

Report of the Advisory Committee on Historical Diplomatic Documentation, January 1-December 31, 2015

The Advisory Committee on Historical Diplomatic Documentation to the Department of State (HAC) has two principal responsibilities: It oversees the preparation and timely publication of the *Foreign Relations of the United States (FRUS)* series, and 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 relations. Since the enactment of this law, State’s Office of the Historian (HO) has worked diligently to compile and publish *FRUS* volumes which meet this standard.

HAC appreciates that meeting this standard has become ever more challenging and complex. The number of vital government documents pertaining to foreign relations that are produced by a wide spectrum of government departments and agencies has exploded since the 1960s. Yet Congressional legislation requires the publication of “thorough, accurate, and reliable” volumes no later than 30 years after the events they document. HO has struggled to meet these twin obligations. HAC nonetheless is delighted to report HO’s impressive progress over the past several years in approaching the 30-year timeline. The publication in 2015 of the initial volume in the Ronald Reagan administration series marks the first time a *FRUS* volume has been published at the 31-year line since 2007. Although the Reagan years reflect a spike in covert actions that will present declassification challenges, the HAC cannot exaggerate how encouraged it is by HO’s productivity.

The 1991 Foreign Relations statute also mandates that HAC monitor and advise on the declassification and opening of the Department of State’s records. The HAC expressed its disappointment and concern over this area of its responsibility in its report last year. That concern and disappointment has intensified.

Executive Order 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. With a few exceptions, State’s Office of Information Programs and Services (IPS) warrants praise for its efforts to meet that requirement, although problems with resources, staffing, and facilities, exacerbated by the controversies over Former Secretary of State Hillary Clinton’s emails and

attendant issues, has impeded its efforts. Further, because of the time required for reviews by multiple agencies other than State with equities in its documents, the many technological problems that arise in connection with the growing number of electronic records, and the frequent delays in the transfer of the records to and their processing by the National Archives and Records Administration (NARA), a large percentage of State's records may not be available to researchers for many years beyond the E.O.'s requirement. HAC applauds the leadership of both IPS and NARA for addressing these issues so conscientiously and aggressively in 2015. But without more resources and an even greater effort, the problems will surely grow worse.

Publications of the *Foreign Relations Series*

Compiling the continually increasing number of records necessary to document an administration's foreign policies, culling from them the limited number that can be managed in one volume yet provide a "thorough, accurate, and reliable" history, and declassifying that selection, poses an exceedingly difficult challenge. Still, during 2015 the Office of the Historian published ten *FRUS* volumes. These are:

1. 1969–1976, Volume E–11, Part 1, *Documents on Mexico; Central America; and the Caribbean, 1973–1976*
2. 1969–1976, Volume XXIII, *Arab-Israeli Dispute, 1969–1972*
3. 1977–1980, Volume XVIII, *Middle East Region; Arabian Peninsula*
4. 1969–1976, Volume XXII, *Panama, 1973–1976*
5. 1969–1976, Volume E–14, Part 2, *Documents on Arms Control and Nonproliferation, 1973–1976*
6. 1969–1976, Volume E–16, *Documents on Chile, 1969–1973*
7. 1977–1980, Volume XXVI, *Arms Control and Nonproliferation*
8. 1977–1980, Volume XX, *Eastern Europe*
9. 1969–1976, Volume E–11, Part 2, *Documents on South America, 1973–1976*
10. 1981–1988, Volume XIII, *Conflict in the South Atlantic, 1981–1984*

This impressive list includes the long-awaited *Arab-Israeli Dispute, 1969–1972, Middle East Region; Arabian Peninsula, 1977-1980*, and *Documents on Chile, 1969–1973*, as well as the first volume in the Reagan administration series, *Conflict in the South Atlantic, 1981–1984*. The total of ten volumes published in 2015 is not only one more than in 2014, but it is the first year during which HO published ten volumes since 1996. The nineteen volumes published between 2014 and 2015 is a two-year total not achieved since 1992.

It is likely that HO will finally meet its statutory thirty-year timeline as it publishes more volumes in the Reagan administration series over the next few years. Maintaining its 2015 rate of publication, however, will be difficult. In addition to declassification dynamics, some of the factors influencing publication are beyond HO's control. Severe cutbacks in the Remote Archives Capture Program, for example, may affect compilers' access to material at Presidential Libraries. Owing to the currently volatile relationship between the United States and Iran, to provide another example, the State Department continues to withhold its approval for publishing the eagerly anticipated retrospective volume on Iran 1953. The HAC's outlook for 2016 and beyond is nevertheless optimistic. Because HO has already finished compiling, reviewing, and editing 10 volumes, and more than 20 others are in declassification process, the Office now has an opportunity to publish at least some Reagan volumes inside the 30-year timeline.

