

# **PUBLIC INTEREST DECLASSIFICATION BOARD**

## **MINUTES OF THE MEETING**

**September 9, 2006**

**(As approved at the October 13, 2006 PIDB Meeting)**

The Public Interest Declassification Board (PIDB) held its sixth meeting on Saturday, September 9, 2006. This meeting was held in the Archivist's Reception Room, Room 105, National Archives Building in Washington, D.C. and included summary briefings of the declassification program at the U.S. Department of State (State). L. Britt Snider, Chairman of the PIDB, chaired the meeting. Other Board Members that attended included Martin C. Faga, Steven Garfinkel, Joan Vail Grimson, David E. Skaggs, Elizabeth Rindskopf Parker, and Richard Norton Smith. 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, Robert Skwirot, and Dallas L. Perry, ISOO, serving as the PIDB staff.

### **I. Pre-Brief – Executive Session (Closed)**

After welcoming the Board, the Chair turned to Mr. Bosanko to provide the Board with information on State's organizational structure, its records, and how its review process is conducted. He explained several pertinent aspects of State's program, such as; impacts on resources, the records life-cycle review process, and the utilization by State of retired Foreign Service Officers. Mr. Bosanko highlighted three areas of importance: State participation in the Remote Archives Capture (RAC) system; the wider policy concerning former overseas storage locations for weapons; and the impact of foreign government information and information exempted from automatic declassification under section 3.3(b)(9) of E.O. 12958, as amended because of statute, treaty, or international agreement.

### **II. Board Meeting – Opening Comments (Open)**

The Chair provided opening remarks by welcoming all in attendance. He then introduced Professor Weinstein, The Archivist of the United States, who read a formal statement (enclosure 1) and highlighted a recent press release. Professor Weinstein commended the Board for the work they were doing to strengthen the classification system. He spoke about the National Declassification Initiative (NDI) and stated that he thought the NDI will address many problems within the current system. Professor Weinstein concluded by stating he looked forward to the Board's input on improvements to the declassification system.

### **III. Summary Briefings on the State Department (Open)**

The Deputy Assistant Secretary for Information Sharing Services (A/ISS), Lee R. Lohman, provided the Board with a briefing (enclosure 2) on the responsibilities, mandates, and challenges State is facing with respect to automatic declassification. Among the challenges, he stated, was managing the exchange of information, particularly when emails are considered

record information. He further described the complexities of special media and how working with that category of records slows the entire declassification process. Mr. Lohman reported that State is developing a single controlled archival tool, the State Messaging and Archive Retrieval Tool (SMART) for all its records. Mr. Lohman concluded his presentation by saying that State is an advocate of uniformity throughout the community and supports the NDI.

The next guest speaker from State was Margaret P. Grafeld, Director of the Office of Information Programs and Services (IPS), who read a formal statement (enclosure 3). Mrs. Grafeld began by thanking the Board for the opportunity to speak and continued by describing the challenges that State faces regarding Freedom of Information Act (FOIA) requests and gathering evidence for trials. Both require comprehensive search efforts. Mrs. Grafeld further stated that document production and declassification are very labor-intensive and compete for very limited resources. She said that IPS realizes that it cannot do everything and meet all expectations; therefore IPS performs “triage” on a daily basis. She said that State has a robust records management program and without the commitment to manage and preserve records, that technology just becomes a fancy tool. State is committed to bringing together people and technology to create efficiencies and economies. Mrs. Grafeld stated that collaboration and partnership has become essential parts of their business strategy. She ended by noting that the challenge was how to manage priorities.

The Chair asked for a clarification of State’s resource picture. Mr. Lohman and Mrs. Grafeld both provided a response to the effect that while base funding has declined, there had been an overall increase in funding in FY 06 to address FOIA and overall declassification. Both questioned the value of reviewing everything and treating all records in the same manner; they stated that the key was prioritization. They felt that their finite resources should be spent on declassifying those records that the public would most want. The Archivist stated he was impressed by the use of talent, particularly the use of retirees and volunteers. There was some discussion on the NDI, the consumption of State’s resources by FOIA requests, and the records management challenges in managing email. Mr. Lohman expressed concern with respect to the “tsunami” of referrals that could inundate State and expressed strong support for the National Declassification Initiative.

The Chair thanked each of the presenters and then introduced the next speakers.

