PUBLIC INTEREST DECLASSIFICATION BOARD

MINUTES OF THE MEETING

December 15, 2006

The Public Interest Declassification Board (PIDB) held its ninth meeting on Friday, December 15, 2006. This meeting was held in Room 500/501, National Archives Building in Washington, D.C., and included summary briefings of the declassification programs at the Defense Intelligence Agency (DIA), the National Reconnaissance Office (NRO), the National Security Agency (NSA), and the National Geospatial-Intelligence Agency (NGA). This meeting also included a panel discussion of historians from NRO, NSA, DIA, and the Office of the Director for National Intelligence (ODNI). L. Britt Snider, Chairman of the PIDB, chaired the meeting. The other PIDB Members in attendance were Steven Garfinkel, Joan Vail Grimson, David E. Skaggs, and Admiral William O. Studeman (U.S. Navy, Retired). Also present: William J. Bosanko, Associate Director, Information Security Oversight Office (ISOO), serving as Acting Executive Secretary for the PIDB; and Pamela J. Carcirieri, ISOO, serving as the PIDB staff.

I.   Pre-Brief – Executive Session (Closed)

After welcoming the Board, the Chair asked Mr. Bosanko to provide an overview of the declassification programs of the agencies who would be providing summary briefings. Mr. Bosanko began by stating that there were few issues of serious concern at these agencies but that he did want to mention a few items of importance. Mr. Bosanko continued by briefly commenting on the programs at DIA, NGA, NRO, and NSA. He said that one of the key issues with respect to imagery is that Executive Order 12951, "Release of Imagery Acquired by Spaced-Based National Intelligence Reconnaissance Systems," provides for space based imagery to be subject to declassification by the DNI rather than by the agencies that collect, analyze, or otherwise use it. A discussion ensued on the importance of the declassification of imagery related to the Corona, Argon, and Lanyard programs. Mr. Bosanko then noted the demonstrated ability to review and release significant historical information without compromising sources and methods highlighted by NRO and NSA in response to a number of recent appeals to the Interagency Security Classification Appeals Panel (ISCAP). He then informed the Board that it appeared that NSA is in the process of sending a letter to the Archivist of the United States concerning the inadvertent disclosure of NSA equities in historical records. Mr. Bosanko also spoke about a request made to the Board by a member of the public for imagery related to a specific geographic location and the initial actions that had been taken on the request and the need for cooperation from NGA and perhaps other agencies.

II.   Board Meeting – Opening Comments (Open)

The Chair began by welcoming the numerous attendees and asking Mr. Bosanko to speak briefly to the upcoming implementation of automatic declassification on December 31, 2006. Mr. Bosanko gave a brief overview and promised updates at subsequent PIDB meetings. The Chair then introduced the first speaker, Mr. James Claxton, Information Disclosure Officer, DIA.

III.   Summary Agency Briefings (Open)

DIA
Mr. Claxton began his presentation (enclosure 1) by thanking the Board for inviting him to speak at the meeting. He then stated DIA's mission, which is to provide timely, objective, and cogent intelligence to the war fighters, defense planners, and the defense and national security policy makers. He stated that the declassification staff at DIA closely coordinated with and had the support of its senior management. Mr. Claxton went on to provide the background of DIA's declassification program and described some of the review efforts. He stated that Freedom of Information Act (FOIA) requests present declassification challenges and said the number of FOIA requests have increased in both quantity and complexity and competed for the limited resources of subject matter experts within DIA. Mr. Claxton said that DIA had met the first deadline of Executive Order 12958, "Classified National Security Information," as amended, (the Order), and reviewed over 3 million pages, released 1.3 million pages, and plans to refer 430,000 pages to other agencies. He then explained some of the challenges DIA is facing with respect to referrals and special media. The Chair asked Mr. Claxton to speak to the unique nature of declassification done by DIA in support of operational needs. Mr. Claxton noted the significant volume and importance of such requests and concluded his presentation by stressing that DIA is committed to maximized output of declassified information while preserving national security.

