



Report of the Advisory Committee on Historical Diplomatic Documentation

January 1 - December 31, 2002

In accordance with the Foreign Relations Statute of 1991 (22 USC 4351, et seq) the Historical Advisory Committee (Advisory Committee) advises the Secretary of State, The Historian and other officials of the Department of State on all aspects of the Foreign Relations of the United States (FRUS) series, as well as on the Department's responsibility to open to the public its twenty-five-year-old and older records. This report addresses progress made during 2002, and the remaining areas of concern regarding the compilation and publication of the FRUS series and declassification and opening of State Department records.

Publication of the Foreign Relations Series

The Advisory Committee devoted significant attention during 2002 to helping the Historian's Office (HO) develop strategies for meeting the statutory requirement that volumes in the Foreign Relations series be published within thirty years of the events they cover. The Historian is committed to meeting this goal. The Department has provided additional professional staff to help with the Foreign Relations project. At one time, in 2000, the Historian's Office had only nine historians working on producing volumes in the Foreign Relations Series and three staff members working on declassification. These numbers have risen to twenty-two historians producing volumes and four working on declassification and conversion of these manuscripts into published volumes.

During 2002 the Historian's Office published seven volumes in the FRUS series. This represents a significant improvement over 2001 when only four were published. Four of the seven volumes published in 2002 covered events of the Johnson years, one covered the organization of foreign policy and the United Nations during the Kennedy presidency, (the last Kennedy volume), and two covered aspects of foreign economic, trade, and aid policies during the Nixon years (the first Nixon volumes published.) The pace of publication will slow in 2003, when the Historian's Office projects the publication of another five volumes.

Nevertheless, the Advisory Committee has been encouraged by the increase in staff for the HO and improvements in relations with other agencies (see below) to the point that it can foresee a realistic prospect for meeting the thirty-year timeline within the next eight years. The newly added staff members have excellent professional credentials. The Advisory Committee has encouraged the HO to develop a program of mentoring and professional development designed to help all staff perform at a high level.

The Committee requested that the HO develop a work plan for meeting the thirty-year deadline. The Historian's Office is creating such a plan and is committed to regularly revising it in the light of changing circumstances. This plan is based upon the Bureau of Public Affairs providing sufficient staff resources and funds for publication of volumes. It foresees training new staff members so they can compile documents quickly and competently. It also requires cooperation from other agencies in making documents

available for HO researchers and declassifying them for publication in volumes of the Foreign Relations series in accordance with statutory deadlines.

The Central Intelligence Agency and the Foreign Relations Series

The HO and the CIA made significant progress in resolving differences over access to documents and declassification during 2002. Work on declassifying CIA documents and information in volumes prepared for publication in FRUS ground to a halt in the fall of 2001 after the CIA suspended the 1992 Memorandum of Understanding between it and the State Department governing access to, declassification review, and publication of CIA documents in the Foreign Relations series. The Agency insisted upon a new MOU after the publication in the spring of 2001 of Volume XXVI of The Foreign Relations of the United States, 1964-1968 dealing with Indonesia, Malaysia-Singapore, and the Philippines. In December 2001, the HO and the CIA signed an interim agreement allowing declassification review to proceed on volumes under consideration at the time, but the CIA would not accept any new documents for review until a final MOU was adopted. In May 2002, the two agencies signed an MOU laying out the terms of access, declassification review, proper protection of sensitive information, and publication of intelligence documents in Foreign Relations volumes. The adoption of this new MOU allowed the two agencies to go forward with declassification. The delay caused by the suspension of the previous MOU has caused a backlog of up to a year in declassifying volumes from the Johnson and Nixon-Ford administration. The HO and the CIA have prepared a work plan for meeting the declassification deadlines set in the new MOU, and both agencies are publicly committed to maintaining a close and productive relationship.

As the Committee has noted in recent years, obtaining final declassification prior to publication of FRUS volumes continues to be a vexing issue. For several years, the Department of State, the Central Intelligence Agency, and the National Security Council have used a High Level Panel (HLP) to decide which covert operations may be acknowledged in Foreign Relations volumes. The HLP issues guidance to the participating agencies about publication of documents relevant to these covert activities. The HO is convinced that the High Level Panel process can work, albeit slowly. The HLP did not meet in 2002, but issues are likely to come before it in 2003. The Advisory Committee is very concerned that the process goes forward. The Committee is committed to the timely publication of FRUS volumes that represent a "thorough, accurate, and reliable record of major U.S. foreign policy decisions and significant United States diplomatic activity." (22 USC 4351 et seq.). This kind of high quality publication can occur only if the mechanisms for final declassification of FRUS volumes work.

