

March 28, 2014

Report of the Advisory Committee on Historical Diplomatic Documentation, January 1-December 31, 2013

The Historical Advisory Committee to the Department of State (HAC) embraces two principal responsibilities. First, it oversees the preparation and timely publication of the *Foreign Relations of the United States (FRUS)* series. Second, it monitors the declassification and release of Department of State records.

The Foreign Relations Statute of 1991 (Public Law 102-138 [105 Stat. 647, codified in relevant part at 22 U.S.C. § 4351 *et seq.*]) mandates these responsibilities. It calls for a “thorough, accurate, and reliable” documentary record of United States foreign policy. That statute evolved from the public controversy precipitated by the *FRUS* volumes published in 1983 and 1989 that covered the events surrounding U.S. interventions in Guatemala in 1954 and in Iran in 1953, respectively. The volumes omitted documentation on U.S. covert activities which either was not made available to the Office of the Historian (HO) researchers or that the Central Intelligence Agency (CIA) did not clear for publication. Scholars rightly criticized both volumes for falling short of the standard of accuracy and thoroughness, thereby severely undermining the series’ credibility and stature.

Since the Foreign Relations Statute of 1991 became law, HO has worked conscientiously to compile and publish volumes which are “thorough, reliable, and accurate.” The HAC appreciates that meeting this standard is challenging and complex in view of the explosion of vital government documents pertaining to foreign relations produced by a wide spectrum of departments and agencies during the 1960s and later decades, and in view of the parallel requirement that volumes be published no later than 30 years after the events they document. HO has struggled to meet these twin obligations, and the gap between its publication of the *FRUS* volumes and the 30-year target remains substantial. HAC nonetheless is delighted that HO’s record over the past year builds on the robust progress it made over the preceding two.

The 1991 Foreign Relations statute also mandates that the HAC monitor and advise on the declassification and opening of the Department of State’s records, which in large measure involves the department’s implementation of the operative Executive Order governing the classification and declassification of government records. E.O. 13526, issued in December 2009, mandates the declassification of

records over 25-years-old—unless valid and compelling reasons can be specified for withholding them. In this area of its responsibility, the HAC is not encouraged by what it observes. Notwithstanding some progress with regard to reviewing records, the pace of their transfer and processing falls far short of the E.O.'s requirement. While the reasons for this shortfall are many, the HAC maintains that the leadership of the National Archives and Records Administration (NARA) has not addressed it with sufficient planning and aggression.

Publications of the *Foreign Relations Series*

The slow rate of declassifying records exacerbates the challenge of meeting the *Foreign Relations of the United States* series' mandated twenty-five year deadline. Still, during 2013 the Office of the Historian published seven volumes. These are:

1. 1964–1968, Volume XXIII, *Congo, 1960–1968*
2. 1969–1976, Volume XXXIII, *SALT II, 1972–1980*
3. 1977–1980, Volume II, *Human Rights and Humanitarian Affairs*
4. 1977–1980, Volume III, *Foreign Economic Policy*
5. 1977–1980, Volume VI, *Soviet Union*
6. 1977–1980, VIII, *Arab-Israeli Dispute, January 1977-August 1978*
7. 1977–1980, Volume XIII, *China*

This total is one more volume published than in 2012 and equals the number published in 2011. Further, the volumes published in 2013 complete the *FRUS* series' coverage of the Johnson administration, portend completion of its coverage of the Nixon administration in the near future, and represent a major advance in the coverage of the Carter administration. The publication of the long-delayed *Congo, 1960-1968* volume, moreover, marks a watershed in HO's improved management of the complicated and often frustrating interagency review process.

Of equal if not more salience, by the end of 2013 HO had more than 10 volumes successfully declassified. This achievement means that 2013 was the fourth consecutive year in which HO has completed declassification of that many volumes—and unprecedented rate. More important, this success virtually eliminates the backlog of more than 30 volumes which awaited declassification dating back to 2009.

The management skills of the Historian, the General Editor, and others in supervisory positions, coupled with the innovative organizational initiatives which HO undertook under their direction, have generated efficiencies throughout the production chain. In addition, the maturation of the exceptional cadre of compilers

and editors has reduced the time required for a volume to progress from conception to publication. The high morale throughout HO, the office's acquisition of a secure access facility which will provide ready access to highly classified information , and its move to new and larger offices scheduled for 2014 augur well for the series' future productivity.

HO should be proud of its progress in accelerating the publication cycle. It should likewise be proud of the advances it has made in digitizing and making the *FRUS* volumes available on the office's website and in a format readable on tablets and smart phones. That website also now hosts a valuable series of essays, "Milestones in the History of U.S. Foreign Relations," and the office has improved its outreach to the public through the effective use of social media. Furthermore, by exploring *FRUS*'s evolution from the Civil War era to the present, the publication of *Toward "Thorough, Accurate, and Reliable": A History of the Foreign Relations Series of the United States Series*, serves the public and scholarly communities by adding historical perspective to contemporary debates over the appropriate balance between security and transparency.

