed that the NDI is applying a zero defect threshold to its analysis of past agency reviews. Dr. Kurtz also discussed the 9/11 Commission Records review process. The Board and the public had no questions for Dr. Kurtz.

III. Selective Representatives of the Public (Open)

Mr. Skaggs turned to the witnesses for their testimony. Dr. Berkowitz began with his views and “Theology of Secrecy.” In his opinion, the purpose of secrecy is practical, to maintain information advantage over our adversary. He believes there is a need for a more dynamic process as times change. He discussed the problems encountered: statutory authorities that overlap executive authorities; design and implementation that is fragmented; and secrecy policy that has no statutory base, no uniformity, no accountability, and no checks and balances. He stated that secrecy is a form of regulation and control for the public interest. Dr. Berkowitz believes the problem is that in an effective, efficient regulatory system there is always a process in which both parties have equal representation and an impartial party to decide between parties, a process by which conflict between parties is adjudicated. He stated that this is not present in the current regime. He is not confident that it can be fixed in the current framework. Dr. Berkowitz believes there are significant issues at stake here: information advantage decides outcome of conflicts, yet freedom of information is central to democracy, so therefore, the democratic process is being restricted. He stated that this issue has to be dealt with in order to establish an effective democratic process.

Mr. Steven Aftergood, Federation of American Scientists and author of Secrecy News, gave the attached testimony. Mr. Aftergood had four main points he wanted to discuss. His first suggestion was to implement a declassification database. A government wide database that will help the public to identify what out of the billions of documents has been declassified. He recognized that NARA and specifically ISOO make reference to a declassification database, but feels that all agencies have to participate for the database to make a real difference. His second suggestion is that the Board should promote the digitization of declassification documents and make them available for remote access. His third suggestion is for ISOO to coordinate reviews with Inspector Generals at the intelligence agencies. He feels that this would be a more effective way to oversee government agencies. In Mr. Aftergood’s fourth suggestion, he proposed that the Board address the issue of the intelligence budget disclosure. He asked the Board members to, on the basis of their experience, make their opinions known. This would be a way of saying to the Intelligence Community that it is time to re-think the intelligence mindset of the past. The Board gave their thoughts on the intelligence budget issue. The Board was intrigued by the testimony of the presenters and the Board took the time in the question and answer session to understand their views and further explore their suggestions. Mr. Skaggs thanked the presenters.

IV. Interagency Security Classification Appeals Panel (ISCAP) (Open)

Mr. Bosanko and Mr. Johnson, ISCAP staff, gave the attached ISCAP presentation. The Board asked about the MDR process and Mr. Bosanko provided a brief description.

V. Open Forum (Open)

Michael Rhodes, an Archives Technician in the Initial Processing and Declassification Division at NARA, came forward to address the Board. He had concerns about the withdrawn item notices in the boxes of records at NARA. Mr. Rhodes passed out examples of the withdrawn item notices. He spoke about the lack of information on and gave examples: not officially withdrawn implies that the documents are undergoing a review; locations of the documents within a box are not captured; folder titles are not on the sheets, etc. Dr. Kurtz informed the Board that his office has assessed the problem and he then described the procedures initiated to

respond to Mr. Rhodes concerns. Mr. Studeman asked if these procedures addressed Mr. Rhodes concerns. Mr. Rhodes replied in the affirmative.

VI. Executive Session – Working Lunch (Closed)

The Board then met with the National Security Advisor. Following this meeting, the Board discussed issues related to the declassification request made by the Senate Select Committee on Intelligence. Mr. Leonard questioned whether the documents met the standards in Executive Order 12958, as amended. Ms. Grimson felt that the Board should do the declassification review and provide the President with a recommendation. The Board discussed revising the PIDB bylaws to provide more clarity on how the Board would conduct such reviews. Mr. Leonard agreed to prepare an initial draft revision of the PIDB bylaws and distribute to the Board for their review. The Board approved the minutes from the January 19, 2007 meeting. The Board discussed possible presenters for the next meeting. The Board is considering setting aside the last Friday of each month for future Board meetings. The PIDB staff provided an update on annuitant pay issues and the clearance status of the Board members.

VII. Adjournment

The Chair adjourned the meeting at 2:15.