

ACTING CHAIR
Alissa Starzak

MEMBERS
Carter Burwell
Paul-Noel Chretien
Ezra Cohen
Laura DeBonis



PUBLIC INTEREST DECLASSIFICATION BOARD

EXECUTIVE-SECRETARY
Mark Bradley

MEMBERS
Michael Lawrence
Benjamin Powell
Trey Gowdy
John Tierney

March 30, 2023

The Honorable Kevin McCarthy
Speaker of the House of Representatives
U.S. Capitol
Washington D.C. 20515

Dear Mr. Speaker:

This letter serves as the Public Interest Declassification Board's (PIDB) annual report under the provisions of section 706(e) of the Public Interest Declassification Act of 2000, as amended (P.L. 106-567).

On behalf of the members of the PIDB, I am pleased to provide you with a report of our activities and operations in the calendar year 2022. At the beginning of the year, two members were appointed, filling the vacancies on the PIDB and allowing the PIDB to operate at full capacity. Despite a lack of funding and full-time staff, the PIDB had a productive year under the lead of the chair, Ezra Cohen. Among other things, we issued a feasibility study, as directed by Congress in the National Defense Authorization Act (NDAA) for Fiscal Year 2022, on the declassification of information related to nuclear weapons testing and cleanup activities in Marshall Islands; conducted a series of fact-finding meetings and discussions to enable us to provide recommendations on a new Executive Order around classification; and held two virtual public meetings. Our activities are discussed in more detail in the attached report.

Although the PIDB had a productive year, we want to stress that the PIDB continues to operate without independent staff or funding, which makes it challenging for the Board to meet its statutory obligations. The PIDB's authorizing statute anticipates that the PIDB will have an independent staff and budget. As a matter of practice, however, the Information Security Oversight Office (ISOO) at the National Archives and Records Administration (NARA) has provided all administrative and logistical support to the PIDB since its inception; funds for the Board have been included under NARA's topline budget appropriation. Based on concerns raised by the PIDB about this approach, the House included a \$1 million-dollar direct appropriation for a dedicated staff, technology, and administrative support in its version of the FY 2023 budget; however, these funds were not included in the final budget.

ISOO has a wide range of responsibilities in addition to providing support for the PIDB, including developing, coordinating and issuing directives regarding the Executive Orders governing classification policy and oversight of the government-wide security classification system and the National Industrial Security Program. Unfortunately, ISOO's budget has not kept pace with the demands, straining its ability to complete its core mission and support the PIDB. At a time when the call for reforms to the classification system are reaching an all-time high, we urge you to make funding for both the PIDB and ISOO a congressional priority.

We value your continued support of the PIDB's mission of advocating for increased public transparency and access to the historical record. The PIDB would welcome the opportunity to provide you or your staff with additional information on our work and plans for 2023.

Respectfully,

A handwritten signature in black ink, appearing to read "Alissa Starzak". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alissa Starzak
Acting Chair

cc. The Honorable Hakeem S. Jeffries
The Honorable Charles Schumer
The Honorable Mitch McConnell

Summary of 2022 Activities

Appointments

As specified in section 703(c) of the Act, the PIDB is composed of nine members: five appointed by the President and four appointed by the leaders in Congress. Each member serves for a three-year term and may be reappointed twice. The PIDB began the year with one vacancy. Senate Minority Leader Mitch McConnell appointed Carter Burwell and Senate Majority Leader Charles E. Schumer re-appointed Alissa M. Starzak, on February 15, 2022.

Reports

Marshall Islands Declassification Feasibility Study

The FY 2022 National Defense Authorization Act (NDAA), signed by President Joseph R. Biden on December 27, 2021, included a section that mandated the PIDB conduct a feasibility study on the declassification of information “relating to nuclear weapons, chemical weapons, or ballistic missile tests conducted by the United States in the Marshall Islands, including with respect to cleanup activities and the storage of waste relating to such tests,” (section 1685). The NDAA specified that the study be provided to the Senate Armed Services Committee and the House of Representatives Armed Services Committee.

