

# **PUBLIC INTEREST DECLASSIFICATION BOARD**

## **MINUTES OF THE MEETING**

**June 23, 2006**

**(As approved at the September 9, 2006 PIDB Meeting)**

The Public Interest Declassification Board (PIDB) held its fourth meeting on Friday, June 23, 2006. The first part of the meeting was open to the public and was conducted in the Archivist's Reception Room of the National Archives Building, Archives I, located at 700 Pennsylvania Avenue, N.W., Washington, D.C. It consisted of a summary briefing on the Central Intelligence Agency's (CIA) Declassification Program presented by Ed Cohen, Herb Briick, and Joe Lambert, CIA. The second part of the meeting was an Executive Session, which was closed to the public. L. Britt Snider, Chairman of the PIDB, chaired the meeting. Other Board Members that attended included Martin C. Faga, Steven Garfinkel, Joan Vail Grimson, and David E. Skaggs. Also present: J. William Leonard, Director, Information Security Oversight Office (ISOO), serving as Executive Secretary for the PIDB; Professor Allen Weinstein, Archivist of the United States; and William J. Bosanko, Kristofer L. Johnson, Lee H. Morrison, and Dallas L. Perry, ISOO, serving as PIDB Staff Members.

### **I. Board Meeting – Opening Comments**

The Chair provided an opening statement. He welcomed the appointment of Admiral William O. Studeman, U.S.N. (Retired) and noted that only one vacancy remained to be filled on the Board. The Chair asked that the minutes for this meeting reflect that the Board sent a letter to the heads of the agencies involved in the recent removal of records from the public purview at the National Archives and Records Administration (NARA) for reasons of classification. He directed that a copy of these letters be attached to the minutes. Mr. Snider explained that the purpose of today's meeting was to continue briefings from agencies on the state of their declassification programs. He then turned to the Archivist for opening remarks.

Professor Weinstein thanked everyone for taking time away from their other commitments in order to be here to brief the Board. He spoke about the positive relationship that has existed between NARA and CIA. Professor Weinstein also stressed the importance of the pilot National Declassification Initiative and its partnership with the Intelligence Community. He then turned to Mr. Cohen to begin the CIA briefing.

### **II. Summary Briefing on the CIA Declassification Program**

Mr. Cohen, Mr. Briick, and Mr. Lambert gave a briefing on the state of declassification at CIA. See the attached statement.

A question and answer session followed the briefing. The discussion revealed that the CIA declassification program enjoys strong support from senior leadership; however, there are concerns among the rank and file at CIA about a high speed/high volume declassification program. Many feel that it makes it difficult to properly do their jobs when the evidence is out there that they are at times unable to protect their sources, such as when CIA information is released without the benefit of a CIA review.

The Chair asked the CIA representatives about their process to remove documents from the open shelves at NARA. Mr. Cohen indicated that CIA had discussed the “obfuscation” tactic with NARA, but in retrospect it should not have been undertaken. Consequently, this episode has raised concerns at CIA about how much classified material has inappropriately made its way to the open shelves at NARA. The Chair expressed his concern over the lack of defined policies and procedures for what occurred. Mr. Cohen indicated that these occurred in the early days of the program and that CIA currently has a much more sophisticated program. A discussion followed regarding the current process for evaluating the damage caused by inadvertent releases versus the damage that could be caused by the removal of documents from the open shelves. Mr. Cohen emphasized that simply because at times there has been a willingness to accept the damage that has occurred because of certain releases of information, such as through the efforts of the IWG, the Board should not assume that no harm has been done to national security. A lengthy discussion followed regarding the continuing sensitivity of intelligence sources and methods, and the training CIA reviewers receive in order to make informed review decisions.

The Board members expressed an interest in taking a tour of the CIA declassification program offices in order to see first-hand how CIA operates. Mr. Cohen was very supportive of the suggestion. The Chair thanked the CIA presenters and moved on to the next agenda item.

### **III. Historical Review Panel, CIA**

The Chair then turned to Dr. Robert Jervis, Chairman of the CIA Historical Review Panel (HRP) for a briefing on his perspective regarding the state of declassification at CIA. Dr. Jervis proceeded to discuss the function of the HRP, what about it works and what does not, and what the members and CIA have learned from their experiences.

