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February 28, 2002

The Honorable Colin L. Powell
Secretary of State
Washington, D.C. 20520

Dear Secretary Powell:

I am forwarding with this letter the annual report of the State Department's Advisory Committee on Historical Diplomatic Documentation (Historical Advisory Committee) for the twelve-month period, January 1, 2001 through December 31, 2001, in accordance with the requirements of the Foreign Relations statute, Public Law 102-138 of October 28, 1991 (22 USC 4351, et seq.).

The Historical Advisory Committee is encouraged by the strong support of the State Department, the Bureau of Public Affairs and the Historian's Office for the important work of the *Foreign Relations of the United States* series. A new Historian assumed his duties in January 2001. The Bureau of Public Affairs made available to the Historian's Office six new professional historians. Furthermore, the long-promised professional historian shared jointly by the CIA and the State Department came close to becoming reality in 2001. The presence of these new professionals should help the Department make progress toward meeting the statutory requirement of publishing volumes of FRUS no later than thirty years after the events covered in a volume. The Committee also reports with pleasure that the Historian's Office has made significant progress toward modernizing the *Foreign Relations* series as promised in 1999. In addition, the Committee explains how the Department of State continues to meet the requirements of Executive Order 12958 of April 1, 1995 in declassifying its records more than twenty-five years old. State Department declassification activities set the standard for other agencies in the federal government.

The Committee expresses its concern that delays in declassification and last-minute delays in final approval of publication of FRUS volumes seriously undermine the ability of the Department of State to meet the statutory requirement of publication within thirty years of events covered by a FRUS volume.

As has been the case in recent years, the Committee deeply regrets the remaining serious problems in access to documentation relevant to the publication of high quality volumes of FRUS. The CIA continues to deny HO historians the right to quote or cite material from the President's Daily Briefs (PDBs). The President's Foreign Intelligence Advisory Board

(PFIAB) denies HO historians the ability to consult, cite or quote PFIAB records.

These denials set a dangerous precedent and may compromise the integrity of future FRUS volumes. The Committee hopes that the Department of State will work with the CIA and PFIAB in 2002 to resolve this vexing problem in a way that will provide proper access to and publication of appropriate documents from these sources.

The Committee also recommends that you and other responsible officials in the Department continue to uphold the principles of the greatest possible openness in any revision of E.O. 12958.

The Committee remains grateful for your support for our endeavors and welcomes the opportunity to discuss with you ways to increase the transparency, openness, and accountability in this aspect of government.

Sincerely,

Robert D. Schulzinger
Chair, Advisory Committee on Historical Diplomatic Documentation

copy to (with report)

Committee on Foreign Relations, U.S. Senate
Committee on International Relations, U.S. House of Representatives
American Historical Association
American Political Science Association
American Society of International Law
Organization of American Historians
Society of American Archivists
Society for Historians of American Foreign Relations

Report of the Advisory Committee on Historical Diplomatic Documentation

January 1 - December 31, 2001

In accordance with the Foreign Relations Statute of 1991 (22 USC 4351, et seq) the Historical Advisory Committee (HAC) advises 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 thirty-year-old and older records to the public. This report addresses the organization of the Office of Historian (HO), progress made during 2001, and the remaining areas of concern regarding the compilation and publication of the FRUS series and declassification and opening of State Department records.

Office of the Historian

Marc Susser became the Historian of the Department of State in January 2001. Dr. Susser is committed to publication of high-quality FRUS volumes within the statutory requirement of

thirty years after the events. In recent years, the FRUS series has fallen short of this deadline, because of a lack of staff resources, difficulty in declassification of documents, and delays in final approval of publication of volumes. Dr. Susser has moved aggressively to address the chronic shortage of professional staff. During 2001, six additional FTE professional historians joined the staff. Unfortunately, in December, the HO also saw the departure of its sole member of the Declassification Coordination Division. This vacancy made it even more difficult to declassify documents essential to the publication of FRUS. The HO added a new professional staff member devoted to declassification coordination in early 2002.

The Historian and the HAC have high hopes that the new hires will help the HO make significant progress toward meeting the thirty-year deadline for publication of FRUS. Dr. Susser has also paid particular attention to the professional development of HO historians. The Historian encourages the staff to attend and present papers at professional meetings and to publish their historical research. As a result, the professional staff members have become more integrated into the current state of the art of international and diplomatic history.

The Historian also has ambitious plans to have the HO help create the planned Museum of Diplomacy within the Department. The HAC agrees that the Museum can make an important contribution to public education. The Committee stresses, however, that staff resources should not be diverted from the primary work of compilation and publication of FRUS. The Committee encourages the Department to supply additional staff and other resources to make the Museum of Diplomacy a reality.

