

Report of the Advisory Committee on Historical Diplomatic Documentation January 1-December 31, 2020

The Advisory Committee on Historical Diplomatic Documentation to the Department of State (the HAC) has two principal responsibilities: 1) to oversee the preparation and timely publication of the *Foreign Relations of the United States (FRUS)* series by the Department's Office of the Historian (OH); and 2) to monitor the declassification and release of State Department records.

The Foreign Relations Authorization Act of 1991 (Public Law 102-138 [105 Stat. 647, codified in relevant part at 22 U.S.C. § 4351 *et seq.*]) mandates these responsibilities. Known as the *FRUS* statute, it requires publishing a “thorough, accurate, and reliable” documentary record of US foreign relations no later than 30 years after the events that they document. This timeline reflects Congress’ commitment to transparency and an informed public, two pillars of democratic governance. The statute also obligates the HAC to review the “State Department's declassification procedures” and “all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration [NARA].”

In 2018 and 2019 the HAC reported debilitating obstacles to *FRUS* publication caused by the Department of Defense's (DoD) review and declassification processes. The committee therefore welcomes the commendable reforms that DoD undertook in 2020. Offsetting these positive developments, however, were the consequences of the Covid-19 pandemic. Notwithstanding the laudable efforts of OH's leadership and historians, OH's shift to telework and the closure of NARA's facilities severely impaired OH historians' ability to conduct the research essential to compiling *FRUS* volumes. The effects of Covid-19 impaired equally the individual and interagency processes essential to reviewing and declassifying documents for publication in *FRUS*. Of course, the pandemic also prevented researchers from accessing NARA facilities in College Park and across the county to conduct their research.

Covid-19 also impaired the HAC's capabilities. The 1991 *FRUS* statute mandates that the HAC meet four times a year. Because of the pandemic, the HAC was only able to hold its March meeting in person; it held its other meetings virtually. This format did enable much greater public participation. Able to join remotely, more than 100 members of the public attended the September and December meetings, as opposed to the normal handful. The HAC and OH will take this phenomenon into account when setting the agendas for future meetings. Yet the HAC was deprived of the classified briefings that are fundamental to its mission.

Another impediment the HAC confronted was a deficit in its capacity. During 2020 three long-time HAC members rotated off the committee, one resigned, and a vacancy remained from 2019. Because of the time required for their replacements to receive the necessary security clearances and appointments as Special Government Employees, only 6 of the mandated 9 members of the committee were in place for two of the 2020 meetings. The HAC cannot judge the extent that the pandemic affected the pace of the State Department's clearance and appointment processes. What is unambiguous is that at no time during 2020 did the HAC operate at full strength.

Publication of the *Foreign Relations* Series

Rigorously researching the multiplicity of records that document an administration's foreign

relations, culling from them the limited number that can be managed in one volume while still providing a “thorough, accurate, and reliable” documentary history, steering the draft volume through the interagency declassification review process, and editing it for publication poses a demanding and time-consuming challenge. Nevertheless, from 2015-2018 OH published on average 8 volumes per year, the number the office calculates it must publish in order ultimately to achieve the 30-year timeline mandated by the *FRUS* statute.

Due to problems rooted in the interagency review and declassification process, which the HAC repeatedly attributed largely to the Department of Defense, OH managed to publish only two *FRUS* volumes in 2019, fewer than any other year in a decade. The HAC is optimistic that the publication rate will benefit significantly in the future from the improvements in DoD’s review and declassification structure and processes. But implementation of those improvements began only in the last half of 2020. Consequently, OH again published only 2 volumes in 2020. They are:

1. *FRUS*, 1977–1980, Volume XI, Part 1, *Iran: Hostage Crisis, November 1979–September 1980* (November 17)
2. *FRUS*, 1981–1988, Volume V, *Soviet Union, March 1985–October 1986* (December 1)

Because of volumes that were already in the technical editing or publication stage prior to the pandemic outbreak, OH projects it will be able again to publish at least 2 volumes in 2021. The consequences of compilers’ inability to access classified documents in 2020 and slowdowns in the interagency process will become manifest in subsequent years. To mitigate those consequences, OH historians have done everything they could when working remotely to lay the essential foundations for future volumes. In particular they have grounded themselves in the appropriate historiography, created finding aids and outlines for their research, assembled lists of individuals and other components of the volumes’ front matter, proofread, and conducted research in unclassified materials. The HAC commends their industry and resourcefulness.