The long anticipated joint State/CIA historian began work in 2002, and positive results have already appeared. He has access to CIA records equal to that of CIA staff historians. The Advisory Committee has repeatedly encouraged the HO to move forward with a plan for publication of retrospective volumes that will document the role of intelligence in formulating and implementing U.S. foreign policy. The joint historian is working on retrospective volumes that will include intelligence material omitted from earlier volumes in the Foreign Relations series. The Advisory Committee reviewed the retrospective volume on Guatemala, 1954. This volume, long in the making, will be published in May 2003, and it will fill the gaps left by the earlier publication on Guatemala, which did not include documentation on the U.S. role in the 1954 coup d'etat. The Historian's Office will sponsor a scholarly conference in conjunction with the publication of this volume. At the same time, the CIA will release another tranche of documents relevant to the 1954 Guatemala coup

d'etat.

In its annual reports for 2000 and 2001, the HAC expressed grave concern that the President's Daily Briefs cannot be quoted or cited in FRUS volumes, despite such citations in previous volumes. The problem remains, and the Committee must continue to deplore the CIA's blanket denial of declassification of the PDBs especially those that are thirty or more years old. The PDBs for the Nixon period should be included in FRUS, because they provide historians with an invaluable and irreplaceable source for documenting high-level policymaking. The Advisory Committee has never received a satisfactory formal explanation for the CIA's exemption of the PDBs from declassification.

The Committee met jointly in June 2002 with the Historical Review Panel (HRP) of the CIA. The two groups discussed the access of HO historians to CIA documents, and issues of inclusion of CIA material in FRUS volumes. Members of both committees, as well as representatives from the State Department and the CIA, came away from the meeting with a better understanding of the needs and concerns of all involved for the production of high quality volumes of the series. The Advisory Committee and the HRP intend to have annual joint meetings in the future to explore common issues. We expect that these meetings will help produce published Foreign Relations volumes that include appropriate historical documentation from the CIA.

Relations With Other Agencies

The HO continues to encounter delays beyond the 120 days mandated by the Foreign Relations statute for declassification of documents by some other government agencies. These delays are another factor in causing the FRUS series to fall behind the 30-year publication requirement. The National Security Agency and the Department of Energy often fall behind the 120-day deadline. The Department of the Treasury and the Department of Defense routinely take a year before responding to HO requests to declassify documents. Delays by the Treasury have proven particularly frustrating, since the documents from that department rarely contain sensitive information. Treasury has ignored repeated reminders from the HO to review a small number of documents. A total of only nine Treasury documents relating to four separate FRUS volumes are currently being held at the Treasury Department - some for as long as two years - preventing timely publication of the volumes.

The President's Foreign Intelligence Advisory Board (PFIAB) not only refuses to review documents for declassification but it does not allow HO historians access to its records, even though the PFIAB provides direct advice to the President on matters that relate integrally to foreign policy formulation. As the Committee noted last year, access to PFIAB records is essential to maintain the integrity of the FRUS series. The Committee has urged the Historian to contact the chairman of the PFIAB, Gen. Brent Scowcroft, to work out a modality that will allow HO access to records of events more (in some cases many more) than thirty years in the past.

In its 2001 report the Committee expressed concern about potential restrictions on access to documents in Presidential Libraries from 1981 and thereafter created by E.O. 13233 of November 2001. Several groups of professional historians, political scientists, professional archivists, and researchers filed suit in 2002 to reverse the restrictions imposed by E.O. 13233. This lawsuit was dismissed. *[Incorrect. As of June 2003, the lawsuit remains pending in DC District Court. --FAS]* The Ronald Reagan Presidential Library (the first to be affected by E.O. 13233) released the vast majority of documents initially held up by E.O.

13233, restricting access only to some personal information. The Advisory Committee hopes that this executive order will not restrict access of researchers to national security material in the presidential libraries. The Committee also hopes that E.O. 13233 does not place the 1978 Presidential Records Act in real jeopardy. Future releases from the presidential libraries should uphold that law and make our national security records accessible to the public.

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

The Committee is pleased to report that the State Department continues to uphold the highest standards in declassifying its records. The State Department Systematic Review Project (SRP) reviewed approximately 9.38 million pages of documents during 2001. Included were 1.97 million pages of State Department and USIA records, 5 million pages re-reviewed under the requirements of the Kyl/Lott amendment regarding Restricted Data (RD) and Formerly Restricted Data (FRD), and 1.17 million pages of the USIA historical collection. The State Department searched and declassified the final 1.23 million pages for the Nazi and Japanese Imperial War Crimes Interagency Working Group (IWG) project. All of the declassified records of the War Crimes project have been transferred to NARA, a significant achievement. The success of the Department's declassification process is a model for all agencies of the government. The work of the SRP shows that much can be accomplished in declassification, given the deployment of a well-trained and committed team of declassification personnel.