Publication of the Foreign Relations Series

Although the HO added staff throughout the year, the FRUS series continued to fall behind the statutory requirement of publication thirty years after the events covered in a volume of FRUS. During 2001 the Department published four volumes of the FRUS series covering various aspects of U.S. foreign relations in the period 1964-68. This rate of publication is consistent with the activity of the previous four years. In each of these years the HO published four or five volumes of FRUS. Only in 1996, when 12 volumes of FRUS were published, was the HO able to make substantial progress toward meeting the thirty year deadline.

There are several FRUS volumes awaiting release for publication. The final volume covering the period 1961-1963 is scheduled for release in the near future. HO historians have also compiled the remaining eleven volumes covering the Johnson administration (1964-1968) and referred them to officials in the State Department and other relevant agencies for declassification. Even in the highly unlikely event that all of these volumes were to be published in 2002, the series would be publishing material thirty-four, not twenty-five, years old. On a positive note, the first volume covering the period 1969-1976, entitled Foreign Economic Policy; International Monetary Reform, 1969-1972, has been fully cleared and is scheduled for publication in early 2002.

The delays in meeting the statutory deadlines are the familiar ones cited by the HAC in recent years: staff shortage, delays in declassification, and last-minute delays in final approval of publication. The chronic staff shortage may now be on its way to resolution. As noted above, the Historian has received significant resources from the Department to add more professional historians. These new hires should help in the work of compilation of FRUS volumes. The staff of the HO is now energetically pursuing the new plan for the

FRUS series begun in 1999. HO historians have compiled volumes on the Foundations of U.S. Foreign Policy, 1969-1972; The Organization of Foreign Policy, 1969-1972; Foreign Economic Policy, 1973-1976, and United Nations, 1969-1972. These volumes are scheduled for print publication.

The staff also have compiled one volume, now in declassification review, which is slated for electronic publication, Global Issues, 1969-1972, -- the first such e-publication in the series. They are working on other e-publications as well. HO historians have begun work on access guides to volumes on the Nixon-Ford administrations. The HAC has been impressed with the breadth of the prototype access guides. When they are published electronically, the HAC believes they will become invaluable assets for researchers and believes such guides are an integral part of the FRUS project.

Obtaining final approval for publication of at least one FRUS volumes continues to be a vexing issue for the HO and for the HAC. The declassification of several volumes of FRUS has been delayed by disagreements between the HO and the Central Intelligence Agency. The High Level Panel did not meet during 2001. In part, this was an understandable consequence of a change in Administrations and the aftermath of the attacks of September 11 that absorbed so much of the attention of officials involved in approving publication of FRUS volumes.

Nevertheless, the HAC is very concerned that the process of final approval goes forward. The FRUS series is a jewel in American democracy. The HAC 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). This kind of high quality publication can occur only if the mechanisms for final approval of FRUS volumes work smoothly. The HAC believes that these mechanisms need to function in a way that provide for proper declassification of national security documents and retain the authority of the Historian of the Department of State for the preparation of the FRUS series.

The Central Intelligence Agency and the Foreign Relations Series

The HO and the Central Intelligence Agency continue to work on the appropriate way of providing access for HO historians to CIA documents and declassification of CIA documents. On a positive note, progress was made on the long delayed joint State/CIA historian who will work in Agency records for possible inclusion in FRUS. The joint position is near to becoming a reality, and we anticipate that this individual will begin work at the Agency in early 2002. The HO and the HAC have high hopes that the work of this historian will ease some of the chronic problems of access to CIA records encountered by HO historians.

Yet significant friction remained between the HO and the CIA. The Committee was concerned that some positions taken by the CIA frustrated the timely compilation and publication of FRUS volumes. In mid-2001, the CIA expressed its dissatisfaction with the 1992 Memorandum of Understanding between the Agency and the HO governing the access of HO historians to CIA records. In the fall, the HAC became alarmed that the CIA's insistence that a new MOU be drafted between State and the CIA had effectively stopped research by HO historians in CIA files. As the Committee has noted in earlier annual reports, the CIA's requirement that HO historians consult records at the CIA and not bring them back to the HO made work on FRUS documents very difficult. In addition, CIA

officials delayed agency declassification review of documents proposed for inclusion in FRUS volumes until a new MOU was agreed upon. Representatives from the HO and the CIA worked effectively in the fall to draft interim procedures concerning HO use of CIA documents and CIA declassification review for FRUS manuscripts. The Agency and the HO signed the interim procedures agreement in December. The CIA then moved forward on declassification of documents deemed necessary by the HO for inclusion in FRUS volumes.