NRO
The next presenter was Ms. Linda Hathaway, Chief of the Information Access and Release Team at NRO. Ms. Hathaway's presentation included a formal statement (enclosure 2). She then introduced several key personnel who accompanied her to the Board meeting. Among those introduced were Dr. Robert A. McDonald, Director of the Center for the Study of National Reconnaissance and Mr. Stephen Jung, the Chief of the Information Management Services Center. Ms. Hathaway went on to describe NRO's establishment in 1961 and its mission. She stressed the unique nature of the declassification program at NRO due to the fact that NRO was not publicly acknowledged until 1992. She then described the NRO mission and its relationship with NGA and other IC components. After the NRO was publicly acknowledged, the NRO created a FOIA and Privacy Act Office. This Office is intended to serve as the focal point for the declassification review and release of information. She then described the declassification business processes and challenges and stated that to date; the NRO has received, reviewed, and returned over 71,000 pages of referral from other government agencies. Ms. Hathaway continued by saying that NRO has referred over 8,000 pages of records to other agencies for their review, primarily through the Document Declassification Support System (DDSS). After noting some of the challenges, Ms. Hathaway concluded her statement by saying that the Order has served as the catalyst to enable the NRO to recover its records, execute a dynamic records program, and educate the public on NRO programs. The Chair then asked who determines when a particular system can be declassified and a brief discussion ensued and NRO staff noted that they provide an assessment based on a number of factors, which is provided to the Director and an advisory entity.

NSA
The next presenter was Mr. Louis F. Giles, Associate Director of Policy and Records at the NSA. Mr. Giles began his presentation (enclosure 3) by introducing Mrs. Linda Huffman, Chief, Declassification Services Division, Mr. Bill Williams, Chief, Center for Cryptologic History, and Mr. Dave Hatch, Senior Historian. Mr. Giles then provided an overview of his organization's

missions, responsibilities, and declassification business processes. He stated that NSA has declassified 38 million pages, released 35 million of those pages to the National Archives and Records Administration (NARA), exempted 7.6 million pages, and identified one million pages for referral to other government agencies. Additionally, NSA is presently reviewing and redrafting declassification guides for its records covered by file series exemptions with the goal of producing declassifying such records in an efficient and effective manner with minimal redactions.

Mr. Giles then noted that under NSA's discretionary declassification program whereby NSA examines its FOIA requests and other indicators to assess the public interest in certain collections of records relating to historically significant events. He then provided an overview of two such efforts NSA had recently undertaken to contribute to the public knowledge of events that have been surrounded with controversy. Specifically, Mr. Giles spoke to NSA's efforts to declassify records related to the Gulf of Tonkin and the U.S.S. Liberty. He concluded by assuring the Board that NSA is committed to the spirit of government openness as portrayed in the Executive Order and that NSA will endeavor to use all available resources to successfully accomplish the provisions of the Order.

Mr. Snider asked about NSA's shift from line-by-line review to "pass/fail" review. Mr. Giles noted that more was released when NSA conducted redaction. NSA made note of some inadvertent releases and Mr. Skaggs asked about inadvertent releases in the context of other agencies that have been before the Board. Mr. Giles responded that although some mistakes had regrettably been made early in the process, NSA had chosen to live with the mistakes rather than withdraw records from public access. There was then a brief discussion on how NSA went about its discretionary reviews, the limited resources available for such reviews, and the fact that such reviews are at the bottom of the list for resources. Finally, there was also a brief discussion concerning agency managed records centers approved by NARA and the classified historical holdings of industry.

NGA
The final presenter was Mr. Alan Florkowski, Deputy Director, Information Management Office, NGA. Mr. Florkowski began his presentation (enclosure 4) by providing an overview on NGA's organizational structure, history, and locations. He stated that by using a pass/fail methodology, that NGA is scheduled to meet the requirements set forth in the Order. The business process being used to determine eligibility for records declassification was then explained as well as NGA's future focus areas, which are; the transition from film to digital media and the recent Base Realignment and Closure decision to consolidate locations to one NGA campus at Fort Belvoir, Virginia by 2011. Mr. Florkowski concluded his briefing by stating that NGA had well-established processes in place to meet the Order's requirements. Admiral Studeman asked about commercial imagery and NGA described the limitations of what it can do with commercial imagery, noting licensing restrictions, but noted other ways it has made imagery available, i.e. in response to Hurricane Katrina.

One of the recurring themes in the presentations and the interest of the Members was the issue of special media or non-textual records. For example, Admiral Studeman asked NSA about the status of tapes concerning past NSA activities. Mr. Giles noted that the only permanent records in such instances are the serialized products. While NSA maintains some of the older tapes, they are nor permanent and thus not subject to automatic declassification. It was clear throughout the

various presentations and the discussions that obsolete formats and special media in general introduced a number of challenges for declassification personnel that required special attention in the future.