Dr. Jervis explained that the HRP is made up of six to eight individuals, usually of an academic or scholarly background, and all appointed by the Director of CIA. They bring with them a variety of backgrounds and experience. They meet every six months for two days and report in confidence to the Director. Much of the HRP’s time is spent discussing what is not being declassified and the reasons for those decisions. Their primary purpose is to provide full and frank advice to the Director on declassification priorities.

Dr. Jervis expressed that there are many positive aspects of his experience with the HRP. He noted that the HRP has a very open and honest relationship with the Director. He has also been encouraged by the annuitants hired by CIA to perform reviews, as they are both forward leaning and responsible in their review decisions.

In terms of things that have not worked as well, Dr. Jervis cited Special Searches as a real problem. These searches may have good political reasons behind them, but they also take resources away from the declassification efforts and create a great deal of frustration within CIA. He expressed the hope that the PIDB may serve as a forum for reason with regards to Special Searches in the future. Another frustration expressed by Dr. Jervis was the excessive time required to reach a decision within CIA. He found it to be an incredibly slow, wasteful, and expensive process where taking years to reach a decision on information, even information that is generally well-known in the public, is not uncommon. Dr. Jervis expressed his hope that the Board would weigh in on the important issue of U.S. Government acknowledgement of information that is widely known in the public, yet remains classified. These are very difficult and important policy issues that need to be addressed.

Dr. Jervis observed that in declassification there are three important factors: (1) quality; (2) quantity; and (3) cost. It is possible to get two of the three factors, but not all three at the same time. Money won't solve everything, but perhaps using funds to establish a declassification specialist career track within the government would be a way to help.

A question and answer session followed the briefing. The discussion explored numerous issues, such as:

- The possibility of all agencies working together to establish declassification priorities. Dr. Jervis has seen this type of effort fail in the past, but felt that there were many projects where there would be much to gain from everyone working together. The FRUS could be a good model for this sort of an effort.
- What steps could be taken to improve the HRP? Dr. Jervis felt that the HRP works well, but declassification efforts suffer from problems that have no easy solution. Many issues need to be raised at very high levels for there to be any hope of solving them. Resource issues also hamper declassification efforts.
- What does the creation of the Director of National Intelligence (DNI) mean to the HRP? Should it be advising the DNI now? Dr. Jervis expressed that in his view, the issue of where the HRP should fall is rather low on the list of priorities considering the number of complicated disputes that are to be resolved between CIA and the DNI.
- How does the HRP decide what collections to focus their efforts on? Dr. Jervis stated that about half of the things that come to the attention of the HRP because of problems that crop up with FRUS volumes that are currently under review. The HRP also pays close attention to issues that come up in the press and in Mr. Steve Aftergood's "Secrecy News," and issues that are brought to their attention by their professional colleagues, and the HRP members' own suggestions about what projects make sense and will help inform the public.

The Chair thanked Dr. Jervis for his presentation and moved on to the next agenda item.

#### **IV. Open Forum**

The Chair opened the floor to any members of the public that wished to address the Board. No one came forward to take advantage of the opportunity.

## **V. Working Lunch**

## **VI. Executive Session**

There was then a series of brief discussions on a number of topics, including the remaining vacancy on the Board; extending the term of the Chair for an additional year; the question of funding for the future; the need for agencies to provide briefing materials in advance of meetings; a desire to have future meetings audio-taped; and the schedule for the remainder of the year. Mr. Bosanko provided an overview of the known and planned expenses to date and on efforts by the staff to provide the Board with the capability to hold classified meetings or discussions. He also provided a brief overview and reported the status regarding a number of contacts from the public on matters of potential interest to the Board. The Executive Secretary and Mr. Bosanko then outlined a proposal from the Office of Records Services at the National Archives for the Board to support the declassification of the records of the "9-11 Commission". The general sense of the Board was that these records were clearly of extraordinary public interest, but that there were a number of important issues that needed to be resolved. The Board raised concerns focused on legal issues, the need to consult with Congressional appropriators, and the specifics of the proposal. The Executive Secretary indicated that the PIDB staff would work with pertinent individuals at the National Archives to obtain the answers to their questions prior to the next meeting. The minutes from the meeting of the May 9, 2006 were then approved unanimously.

## **VII. Adjournment**

The Chair then thanked everyone and adjourned the meeting.