The Agency and the HO agreed to complete a final MOU by mid-2002. The Committee expresses its strong belief that the final MOU maintain the integrity and the historical accuracy of the FRUS series. Specifically, the HAC wants the final MOU to avoid adding additional layers of review for publication of FRUS volumes. It should retain the High Level Panel as a group that decides whether covert operations can be acknowledged and provides guidance for publication of documents pertinent to covert operations. Once the HLP decides on acknowledgment of covert operations, its decisions should stand. The MOU also should not put further roadblocks along the way to final publication of declassified FRUS volumes. It should acknowledge that access guides and electronic publications are an integral part of the ongoing FRUS series. It should also acknowledge that FRUS is a publication of the Department of State. As such, the Secretary and the Historian should determine the timing of release and the content of accompanying press releases.

The Committee remains concerned that the President's Daily Briefs (PDBs) cannot be quoted or cited in FRUS volumes. As the Committee noted last year, the blanket denial of declassification for the PDBs sought by the CIA sets a dangerous precedent for the future. The PDBs for the Nixon period will be an important source for FRUS. The Committee continues strongly to oppose a blanket exemption of the PDBs, documents that contain information the president actually saw and heard. The material in question is at least thirty years old. The Committee is aware of the ongoing efforts to revise EO 12958 of April 1995 setting guidelines for declassification of twenty-five year old documents. The Committee opposes any effort to exempt from declassification the PDBs in possible revisions of EO 12958.

Access to Other Documents

The Committee remains concerned that HO historians still are unable to consult, cite or quote documents from the President's Foreign Intelligence Advisory Board (PFIAB) from the early 1960s. Access to such documents is essential for the publication of several volumes. The State Department refrained from pressing for access to PFIAB records as the transition from one administration to another went forward. A new chairman of PFIAB, Gen. Brent Scowcroft, has just assumed his duties. The HAC urges the Department and PFIAB to revisit the issue of HO access to Board records at the earliest possible time. The HAC stresses that these records are at least thirty years old and every effort should be made to declassify them according to the accepted standards of reviewing national security and intelligence documents. If the HO historian are unable to consult and possibly include them in published volumes of FRUS, the historical integrity of the series could be compromised.

The HAC is also concerned about potential restrictions on access to documents in Presidential Libraries from the period 1981 and thereafter created by President Bush's EO 13233 of November 2001. The HAC opposes changes in access policies at the Presidential Libraries that reverse the substantial progress made in the last decade on declassification of government records. The Committee believes that EO 13233 places the 1978 Presidential

Records Act in real jeopardy. The HAC is aware of the distinction between documents exempt for reasons of national security and others that hold historical interest and should be made available to researchers. As it currently stands, EO 13233 represents a step backward in the responsibility to uphold the law and make our national security records accessible to the public.

Declassification and Transfer of State 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 11 million pages of documents during 2001. Included in the 11 million pages were 6.5 million searched for Nazi War Crimes material, 3.22 million pages re-reviewed under the requirements of the Kyl/Lott amendment regarding Restricted Data (RD) and Formerly Restricted Data (FRD), and 720,000 pages of former USIA records. In compliance with EO 12958, SRP reviewed 410,000 pages. SRP completed the review of material 1975 and older and it began reviewing 1976-1978 records. The success of the Department's declassification process is a model for all agencies of the government. The work of the SRP shows much can be accomplished in declassification, given the deployment of a well trained and committed team of declassifiers.

The HAC continues to monitor the progress of efforts by the State Department and the National Archives and Records Administration (NARA) to transfer State's electronic records to NARA. As one State Department representative put it "the transfer of millions of records, many of them classified, represents a truly cutting edge endeavor, both from a national security and an IT perspective." Two-thousand-one saw substantial progress toward this transfer, albeit in fits and starts. By the end of 2001, State had transferred 10,000 electronic records to NARA for testing purposes. NARA had developed the public access interface for the records and had demonstrated it to a subcommittee of the HAC. State and NARA had agreed to a Targeted Assistance Project by which NARA would work with State to review State's records management program. Both agencies had agreed to develop records disposition schedules for the State Archiving System and other records. The actual transfer of State's electronic records for the period 1975-1978 is scheduled to be completed by April 2003.

Conclusion

The Committee hopes that 2002 will see progress toward fulfilling the publication of FRUS within thirty years as promised by the Foreign Relations Statute. The Committee also endorses the continued declassification of twenty-five year old records by the Department, as promised by EO 12958. As it has in recent years, the Committee expresses its disappointment that the Information Security Policy Advisory Council (ISPAC) established under EO 12958 to monitor major declassification issues has not started its work. The Committee also encourages the leadership of the Department of State to advocate the creation of the Public Interest Declassification Board authorized by Congress in 2000. These two bodies are very important to effective government-wide declassification efforts.

Robert D. Schulzinger
Chair, Advisory Committee on Historical Diplomatic Documentation

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