Also noteworthy in 2015, HO accelerated and systematized a program to publish on its website digitized volumes from the *FRUS* back catalog. Released on a quarterly basis to widespread acclaim, these complete text e-book versions of *FRUS* are fully searchable and can be downloaded for free to tablets and phones. Additionally the office continues to build on its past successes in public outreach by exploiting social media platforms and to support the Department of State through its preparation of briefing papers that provide historical context to contemporary issues, such as the negotiations with Iran about its nuclear program and the reopening of the US Embassy in Havana.

HAC commends HO for its achievements. While the entire office deserves praise for its contributions, the Historian, Deputy Historian, General Editor, and others in supervisory positions warrant special mention. Their managerial skill has played a pivotal role both in the office's prodigious output and high morale.

The Challenge of the 30-Year Requirement

The HAC does not underestimate the challenges that HO must still confront in meeting the statutorily mandated 30-year timeline for publishing *FRUS*. The

Foreign Relations Statute of 1991 mandated and facilitated research beyond the State Department and White House: in the files of the CIA, the Departments of Defense (DOD) and Energy (DOE), and all other Executive Office agencies involved in the conduct of U.S. foreign relations. Not only must these agencies declassify their documents for inclusion in the series, but all agencies and departments, most notably the CIA, DOD, and DOE, must review documents of any origin in which they have “equities.”

In an effort to facilitate access and review, the State Department in 1992 signed a Memorandum of Understanding with the CIA and established a State-CIA-National Security Council (NSC) “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 and to adjudicate disputes. These initiatives, coupled with the very positive relationship HO has developed with CIA over the past several years, has paid dividends. CIA consistently reviews both specific documents and compiled volumes in a timely manner, and in 2015 it agreed to acknowledge four covert actions that will be documented in future volumes. Nevertheless, the frequent reliance on covert actions in the Reagan and subsequent administrations will doubtless require lengthy declassification processes that will inevitably delay publication of a significant number of volumes beyond the 30-year target.

In general, HO receives excellent support from all of its interagency declassification review partners. Particularly praiseworthy are DOE and NSC, which, while still protecting sensitive equities, produce timely and careful reviews aimed at releasing as much historical information as possible. CIA has established a rigorous process for review and declassification, and it is well aware of the requirements established by both legislation and Executive Order. DOD, however remains the weak link. Structural impediments, inadequate training and oversight for reviewers, and a shortage of personnel present severe obstacles to DOD’s timely review of *FRUS* volumes. Because declassification review authority is diffused across the massive DOD bureaucracy, rather than residing in a single dedicated review staff, reviews are often inconsistent and exceed deadlines. DOD reviews frequently result in excessive redactions of improperly withheld information, necessitating time consuming appeals that delay the process further.

Declassification Issues and the Transfer and Processing of Department of State Records

The HAC has previously expressed grave concern over the inability of NARA to process and transfer electronic and paper records in order to make them accessible

to scholars and the public in a timely manner. The committee appreciates the challenges generated by underfunding, understaffing, the increased volume of documents, and the rising number of electronic documents. Electronic cables and emails pose particularly nettlesome challenges, exacerbating the bottlenecks in the review, declassification, and transfer process that have built up over the years.

HO commends NARA's leadership for tackling these issues, but the improvements have been far from sufficient. NARA continues to lack a staff sufficient to execute basic archival functions such as processing and describing records and providing adequate reference service. It is not evident to the HAC, moreover, that carrying out these functions is currently NARA's chief priority. It has, for example, made slight improvements to the National Archives Catalog. But these improvements, and the Catalog itself, cannot substitute for the development of fulsome finding guides and an archival staff with deep subject expertise.

Within the State Department, the Systematic Review Program (SRP), the situation is better—but not by much. And serious problems loom in the future. SRP's commendable effort has enabled it to stay on track in meeting its obligations to transfer paper records to NARA. It also kept up with HO's *FRUS* production. But serious technological issues that attend the review of electronic records, the equities that other agencies have in them, delays in the construction of a new facility, and an increase in Freedom of Information and Mandatory Review requests have seriously impaired SRP's review and transfer of electronic records.

Only dramatic advances in technological instruments, coupled with similarly dramatic increases in funding and personnel, will prevent these problems from growing worse as the volume of electronic records increases, in no small part because the State Department has instituted a new system to capture all email, regardless of how senior the official who sent or received it. Furthermore, the Obama administration has mandated that by December 31, 2016, all federal agencies must manage their email records in an electronic format, and by December 2019, they must manage their permanent electronic records in an electronic format. Because meeting these deadlines will challenge both NARA and IPS, the HAC will target the years 2016 and 2019 for special attention.

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