As part of the study, the PIDB and its staff conducted over 40 virtual and in-person meetings with stakeholders. We met with declassification officials and records managers from the Departments of Defense and Energy, agency staff supporting the National Declassification Center, archivists at NARA, and representatives from the Department of State. We held virtual meetings with representatives from the Marshall Islands and its National Nuclear Commission to gain perspective and learn about the interests of the Marshallese. We met with historians to better understand both the history of nuclear weapons testing in the Marshall Islands and learn about their research methodologies. The Board held an in-person executive session at the National Archives in Washington, D.C. on April 20, 2022. The meeting included briefings on the Marshall Islands Feasibility study by representatives from the Departments of Defense and Energy and the National Declassification Center to learn about earlier declassification efforts, public accessibility to declassified information, and identifying and then reviewing relevant records from unprocessed collections and files.

The study, [Declassification of Records Relating to Nuclear Weapons Testing and Cleanup Activities in the Marshall Islands Feasibility Study](#), was submitted to the Congressional committees and then released to the public on August 19. On that same date, the PIDB held a public virtual meeting on the study and its findings and recommendations. The meeting featured a presentation by Walter Pincus, author of *Blown to Hell: America's Deadly Betrayal of the Marshall Islanders*. The event was live streamed and is available on NARA's [YouTube channel](#).

Letter to the President

In September 2020, the PIDB received a request from Senator Chris Murphy, to review three classified federal records and two classified presidential records and then provide the President with its recommendations for their declassification. The PIDB completed its review and wrote to the President in June 2022 recommending partial declassification of two documents relating to 2020 election interference and the declassification in full of a document relating to the killing of journalist Jamal Khashoggi.

Public Engagement

The PIDB engaged with the public and other stakeholders through virtual public meetings and broadcasting them on YouTube and posts on the PIDB's blog [Transforming Classification](#).

Virtual Public Meetings

The PIDB hosted two virtual public meetings in calendar year 2022. The first, on [March 30, 2022](#), presented the PIDB's planned activities for the year. The event was live streamed and is available on NARA's YouTube channel where it has received over 4,400 views to date.

The second, on [August 19, 2022](#), discussed the feasibility study on the declassification of records relating to the nuclear weapons testing and cleanup activities in the Marshall Islands. The meeting included a presentation by Walter Pincus, author of *Blown to Hell: America's Deadly Betrayal of the Marshall Islanders*. The event was live streamed and is available on NARA's YouTube channel where it has received over 2,600 views to date.

Public Event

The PIDB co-hosted an event with the Hudson Institute, the American Bar Association, and The Federalist Society, on "Reforming the Classification System: Challenges, Approaches, and Priorities". The event included an opening conversation with PIDB Chair Ezra Cohen and PIDB member Alissa Starzak discussing PIDB's role as a nonpartisan advisory body and its work advocating for transparency and modernization of the classification system. The panel discussion, moderated by PIDB member Carter Burwell, addressed over-classification, delayed declassification, and recommendations for reforming classification systems government-wide. The event is available on the Hudson Institute's [website](#) and has received nearly 2,000 views.

Executive Session Meetings

The PIDB held 13 virtual and 1 in-person executive session meetings during the past calendar year. The meetings focused on activities that supported the feasibility study, prioritizing the declassification of historically significant records, reducing overclassification, and developing new policies and technological solutions for modernizing the classification and declassification system.

In April 2022, the PIDB held a day-long session which included briefings by panelists from the Department of Defense, Department of Energy, and the National Declassification Center for the Marshall

Islands feasibility study. In addition, the PIDB further studied the challenges of overclassification on the ability for the US to share information with allies and industry partners. Representatives from the British Embassy briefed the PIDB on the effect of overclassification on allies of the United States and representatives from the Aerospace Industries Association and member companies gave a briefing on the effect of overclassification on the aerospace industry. These briefings built upon the meetings on classification and declassification issues the PIDB had in late 2021 with officials from the National Geospatial Intelligence Agency and civil society representatives.

All meeting agendas were introduced by a blog post on *Transforming Classification* and posted on the [PIDB's website](#).

Transforming Classification blog

Over the past year, the PIDB posted 36 blog entries. Each invited feedback and public comments. The posts highlighted PIDB activities, including notices of PIDB events and agendas for PIDB Executive Sessions, interviews with PIDB members, discussions about modernizing the classification and declassification system, and the public release of declassified records.

Internships

During the fall semester the PIDB hosted two legal interns who worked remotely. The interns interviewed the PIDB members and prepared blog posts on these interviews. The PIDB benefited from their work, including the opportunity to present their views to the public through these interviews posted on *Transforming Classification*.