

Report of the Advisory Committee on Historical Diplomatic Documentation, January 1-December 31, 2016

The Advisory Committee on Historical Diplomatic Documentation to the Department of State (HAC) has two principal responsibilities: overseeing the Department of State's Office of the Historian's (HO) preparation and timely publication of the *Foreign Relations of the United States (FRUS)* series, and monitoring 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. It calls for a "thorough, accurate, and reliable" documentary record of United States foreign relations.

Meeting this standard is challenging. The number of vital government documents pertaining to foreign relations that are produced by a 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 that they document. HO has worked diligently to meet its statutory obligations even as it provides additional services of great value. For example, in 2016 it prepared essential briefings to the Barack Obama administration and to Donald Trump's during the transition, and it contributed constructively to the success of the presidential project to document human rights abuses during Argentina's "dirty war" between 1975 and 1984.

The HAC is delighted to report that, notwithstanding its challenges, HO sustained its impressive progress in publishing *FRUS*. In this context 2016 stands out as a special year: It published the volume covering US-USSR relations from 1986-1988. This volume appeared only 28 years following the events it documented—the first time HO achieved this benchmark since 1996. Although the spike in covert actions during Reagan years will present declassification challenges that make repeating this feat more likely to be the exception than the rule, the HAC remains encouraged by HO's commitment to productivity.

The 1991 Foreign Relations act also mandates that the 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 previous several reports. Despite some improvement produced by a very committed staff, the HAC's concern has not dissipated.

Section 1.5 of Executive Order 13526, issued in December 2009, requires the declassification of records over 25 years old—unless valid and compelling reasons can be specified for withholding them. State’s Office of Information Programs and Services (IPS) deserves praise for its efforts to meet that requirement, overcoming continuing and often intensifying shortages of resources and staffing and inadequate facilities. Nevertheless, because of the time needed 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 at the National Archives and Records Administration (NARA), a large percentage of State’s records may not be available to researchers for years beyond the E.O.’s declassification requirement. The HAC applauds the leadership of both IPS and NARA for addressing these issues conscientiously and aggressively. But without more staffing and resources, and the development and application of more effective technologies, the problems will not only persist but also 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 still provide a “thorough, accurate, and reliable” history, and then submitting that selection to the appropriate agencies and departments for declassification and verification, poses an exceedingly difficult and time-consuming challenge. This challenge underscores that the eight volumes HO published in 2016 is a very impressive number. These volumes are:

1. *Foreign Relations, 1981–1988, Volume III, Soviet Union, January 1981–January 1983*
2. *Foreign Relations, 1977–1980, Volume XXVIII, Organization and Management of Foreign Policy*
3. *Foreign Relations, 1977–1980, Volume XXX, Public Diplomacy*
4. *Foreign Relations, 1977–1980, Volume XVI, Southern Africa*
5. *Foreign Relations, 1977–1980, Volume XXIX, Panama*
6. *Foreign Relations, 1977–1980, Volume XVII, Part 1, Horn of Africa*
7. *Foreign Relations, 1977–1980, Volume XXIII, Mexico, Cuba, and the Caribbean*
8. *Foreign Relations, 1981–1988, Volume VI, Soviet Union, October 1986-January 1989*

It warrants repeating that this list’s last volume, *Soviet Union, October 1986-January 1989*, which covers the momentous lead-up to the end of the Cold War,

not only for the first time since 1996 complied with the 30-year deadline but also beat that deadline. Also on this list is *FRUS*'s first stand-alone volume on Public Diplomacy. Moreover, HO is now already half-way through publishing the Carter subseries, and the total of twenty-seven volumes it has published since 2014 has established an all-time record for productivity. The volume of covert actions that characterize the latter Carter and entire Reagan years, however, will make sustaining the publication rate of the print volumes all but impossible. Nevertheless, with 73 volumes currently in the compiling/research, review/revision, declassification, or editing/publication stage, the HAC is cautiously optimistic about the future.

HO also continued its project to digitize its back catalog of *Foreign Relations* volumes dating back to 1861. In 2016 it published on its redesigned website 82 newly digitized volumes, all of which are completely searchable within and across volumes.

The Challenge of the 30-Year Requirement

The HAC was severely disappointed that the Department of State did not permit publication of the long-delayed *Iran Retrospective* volume because it judged the political environment too sensitive. The HAC was unsuccessful in its efforts to meet with Secretary Kerry to discuss the volume, and now there is no timetable for its release. In addition, significant cost increases necessary for funding for the Remote Archives Capture (RAC) program, which may impair the program's mission to digitize classified documents at the Presidential Libraries so the scanned images can be accessed in Washington, DC, is also a cause for concern. It is likely that researching and compiling *FRUS* volumes will become more difficult and take longer.

