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**Remarks of Steven Aftergood
before the
Public Interest Declassification Board
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Thank you for the opportunity to address the Board.

I would like to suggest for your consideration a few concrete steps that could be taken to improve classification and declassification policy. While these steps would not resolve fundamental disagreements about the proper exercise of classification authority, they have the virtue of being achievable with a minimal application of good will.

1. Establish a Declassification Database

If a document is declassified but no one is told that declassification has taken place, then nothing useful has been accomplished. Therefore a database of declassified documents should be established and made publicly accessible so that the fact of declassification and the availability of particular declassified documents may become publicly known.

Such a database was explicitly required in 1995 by Executive Order 12958, section 3.8, which read:

The Archivist in conjunction with the Director of the Information Security Oversight Office and those agencies that originate classified information, shall establish a Government-wide database of information that has been declassified....Except as

otherwise authorized and warranted by law, all declassified information contained within the database ... shall be available to the public.

Unfortunately, this objective was abandoned in the 2003 amendments to Executive Order 12958. Thus, Executive Order 13292, at section 3.7, eliminated the requirement to establish a Government-wide database. Instead, the order directed vaguely that agencies “shall coordinate the linkage and effective utilization of existing agency databases.” Significantly, the new order also eliminated the requirement that declassified information in any such databases shall be available to the public.

Without some form of public database to serve as a universal finding aid, it seems unlikely that most declassified documents will ever be located by the particular readers who would be most interested in them.

Pursuant to its enabling legislation, the PIDB should therefore encourage executive branch agencies to establish public databases of their declassified documents, and should recommend to the President the creation of a government-wide public database. Doing so would increase the utility of current declassification activities many times over.

2. Promote Routine Digitization of Declassified Documents

In the 21st century, historically valuable documents should be digitized as a matter of course when they are declassified, and then made available online. There is no good reason why Americans should have to travel to Washington, D.C. or College Park in order to access their declassified documentary heritage.

Executive Order 12958 directed that “The Archivist shall ... explore other possible uses

of technology to facilitate the declassification process” (section 3.8a). Unfortunately, this sensible provision was deleted in the 2003 amendments to the Order.

But routine digitization would be one possible use of technology that could greatly facilitate the accessibility of declassified records.

The Board should therefore consider encouraging executive branch agencies to incorporate digital scanning and archiving of declassified documents as a normal part of the declassification process.

3. Add Classification Oversight to the Functions of Agency Inspectors General

In order to augment existing oversight of classification and declassification activities performed by the Information Security Oversight Office, agency Inspectors General should be tasked to perform their own annual review of classification and declassification.

I believe there is a general consensus that (1) classification is very expensive, financially and operationally; (2) overclassification or unnecessary classification is widespread; and (3) timely declassification is necessary for the classification system to function properly, as well as desirable in its own right.

Under these circumstances, agency heads may well concur that increased oversight of classification practices is appropriate. Inspectors General with cleared personnel are already in place at the relevant agencies and could readily undertake such oversight. Indeed, some of them, like the DoD Inspector General, already perform some classification oversight on an ad hoc basis.

The PIDB could consult one or more Inspectors General about the feasibility and

desirability of performing classification oversight. The Board should also consult with the ISOO Director to determine how to optimize a role for the IGs that does not duplicate or undercut ISOO's core mission.

4. Advise the President to Declassify the Annual Intelligence Budget

There is no single declassification action that would signal an end to cold war classification practices as clearly and powerfully as declassification of the annual budget for the National Intelligence Program.

The question of declassifying the intelligence budget total is once again on the national agenda, as it has been repeatedly over the past 30 years. An provision to require intelligence budget declassification is currently pending in no less than three bills in the U.S. Senate:

- C S. 372, the Intelligence Authorization Act for FY 2007, section 107
- C S. 328, Ensuring Implementation of the 9/11 Commission Report Act, section 271
- C S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007 (section number of amended bill not yet available)

At least one of these bills is likely to pass, and if it does the Bush Administration will have to consider how to respond. The White House is already on record as opposing the bipartisan recommendation of the 9/11 Commission that favored intelligence budget disclosure. Should the President seek to block passage of this provision? Veto the bill if it passes? Or is there another option?

If the Board in its collective wisdom believes that annual disclosure of the total intelligence budget really could damage national security and that it is properly classified, then the Board can safely do nothing, since the Administration has already endorsed that view.

But if the Board believes that intelligence budget classification is a relic of times gone by and that it has nothing to do with protecting current national security interests, then the Board should clearly communicate its views to the President.

I would encourage the Board to urge the President not to wait for Congress but to seize the initiative, to defy the expectations of critics, and to set an enlightened new standard for classification policy by finally rejecting this obsolete secrecy practice and all that it symbolizes.

The Board has been given few tools with which to perform its mission. But in this case, the extraordinary credentials and collective experience of the Board members are precisely suited to the matter at hand.

If former intelligence agency officials and classification experts such as yourselves cannot persuade the White House to rethink its position on intelligence budget disclosure, then no one will be able to do so.

To put it more positively, there is no one who is better positioned than the PIDB to win favorable presidential reconsideration of the question of intelligence budget disclosure and to catalyze a final resolution of this perennial classification dispute. I hope that you will seize the opportunity.