

PUBLIC INTEREST DECLASSIFICATION BOARD

MINUTES OF THE MEETING

June 22, 2007

The Public Interest Declassification Board (PIDB) held its thirteenth meeting on Friday, June 22, 2007. This meeting was held in Room 509 of the National Archives Building in Washington, D.C. L. Britt Snider, Chairman of the PIDB, chaired the meeting. Board Members present were Martin Faga, Steven Garfinkel, Joan Vail Grimson, Elizabeth Rindskopf Parker (via telephone), Ronald Radosh, David E. Skaggs, 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, National Archives and Records Administration (NARA), Mr. Steven Tilley, Director, Textual Archives Services Division, NARA, Mr. M. E. "Spike" Bowman, Esq., Representative of the American Bar Association's Standing Committee on Law and National Security; William J. Bosanko, William C. Carpenter, Christopher O. Hofius, Kristofer L. Johnson, Lee H. Morrison, and John C. Powers, ISOO, serving as the PIDB staff.

I. Update on the National Declassification Initiative (NDI) and the Declassification of "9/11 Commission" Records

Mr. Tilley gave a presentation on the 9/11 Commission records review (see attached briefing material). Overall, review progress has been positive and it is expected that there will be a lot of interesting records available in January 2009. Following the presentation, discussion touched on topics such as the format for release materials, how privacy concerns are being dealt with, the review of special media, agency concerns, and the use of technology to show a new way of doing reviews. A public update can be expected following the Fall NDI Steering Committee meeting.

Dr. Kurtz then gave a presentation on the NDI efforts to date (see attached briefing material). Following the presentation, discussion revolved around topics such as the progress of the Quality Assurance team, the creation of a decision matrix, the search for resolution of resource issues, and the likelihood of reviewing all referral documents by 2009 as stipulated by E.O. 12958, as amended. Dr. Kurtz expressed that, given the limited resources currently available, it is not realistically possible to meet the referral deadline. He stated that the creation of a National Declassification Center (NDC) could provide the best solution. He hopes to have a white paper on its cost effectiveness to the government to the PIDB within the next two weeks. Dr. Kurtz stated that he would like advice and guidance from the Board on how to get the agencies to support the NDC. He hopes to have a packet on the NDC proposal to the Board by the end of August. The Chair thanked Dr. Kurtz and Mr. Tilley for their presentations and moved on to the next agenda item.

II. Welcome and Updates

The Chair welcomed everyone to the thirteenth Board meeting and gave opening comments. He then provided his plan for the drafting of the Board's report to the President. The Chair intends to work with the ISOO staff over the summer to create an issues packet that can be distributed to

the Board members in August for discussion at the September PIDB meeting. Each issue will then be discussed with the goal of producing a draft report by October. After review of the draft, the Board will vote at the November meeting and then send the final report on to the President. Discussion then followed on various issues such as the extension of Board members' terms, meeting quorum, status of the amendment to the statute, the revision of the PIDB bylaws, future meeting dates, revisions to the Executive Order, and open Board appointments. The PIDB staff will follow up on these issues and will report their findings at the next meeting. Following this, the Chair moved on to the next agenda item.

III. Discussion with Representatives of the American Bar Association's Standing Committee on Law and National Security

The Chair welcomed Mr. Bowman and gave some opening statements concerning the Board's interface with the American Bar Association. The Chair also gave Mr. Bowman an overview of the PIDB's work to date and the members' particular interest in making improvements to the classification system. Mr. Bowman presented his views on the importance of the philosophical outlook and "tone" of the Executive Order, and how that outlook will affect its implementation. Discussion followed on topics such as information sharing, controlled unclassified information, the advantages and disadvantages of regulating the classification system via a statute versus an executive order, and his perspective on overclassification. Mr. Bowman also distributed an article he wrote entitled "Dysfunctional Information Restrictions." The Chair thanked Mr. Bowman for his insights and moved on to the next agenda item.

IV. Staff Presentation Regarding the Declassification of Executive Branch Classified National Security Information in Legislative Branch Materials

Mr. Carpenter gave a presentation on Legislative branch records (see attached briefing material). Discussion followed concerning what documents of historical interest may reside within Congressional records, storage and safeguarding concerns, and how best to establish the way in which the Board will relate to Congress. The suggestion was made to send a letter to Congress offering PIDB assistance with classification issues in Congressional records. The Board considered the transcripts of classified sessions to be a potential starting point in the review of Legislative branch records. The Chair thanked Mr. Carpenter and moved on to the next agenda item.

V. Staff Presentation Regarding the Recommendations of other Boards, Commissions, etc.

Mr. Hofius gave a presentation on previous boards and commissions recommendations on classification and declassification issues (see attached briefing material). The Board members suggested other board recommendations that should be folded into the chart prepared by the PIDB staff, such as those of the Smith, 9/11, and Weapons of Mass Destruction Commissions. Following Mr. Hofius' presentation, the Chair emphasized that the PIDB, unlike the other boards and commissions mentioned in the presentation, is not working towards greater or less classification controls. It was pointed out that none of the prior recommendations had a mechanism to pursue implementation of their recommendations. The Board members thanked

Mr. Hofius for his presentation and then moved on to a short executive session before adjournment.

A motion was made to approve the minutes of the April 27, 2007 PIDB meeting. The motion passed unanimously.

VI. Adjournment

The Chair adjourned the meeting at 12:40.