#### **IV. Advisory Committee on Historical Documentation (Open)**

David Herschler, Deputy Historian, provided an overview of their responsibilities and described the legislative process required to receive complete access to all federal records. He stated that there was a stringent timeline the agencies must follow in the declassification process. Mr. Herschler described the difficulties experienced in publishing the Foreign Relations of the United States (FRUS) volumes and how some agencies had the propensity to review equities beyond their own. Mr. Herschler also described for the Board the ways in which State and the Central Intelligence Agency (CIA) have worked to address the challenges in the review process which led to the establishment of a joint State/CIA Historian.

Edward Keefer, General Editor of the FRUS series, began by reminding the Board that the FRUS series is the official documentation of the U.S. Government. He stated that when release of sensitive information happened that the dire consequences that were foretold never occurred and

that at most, it created a few days of news. One of the tenets of democracy is the public's right to know. Mr. Keefer then stated the decision to not allow the declassification of non-sensitive portions of the President's Daily Briefs (PDB) was a mistake. These records are crucial to understanding the interaction and internal workings of our government. He stated he would like to work out a way to receive access. There was then some discussion of President's Foreign Intelligence Advisory Board (PFIAB) records and if they were considered White House records. Mrs. Grimson asked for an example of what the historians would be interested in regarding the PDBs and PFIAB. Mr. Keefer explained they would be interested in intelligence information and Mr. Herschler said the records of PFIAB would provide information on organization and management of policy and the way the bureaucracy is organized. He concluded by saying that the PDBs were essential to publishing an accurate FRUS volume.

Considerable discussion was held with respect to delays in the FRUS process, with particular concern expressed regarding records of interest to the Department of Treasury as well as questions with respect to how decisions are ultimately made regarding the continued classification of foreign government information.

Dr. William Roger Louis, as Chairman of the State Department's Historical Advisory Committee and as the Past President of the American Historical Association, stated he would provide a broader perspective. He began by describing his work in archival and historical institutions throughout the world. He described the declassification process in Britain and in particular, mentioned the British thirty-year rule and how all documents were declassified on the first of January after thirty years. He stated that while this system is different than the American system, it has proven successful. He also stated that the United Kingdom now has the equivalent of the FOIA. Dr. Louis went on to describe the difficulties in publishing certain FRUS series. He continued by saying that the Historical Advisory Committee does try to bring an element of common sense to the declassification program and stated that the Committee has two main goals, which were to promote public access and to monitor the progress of the FRUS. He concluded his presentation by stating that we were all comrades-in-arms and interested in reaching the same goals.

The Chair thanked each of the presenters for their time and the different perspective they brought to the declassification process.

## **V. Open Forum (Open)**

At the conclusion of the FRUS discussion, the opportunity for members of the public to address the Board was provided. Jim David, National Air and Space Museum, Smithsonian Institute, came forward and stated he felt very strongly that a "top down, oldest first" approach was essential when prioritizing the declassification of records. He stated that different researchers have different priorities but using that simple principle would prove successful. Mr. David then spoke about agency file series exemptions. He explained that twelve federal agencies have received exemptions but only three have been made public. He asked that the Board intervene and prepare an unclassified executive summary on which records have been exempted. Mr. Leonard stated that a ready reference guide to approved file series exemptions and declassification guides would be published by the end of the year. Mr. David then asked if it would be possible if the declassification plans prepared by agencies and submitted to ISOO

annually could be placed on ISOO's website. Mr. Leonard replied that such decisions concerning release would have to be decided by each Agency.

#### **VI. Working Lunch (Closed)**

Dr. Michael J. Kurtz, Assistant Archivist for Record Services, NARA, provided an update on the NDI (enclosure 4). His briefing covered the following: the desired outcome for the NDI, the initial goals of the NDI, the accomplishments to date, planned future activities, the referral workload, the review standards, and the major challenges. Dr. Kurtz concluded his presentation by thanking the Board for their support.

#### **VII. Executive Session (Closed)**

The Chair asked for an update concerning the remaining vacancy, which Mr. Leonard provided. Meeting dates for the remainder of the year were discussed. A meeting for the month of November was scheduled for Monday, November 13, 2006, from 10:00 a.m. until 4:00 p.m. Dean Parker made a motion to approve the minutes from the previous two meetings. All were in favor of approval. There was some discussion on the annuitant salaries and what constitutes a normal work year (260 days versus 365 days). Ms. Grimson asked that the PIDB staff look into obtaining a specific briefing for the PIDB from the Central Intelligence Agency.

#### **VIII. Adjournment**

The Chair adjourned the meeting.