

PUBLIC INTEREST DECLASSIFICATION BOARD

MINUTES OF THE MEETING

July 14, 2006

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

The Public Interest Declassification Board (PIDB) held its fifth meeting on Friday, July 14, 2006. This meeting was held in Lecture Room B of the National Archives Building in College Park, Maryland and included summary briefings of the Department of Defense (DoD) Component Declassification Programs. L. Britt Snider, Chairman of the PIDB, chaired the meeting. Other Board Members that attended were Martin C. Faga, Steven Garfinkel, David E. Skaggs, Elizabeth Rindskopf Parker, Richard Norton Smith, and new appointee, Admiral William O. Studeman, U.S.N. (Retired). 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, Pamela J. Carcirieri, Kristofer L. Johnson, Lee H. Morrison, and Dallas L. Perry, ISOO, serving as PIDB Staff Members. After reading a short formal statement, Professor Weinstein excused himself from the remainder of the meeting to attend to the re-opening of Archives I, which had sustained substantial damage during the recent flooding of Washington, D.C.

I. Summary Briefing on the Office, Secretary of Defense Oversight Role (Open)

The chairman introduced Mr. Robert Rogalski, Director of Security for DoD in the Office of the Under Secretary of Defense for Intelligence. Mr. Rogalski began by explaining the DoD infrastructure and general policy for classifying information. He stated that in some exceptional cases, the need to protect information still meeting the classification standards may be outweighed by the need for public interest in disclosure and would be declassified. However, he went on to explain that classification is a challenge because of the balance that must take place between the need for proper secrecy and the need for openness that is fundamental to our democracy. He continued by saying that DoD may sometimes take a more conservative approach to classification so as not to endanger personnel and operations, but that they were committed to ensuring that the DoD classifiers take their responsibility seriously, are well trained, and are accountable for their actions. Mr. Rogalski went on to describe the Declassification Authority business process and then concluded with what were the challenges facing DoD with respect to classification and declassification. Among the challenges, he stated were the Global War on Terrorism, which has impacted resources, and the referral of newly discovered records, which makes it difficult to forecast funding. He stated that there was a need for national standardized agency equity recognition training and said that centralized databasing of records would ensure better accountability and availability of records.

II. Summary Briefings on the Department of Defense Component Declassification Programs (Open)

The following presentations were given:

- Office of the Secretary of Defense (OSD) Declassification Program, Mr. John Krysa, Chief, Directives and Records Branch, Washington Headquarters and Services (WHS) (enclosure 1)
- Army Declassification Program, Ms. Mindy K. Roberts, Chief, Army Declassification Activity (enclosure 2)
- Navy Declassification Program, Ms. Shelly Lopez-Potter, Department of Navy (DON) Declassification Program Manager (enclosure 3)
- Air Force Declassification Office, Ms. Linda Smith, Director (enclosure 4)
- Joint Staff Automatic Declassification Project, Mr. William J. Kane (enclosure 5)

Each DoD Component briefed the Board on individual declassification processes, staffing levels, planned goals, priorities, and the obstacles or impediments to their individual programs. Several Board Members asked for clarification of issues (i.e., Pass/Fail, Exclusion of RD/FRD, declassification examples). Mr. Garfinkel asked how DoD was preparing for the forthcoming change in Administration. Mr. Krysa responded by saying that some preliminary work had already been done and that OSD is very cognizant of the change that is approaching, to include an expected increase in demand for access to the records of the Secretary of Defense.

A detailed discussion ensued on the declassification process from the historian's perspective. Mr. Rogalski noted that DoD seeks to work in concert with the historical community and work the issues as a team. Mr. Skaggs complimented Mr. Krysa on his cost-per-page analysis and asked if the costs were figured-out for the other agencies. A discussion on program costs and determination factors was held. To highlight the senior-level support at DoD for proper classification actions, a copy of a Secretary of Defense message regarding the Information Security Program was offered and subsequently provided by DoD on August 8, 2006 (enclosure 6).

