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ComposedDate_Time: 3:34:49 PM
Subject: NSA Report

Just thought you might be more comfortable if you knew the specifics of the approach I am taking with the NSA briefing for the Board. RELATING TO THE 49 DOCUMENTS WE RECENTLY RECEIVED: 1. The 32 consent releases. I will just present them as items the NSA is willing to open in full, and suggest a "white ballot" (approve without individually reviewing each doc) be cast to approve the release of those 32. 2. The 17 FOUO docs. I will not immediately mention the classification level. All I will say is that the NSA wants only to protect the names of its employees. Hopefully, the Board will just agree to this as they have protected names in the past. However, if one of them brings up the administrative classification issue, I will counter with the following three arguments: ** The Board has already established the precedent of protecting the names of NSA employees; any deviance from this policy will be inconsistent. ** While FOUO is technically only an admin classification, it is still material that has never been available to the public, and thus has been classified; we will not be withholding info that has been released. ** We need to pick our battles with NSA, and names are hardly a worthy issue to get into it with them about. We should save our chits for when we need them. RELATING TO THE 7 RECONSIDERED DOCUMENTS: 1. Documents #144-10001-10053, #144-10001-10057, #144-10001-10141, and #144-10001-10155 have names in them that should have been redacted by NSA and were not. As it has long been Board policy to protect names of NSA employees, consistency would dictate that we accede to their request that we reconsider and protect these names. 2. Information in three documents (which is SCI and so will not be discussed here) was inadvertently not protected by NSA before the Board votes. In each case, there is a precedent where the Board protected the information in prior votes. The item in #144-10001-10087 was previously withheld by the Board in #144-10001-10120; the info in #144-10001-10117 was previously protected by the Board in #144-10001-10054, #10075, #10090, #10105, and #10109; the info in #144-10001-10118 was previously withheld by the Board in #144-10001-10082, #10109, and #10112. I will stress to the Board that the mistakes in all cases were made by NSA and not by Board staff; that they (NSA) are requesting the reconsideration; and that they have been advised that it will not always be Board policy to correct NSA's carelessness and sloppiness. However, in this case, the issues were pretty straightforward, and it seemed like a good way to get them to "owe us one" by meeting them on this one. Dave Hiestand is aware that we are having to go through some procedural hoops for this, and is suitably appreciative.

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