OH’s scholarship, moreover, is not limited to *FRUS*. The HAC is pleased to report and congratulate the office for publishing “War, Neutrality, and Humanitarian Relief: The Expansion of U.S. Diplomatic Activity during the Great War, 1914–1917.” An important contribution to the office’s commemoration of the US entry into World War I, this online publication differs substantially from the conventional *FRUS* volumes. Rather than document high level decisions, it chronicles “on-the-ground” operations by providing a narrative history of the heroic efforts of State Department personnel to provide humanitarian relief in Europe and Russia during the years leading up to America’s becoming a belligerent.

The Challenge of the 30-Year Requirement

Even without the problems rooted in the interagency review and declassification process, the explosion of documents that OH’s historians are statutorily required to locate among the multiple departments, agencies, and executive offices that contribute to the US foreign relations process all but assures some decrease in the annual rate of *FRUS* publication. Currently the office has submitted for declassification dozens of volumes from the Carter and Reagan subseries, stretching the interagency process to the breaking point. The reasons are readily understandable.

An increasing number of the documents selected for publication concern sensitive intelligence

information. In most cases, multiple agencies and departments hold an “equity” (interest) in these documents; they are entitled to approve or deny their release in part or full. This phenomenon frequently prolongs the time required to complete the interagency process. With the Covid-19 pandemic having seriously impeded the interagency process already for more than a year, there is no way to predict how long it will take for the contributing agencies to catch up. And even as they progress toward that end, OH will be submitting for declassification an ever-growing volume of documents for new compilations.

Prior to the pandemic’s crippling the interagency review and declassification processes, the performance of the contributing agencies had varied. The State Department’s Office of Information Programs and Services (IPS) performed in an exemplary fashion whether timeliness or quality is the criterion. *FRUS* production also benefited from the excellent work of the National Security Council’s (NSC’s) Office of Records and Information Security Management and, in recent years, the Central Intelligence Agency (CIA) and the Department of Energy.

By egregiously violating the requirements of the *FRUS* statute, since 2018 the Department of Defense, in contrast, was culpable for major delays in *FRUS* publications. The HAC’s 2019 annual report went so far as to attribute OH’s publication of a meager 2 volumes “largely if not exclusively to DoD’s failure to provide timely and quality responses” to the compilations of documents that OH submitted for its review.

It therefore requires repeating that the HAC is encouraged by recent reforms of DoD’s review processes and structure. The committee recommended in 2019 that DoD address the inadequacies of both the timeliness and quality of its reviews by following the examples of IPS and CIA. Specifically, it recommended that DoD establish a centralized *FRUS* coordination team, preferably with declassification authority, to manage the review of documents submitted by OH more efficiently and effectively. In June 2020, responding to a request for a briefing by Senators Ben Sasse and Angus King and Representatives Julian Castro and Mike Gallagher, DoD representatives met virtually to discuss declassification with congressional staffers, OH’s leadership, and HAC members. DoD finally pledged to establish a *FRUS* declassification team.

Within months, DoD initiated changes aimed at fulfilling that pledge. Most significantly, the department migrated the responsibility for *FRUS* review and coordination from the Defense Office of Prepublication and Security Review (DOPSR) to the Records and Declassification Division (RDD). The result is tantamount to establishing a dedicated and centralized *FRUS* coordination team for which both the HAC and OH had advocated. The Office of the Secretary of Defense (OSD) has yet to comply with the requirement that it submit a report to Congress on its record of declassifying documents, as mandated by the 2019 National Defense Authorization Act (NDAA). The HAC understands, nevertheless, that RDD’s *FRUS* team has made excellent progress, returning to OH 622 high-quality reviews of more than 1100 documents from 15 *FRUS* volumes between August and December. The HAC is pleased and looks forward to the completion of the OSD’s report to Congress on its overall declassification record.

The pandemic has likewise severely hampered the CIA’s review processes. It was unable in 2020 to return any reviewed *FRUS* volumes or resolve High Level Panel (HLP) issues concerning covert actions. Prior to the Pandemic, moreover, the Donald Trump administration had allowed the CIA’s Historical Review Panel, an avid advocate for *FRUS*, to become moribund. The HAC

is thus encouraged by the reconstitution of the HRP, which is now called the Historical Advisory Panel (HAP). It is scheduled to resume its meetings in early 2021. Once it does, the HAC recommends that the HAP regain its authority to report directly to the CIA's director.