The Advisory Committee also heard from representatives of the Department of Energy (DOE) and the Air Force about the re-review of records at the National Archives under the Kyl/Lott Amendment and other documents labeled "records of concern" after the terrorist attacks of September 11, 2001. For the past several years the Committee has been concerned that the re-review mandated by Kyl/Lott would mean a tremendous drain on resources that otherwise could be deployed for systematic review of records twenty-five years old or older. The DOE has embarked on a training program for declassifiers throughout the federal government. Over 2,000 federal declassifiers have now taken this training program and it has allowed them to make significant progress in the reviews mandated by Kyl/Lott. The backlog is huge. It may take another four years before all the records opened at NARA between 1995 and 1999, the period required for re-review, can be examined. The Advisory Committee is concerned that archival boxes taken off the shelf by DOE reviewers are not properly tracked. HO and researchers from the public need assurances that they can find boxes that have been withdrawn by the reviewers.

The State Department also made significant progress in its plan to transfer its electronic records from 1973 and after to NARA. After years of planning and prodding, that plan will be implemented soon. The 1973 Central Files have now been declassified and the plan is to transfer them to NARA in June 2003. Central files for 1974 and 1975 will follow later in 2003. Records will henceforth be transferred to NARA in annual blocs. Researchers should have access to the first of these records in 2004. This represents a significant achievement. The Advisory Committee notes that the first batch of electronic records will be available to researchers 29 or 30 years after the events. The Committee encourages State and NARA to produce plans for bringing public access to electronic records within the 25-year requirements.

Revisions of EO 12958, the Information Security Policy Advisory Council, and the

Public Interest Declassification Board

In keeping with its statutory authority to advise the Secretary of State on declassification of State Department records, the Committee tried to provide advice on the potential revisions to E.O. 12958. The Committee asked repeatedly to see drafts of the Department's working papers or proposals for revisions of the EO. It was not shown these drafts; instead it received oral briefings on the state of revisions. The Committee considers these briefings an unacceptable substitute for reading the working papers and thus being able to offer advice early enough in the process to have an impact on the formulation of State Department positions at working groups.

The briefings contained assurances that the revisions to E.O. 12958 would retain the essence of the 1995 order. The principle of automatic declassification with narrowly defined exceptions after twenty-five years would be retained. The oral briefings also alerted the Committee to the likelihood that the revised E.O. would place restrictions on the release of foreign government information. The briefings stated that the additional language was designed to notify courts to the need to protect current foreign government information. Information in documents 25 years old or older, whatever the source, could remain classified only if it adversely affected current foreign policy, national security, ongoing negotiations, or revealed sources and methods of intelligence. In other words, the same standards for declassification in the current E.O. would apply in any potential revisions. The Committee hopes that these assurances will be realized in a revised E.O. on classification/declassification of national security information. Nevertheless, it would have been far preferable for the Committee to have provided its considered professional advice based on having read the draft working papers, and recommends that the internal process for developing a State Department position in this and similar public access issues include early consultations with the State Department Historical Advisory Committee. The Committee also reiterates its strongly held belief that any revisions Of E.O. 12958 not diminish the American public's right to read its own history.

The Committee wrote the Secretary of State expressing its hope that the Department would advocate the appointment of the Information Security Policy Advisory Council (ISPAC) and the Public Interest Declassification Board (PIDB). E.O. 12958 had called for the creation of the former in 1995 and Congress had authorized the creation of the latter in 2000. The Committee has repeatedly advocated the appointment of these two bodies in order to facilitate systematic declassification of documents relating to the foreign relations of the United States. In October 2002, the Department replied to the Committee's letter that the appointment of neither body seemed likely. The revisions to E.O. 12958 were likely to eliminate the ISPAC and the Department detected little interest throughout the government in the creation of the PIDB. These are regrettable developments. The Committee hopes that the Department and other government agencies will continue to make available resources for systematic declassification. It also expects that in the absence of the appointment of the ISPAC and the PIDB, it and other advisory committees interested in the dissemination of information will become, and will be encouraged to be, more active in offering advice on systematic declassification.

Conclusion

The Committee hopes that based on the accomplishments of 2002, the year 2003 will see progress toward fulfilling the publication of FRUS within thirty years as called for by the Foreign Relations statute. The Committee is greatly encouraged by the additional resources

that the State Department has provided the Historian's Office and looks forward to the development of a fully trained cadre of historians working to compile, declassify, and publish Foreign Relations volumes. It also applauds the improving cooperation between the HO and most other government agencies, especially the Central Intelligence Agency. The Committee also endorses the Department of State's continued declassification and transfer to NARA of twenty-five year old records, especially electronic records.

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