The Challenge of the 30-Year Requirement

Yet HO remains incapable of meeting the 30-year requirement for either the Nixon or the Carter administrations. It has designed and begun to execute a plan that should enable it to fulfill that requirement for *compiling and reviewing* the volumes in the Reagan administration subseries. Doing so should allow it to improve the timeliness of the publication of the succeeding George H.W. Bush administration subseries, on which it has begun research, and subsequent administrations' subseries. Nevertheless, the HAC doubts that that the office, despite its efforts, will be able to achieve the goal of *publishing* the majority of these subseries' volumes within 30-years of the events which they cover.

This pessimism evolves from the HAC's understanding of the challenges HO confronts. Ironically, the most severe challenge stems from the 1991 legislation itself. That statute mandated and facilitated research in intelligence files and the incorporation of intelligence documentation in the *FRUS* volumes. To implement this mandate, the State Department signed a Memorandum of Understanding with the Central Intelligence Agency and in the late 1990s it established a State-CIA-NSC committee, the "High-Level Panel" (HLP), to provide guidelines for declassifying and publishing documentation relating to covert actions and other sensitive intelligence activities that had a major impact on U.S. foreign policy. The results of these and concomitant initiatives have been outstanding. In 2013 State and CIA collaborated to verify 8 volumes. The challenging *Congo 1960-1968*

volume has now been published, and HO anticipates the publication of the equally challenging *Iran Retrospective* and *Chile 1969-1973* volumes in 2014.

But this commitment to openness comes at a cost. HO estimates that any *FRUS* volume with an HLP issue will spend at least one additional year, and often multiple years, in the declassification pipeline than will a volume which does not contain an intelligence issue requiring consideration, the drafting of declassification guidelines, clearance by that inter-agency panel, and, as is often the case, an appeal. The number of these HLP issues will increase dramatically as compilers work through the Carter presidency and beyond. HO estimates that at least half of the Carter volumes will require resolution of HLP issues. Because the records at the Reagan Presidential Library contain approximately 8.5 million classified pages, the number of volumes in the Reagan administration subseries with HLP issues is likely to be double the number in the Carter subseries. Consequently, while HO will almost certainly improve the timeliness of compilation and review efforts, the declassification process is likely to delay publication.

Exacerbating this problem is that other departments and agencies involved in the declassification process have been less cooperative than the CIA. Chief among these is the Department of Defense (DoD). Not only are its declassification guidelines ambiguous, but it continues to fail to meet the statutory limit of 120 days to review a declassification request from HO; DoD's average response time is 250 days. Despite its strenuous efforts to bring DoD into compliance with the statute, HO was unable to make progress in 2013.

Declassification Issues and the Transfer of Department of State Records to the National Archives

In its 2012 Annual Report, the HAC expressed grave concern over the inability of the National Archives and Records Administration to process, describe, and review electronic and paper records in order to make them accessible to scholars and the public in a timely manner. The committee recognized the challenges generated by underfunding, understaffing, the increased volume of documents, and the increasing number of electronic documents, which pose additional difficulties. Nevertheless, the committee noted that it failed to perceive within NARA's leadership the same sense of urgency to find solutions to these difficult problems that it did within HO's leadership.

In 2013 the HAC continued to review carefully the State Department's classification guidelines and monitor the rate of review, processing, and transfer.

What is more, in addition to meeting again with William Mayer, NARA's Executive for Research Services, Sheryl Shenberger, Director of the National Declassification Center (NDC), William Fischer, Chief of the Department of State's Office of Information Programs and Services (IPS) Systematic Review Program (SRP) Division, IPS reviewers, and more than a dozen others from their staffs, HAC received a lengthy briefing from William J. Bosanko, NARA's Chief Operating Officer.

The committee very much appreciates the willingness of Mr. Bosanko and his colleagues to provide their insights and perspectives on the problems NARA confronts. It also notes with pleasure that the NDC exceeded the HAC's expectations by retiring the backlog of more than 350,000,000 pages of documents that were at least 25-years-old and therefore subject to automatic declassification by December 31, 2013, as directed by the December 29, 2009, Presidential Memorandum accompanying Executive Order (E.O.) 13526. These documents had been reviewed previously, but they could not be processed by NARA because of quality assurance problems associated with the initial reviews.

The HAC congratulates the NDC for its achievement, and it fully appreciates the importance of NARA now having in place procedures with the potential to expedite future reviews. But it also recognizes that researchers must await processing in order to access these documents. In particular, the records must still be screened for privacy issues, indexed, and those which have been exempted from automatic declassification, segregated. Moreover, the withholding of some 40% of these 25-or-more-year-old documents from declassification suggests to the urgent need for classifying agencies to revisit their declassification guidelines.

Conclusion and Recommendations

The *FRUS* series and NARA both confront major challenges, but those facing NARA are more serious and require greater remediation. To assist in this effort, HAC asked the Society for Historians of American Foreign Relations (SHAFR) to collect data on researchers' experience with NARA. SHAFR designed and distributed a survey that, attesting to the intense interest in the issues, elicited an impressive number of responses. HAC will report the results in spring 2014.

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