The Review, Transfer, and Processing of Department of State Records

The HAC monitored the review and transfer of State Department records and their accession and processing at NARA.

Because health concerns produced by the Covid-19 pandemic forced almost all employees of the State Department's Office of Information Programs and Services (IPS) and NARA to telework, progress toward declassifying, accessioning, and processing State Department records was severely curtailed. What is more, while the National Declassification Center (NDC) received a shipment of classified presidential records—covering the Eisenhower, Kennedy, Ford, Carter, H.W. Bush, and Obama administrations prior to the outbreak of the pandemic—it has not received one since. Shipments are not expected to resume until the pandemic subsides sufficiently for NARA facilities to reopen partially if not fully. Although the HAC learned that some progress has been made on reviewing and declassifying emails from the early years of the Reagan presidency, progress on the emails from Reagan's later years and the George H.W. Bush administration, during which time a different email system was used, remains at a standstill.

The HAC nevertheless commends the staffs of both IPS and NARA for their achievements under such difficult circumstances. IPS, for example, primarily but not exclusively exploiting the few months during which conditions allowed some staff to return to the office, managed to achieve its 25-year systematic review goals. Moreover, throughout 2020 IPS continued to process Freedom of Information Act (FOIA) cases and posted thousands of released documents to the virtual reading room on the Department's public FOIA website. Similarly, NARA's textual reference staff responded to inquiries, conducted processing and description work, created box and folder lists, prepared and submitted digitized files and metadata to upload into the National Archives Catalog, and performed as extensively as possible comparable operations that could be done while working remotely.

The progress IPS and NARA made on the collaborative project to review and release the post-1979 P-reels warrants special mention. As explained in last year's annual report, the technological problems that inhibited reviews of the P-reels, which are microfilm copies of paper records that have been destroyed, has been a longstanding concern of the HAC. Even as the quality of the microfilm deteriorated, no progress had been made in resolving the issue until 2019, when NDC and IPS devised a joint strategy to create digital review modules that would allow for the discovery of sensitive information. Despite safety-related constraints, reviews of the 1980 P-reels began in 2020, and plans were put in place to extend the strategy to the 1981 and 1982 P-reels as well. The HAC will continue to follow the disposition of P-reels even after their digitization in an effort to prevent their destruction.

The HAC will also continue to monitor the progress IPS makes toward building a records-management system that fully complies with the joint Office of Management and Budget/NARA mandate (M-19-21) that all agencies transition to fully electronic record keeping by December 2022. By that date NARA will no longer accession paper records, requiring all agencies to

digitize them. The HAC will monitor equally closely IPS's project to modernize its records disposition schedules. In addition to drawing on technological advances, this project aims, among other goals, to compile an accurate inventory of all records across State's offices and bureaus, reduce the quantity of records disposition items (creating so-called "big bucket" schedules), and updating/revising all records disposition schedules so that they accord with the Department structure as it currently exists today.

Both of the projects—digitizing all records and building a fully-electronic record-keeping system, and modernizing the records disposition schedules program—are tall orders. The HAC has raised a number of questions about them both that reflect its concerns. These include whether the paper records will be preserved after they are digitized, and if so, where they will be stored; to what extent will the projects to establish an electronic records management system and modernize the records disposition schedules rely on artificial intelligence (AI); how the transition to big bucket records schedules will affect the ability of researchers (including those at OH) to locate useful records; how the effort to reduce the quantity of records disposition schedules will affect the designation of records as temporary or slated for destruction; and whether funding and personnel will be adequate for records preservation, management, and access. Because the disposition of the Department's records has a serious impact on the work of OH, the Office must have an opportunity to weigh in on the drafting of schedules.

The HAC intended to ask IPS leadership these and other questions at a series of briefings throughout 2020. Due to the pandemic, however, IPS was only able to brief the HAC in person at the March meeting. The IPS leadership did not feel comfortable providing extensive briefings on these subjects in an unclassified environment. It did provide the HAC with monthly updates, however, and the HAC hopes to resume the briefings as soon as conditions permit in 2021.

Recommendations:

- IPS and OH formulate a process that allows for OH's input into the development of records disposition schedules before they are submitted for NARA approval
- NARA and OMB delay the implementation of M-19-21 to take into account delays caused by the pandemic and ensure adequate funding is in place.

Minutes for the HAC meetings are at <https://history.state.gov/about/hac/meeting-notes>.

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Rotated off the HAC during the 2020 calendar year.