Another theme was the specific public interest found in the records of the agencies. For example, the Chair asked Ms. Hathaway to speak to the type of requests that NRO receives in order to better understand the public's interest in NRO's historical records. She noted that there is significant interest in the specific platforms, how NRO arrived at the decisions it made, and how it used the various platforms. She then described the declassification business processes, noting that NRO reviews on a line-by-line basis rather than "pass/fail" and that they try t place as much information as possible online, focusing on "collections" of interest. NGA noted the imagery itself is often of great interest to the public and noted as an example the records of the National Photographic Interpretation Center as an example.

At the end of the discussions, Mr. Garfinkel asked the agency personnel in attendance if they could provide him with an example of some category of information that ought to be classified forever, or beyond 100 years. Mr. Giles noted that for NSA, 50 years is about right for a great deal of information other than encrypted signals intelligence and that most of what is protected beyond 50 years is related to encryption issues still in use or in certain cases that might cause damage to a relationship with another country. Mr. Claxton, DIA, spoke to the need to protect the identities of human sources well past 100 years.

IV.   Panel Discussion – Agency Historians (Open)

The Chair then welcomed the historians that represented the ODNI, NRO, NSA, and DIA and turned to Dr. Michael Warner, ODNI Historian to begin. Dr. Warner noted the importance of openness and declassification and the importance of official histories and historians in the process and stated that historians are essential to providing insight, focus, and assurance to the process. He indicated that there are few historians that exist in the federal Government and in particular the Intelligence Community (IC), further noting that nearly all of the IC historians were in attendance. He stressed that the IC was seeking to do better, coordinating amongst the historians and supporting efforts to help the IC learn from its past.

Dr. Peterson, DIA, then provided an overview of the program at DIA, noting that agency historians are the caretakers of the agency's institutional memory, artifacts, and oral history and that their efforts ultimately support the agency's mission. For example, they produce relevant historical products to support lessons learned and provide the historical context of the analytical efforts of the agency. Dr. Williams, NSA, then provided an overview of the role and functions of the program at NSA and staff from NRO provided similar information on their program.

NRO staff noted the importance of capturing perishable history by interacting with personnel close to the event and obtaining the context. Coming out of a number of questions posed earlier by Admiral Studeman concerning the need to assemble and produce historical findings now, in context and while the memories are fresh, which would then be subsequently considered for declassification, the issue has been an ongoing theme of the meeting. The Panel made the point that anything the Board might do to encourage support for such efforts, particularly with respect to funding, would be most appreciated. Mr. Skaggs noted that details and examples would be

helpful to make the case as they would provide a more compelling argument. He then asked about exchanges with outside historic organizations and NSA spoke about its conferences.

Mr. Snider then observed that the classification system gets in the way of the work, noting that at CIA, some of the best products that are generated with a historical eye have their benefits limited due to classification and the insights and benefits are marginalized. The historians noted that some such products are required reading for agency personnel and that redacted versions can often convey the necessary information. The Chair then asked about declassification review of such products and it was noted that they process is such that they are gotten to, eventually. The Chair noted that such products likely exist at just about no other place and should this not be the focus of declassification efforts? DIA noted that there are other ways to inform staff, such as through classified symposia. Admiral Studeman again stressed the need to bring the IC into more of a true community and to apply a community approach to historical and declassification efforts.

V.   Open Forum (Open)

The Chair then provided the opportunity for any member of the public to come forward and address the Board. Mr. Jim David of the Smithsonian came forward and spoke about the importance of the public out-reach programs and the critical importance of the support from the agencies present at the meeting. Mr. David then went on to provide examples of information and artifacts that were now available to the public due to the efforts of personnel from the agencies before the PIDB and explained how beneficial these exhibits were to researchers and historians seeking to understand significant historical events. The Board expressed their appreciation of Mr. David's testimonial.

VI.   Executive Session – Working Lunch (Closed)

This portion of the session began with a discussion on the status of the Senate Select Committee on Intelligence (SSCI) request. The Chair made a motion to send notice to the White House of the Board's intent to proceed with requested review of the Committee's recent reports that had been redacted by the Executive branch for reasons of classification. All were in favor. The Chair then introduced a motion to place all correspondence concerning the SSCI request on the PIDB website. All were in favor. There was then some discussion on the Board's work plan for the next few months and on whom the Board would like to receive presentations from at future meetings. The November minutes were approved.

VII.   Adjournment

The Chair adjourned the meeting.