The Chair thanked the presenters for their time and comprehensive briefings.

III. Open Forum (Open)

At the conclusion of the DoD briefings, the opportunity for the public to come forward and address the Board was provided. The following two individuals addressed the Board:

Mr. William Burr, National Security Archive

Mr. Burr inquired about the backlog of agency reviewed records in Stack 631 at the National Archives at College Park. He concluded his inquiry by stating that he would like the Board to follow-up on progress by the National Archives and Records Administration (NARA). A discussion ensued with respect to the National Security Archives letter regarding review and declassification of Secretary of Defense files to include records from the 1950s.

Dr. Michael Kurtz, Assistant Archivist for Record Services, NARA, further explained that NARA was taking a two-step approach to processing the tremendous volume of records. One step is the internal re-organization of his office so more staff will be devoted to actual processing and the other is a prioritization of the records pending action in recognition that not all records are of equal interest. Dr. Kurtz concluded by stating that his staff will be actively engaged in processing those collections that people are most interested in first.

The Members requested that DoD provide an update with respect to the review of the records of the Secretary of Defense previously noted by Mr. Burr. Mr. Rogalski indicated that DoD would examine the issue and provide a response. Mr. Rogalski subsequently replied in a follow-up email dated July 20, 2006, indicating that WHS is reviewing the OSD records in Stack 631. WHS expects to complete the reviews by December 31, 2006. The 17.1 million pages that have been reviewed thus far have been either exempted, are awaiting referral review, or are awaiting NARA processing for release to the public. Mr. Rogalski noted that approximately 77% of the records have been identified for declassification and release to the public. He also reported that WHS has also begun to review OSD equities contained in other DoD records in Stack 631.

Mr. Jim David, Smithsonian Institute

Mr. David asked what would be involved in DoD preparing an annual public report on what collections have been reviewed. The Chair stated this sounded like a good suggestion. Ms. Deborah Ross, Office of the Secretary of Defense, Office of the Under Secretary of Defense for Intelligence, further explained in an email dated August 8, 2006, that the current business process does not lend itself to identifying what has been reviewed by collection. She further stated that all records are reviewed by age as required by the Order, unless there is a special request to review a collection, e.g., Nazi/Japanese War Crimes. Ms. Ross concluded by stating that the suggestion was something that the PIDB could try to influence when they recommend changes to the current process or policy.

Mr. David then asked for an explanation of retention periods and how soon 40 to 50-year-old records would be transferred to the National Archives. Dr. Kurtz explained that it was complex and stated that some records have longer disposition standards, such as those created by certain components of the Intelligence Community, but emphasized that NARA would make records available as soon as legally possible.

IV. Executive Session (Closed)

As a follow-up to discussion at the June, 2006 meeting, a memorandum regarding the use of public interest declassification board funds for a demonstration project regarding new and effective means for declassification of records of extraordinary public interest (specifically the records of the “9-11 Commission”) had been previously sent to the Board members for their consideration. The initiative was further explained at this meeting by Dr. Kurtz, NARA. Dean Parker asked for clarification on the legality of funding a project when the PIDB was established as an “advisory” board. Both Messrs. Gary Stern, the General Counsel, NARA, and Chris Runkel, Senior Counsel, NARA, provided a legal opinion that such an initiative was within the Board’s purview. They concluded by stating that it would certainly be appropriate for the

Board to coordinate such an initiative with Congressional appropriators. Mr. Garfinkel made a motion to transfer funds after such consultation with Congressional appropriators. All were in favor with the exception of Admiral Studeman, who abstained due to insufficient data, having not participated in earlier discussion. A final version of the memorandum which includes the results of the discussion on this initiative as well as subsequent consultation with Congressional appropriators is attached (enclosure 7).

Mr. Runkel provided the Board with an Ethics Briefing.

Mr. Leonard asked that the Board Members provide their meeting availability through the end of this year.

VII. Adjournment

The Chair adjourned the meeting.