Further, exacerbated but not driven exclusively by covert action issues, the declassification environment is discouraging. The 1991 Foreign Relations act requires agencies to review volumes submitted to them for publication in *FRUS* within 120 days. If the agency withholds a document from declassification and HO appeals, the agency must respond within 60 days. Within the Department of State, a division of the Office of Information Programs and Services conducts these reviews. IPS has been commendably conscientious and professional in complying with these deadlines. So has the National Security Council's (NSC) Office of Access Management, which both reviews documents with White House equities and provides commentary on decisions made by other declassifying agencies. The Department of Energy (DOE) has improved the pace of its reviews.

The same cannot be said for the Department of Defense (DOD). In 2016 HO submitted to its Office of Prepublication and Security Review (DOPSR) six volumes; DOPSR completed the reviews of only two, and the quality of those reviews was inadequate. The reviewers applied the classification guidelines so inconsistently as to require numerous appeals to remedy improperly withheld material. Moreover, DOPSR has not yet completed the reviews of two volumes that HO submitted in 2015, exceeding the statutorily mandated timeline by an average of 198 days. Such non-compliance delays *FRUS* publication.

While the Central Intelligence Agency (CIA) performs better than DOD, its performance declined in 2016. Owing to personnel changes, high priority special projects such as the declassification of the Nixon/Ford President's Daily Briefs (PDBs), and the number of covert actions, it completed reviews on only four of the eleven volumes HO submitted in 2016. The effectiveness of the High Level Panel (HLP) process has also declined. In 1992 the State and CIA signed a Memorandum of Understanding that established a State-CIA-National Security Council HLP to provide guidelines for declassifying and publishing documentation relating to covert actions and to adjudicate disputes. From 2013-15 the HO-CIA HLP process resulted in CIA's approval of an average of four HLP issues a year. In 2016 CIA did not approve any. Hence, five volumes are on hold pending resolution of HLP issues. The sluggishness of the CIA's reviews has already caused HO to reduce its estimate of the number of *FRUS* volumes it will publish in 2017 by twenty percent. The HAC met with CIA's staff and Historical Review Panel (HRP) to address these problems.

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

As it did last year, the HAC commends NARA's leadership for its efforts to mitigate the obstacles posed by underfunding and understaffing for making both paper and electronic records available to scholars and the public in a timely manner. The consequences of these shortcomings, nevertheless, have become increasingly acute as the volume of records, particularly electronic records, which require organizing, describing, and reviewing before transfer, grows. The State Department established the Electronic Records Management Working Group (ERMWG) to address NARA's direction to manage emails by the end of 2016, and all permanent electronic records by the end of 2019. The emails of the secretary of state and all other Department principals, together with their staff, are now being archived in a central, searchable electronic archive that meets NARA's success criteria. This means that the records of most consequence – those of the Department's senior officials – are being captured and retained permanently. These

initiatives will promote cost-saving efficiencies and greater search capabilities in the long-run. In the short-term, however, they are time consuming and labor intensive.

NARA's Research Services has performance concentrated on addressing the backlog of accessioned records produced by delays in processing. For example, it has hired additional archival technicians who perform tasks such as basic arrangement and creating box lists. But these gains in processing have come at the expense of research units. The number of staff members in NARA's Research Services division remains below that of 2014. The HAC therefore takes pleasure reporting that NARA still managed to undertake such major initiatives as a project that will facilitate future processing and transfer by improve descriptive information for accessioned foreign affairs records, a project intended to enhance access to the records for both NARA staff and researchers by ensuring that finding aids are up-to-date and available in the research room and online, and follow-on efforts to upgrade and increase the utility of the National Archives Catalog.

The NDC and IPS likewise suffer from staff and resource shortfalls, but the effects have been less deleterious. Indeed, both performed extraordinarily in 2016. Because of its capable staff, lessons learned since established in 2010, and an innovation that facilitates coordination between NDC's staff and agency reviewers on-site at Archives II, NDC had reduced the backlog of Freedom of Information Act (FOIA) and Mandatory Declassification Review (MDR) referrals by more than 25%. In addition, its Indexing-By-Demand initiative and solicitation of prioritization proposals has enabled NDC to better anticipate which record groups are most valued by researchers.

IPS's Systematic Review Program (SRP), notwithstanding disruptions caused by the renovation of its Newington facility, succeeded in reviewing *FRUS* volumes at a rate that prevented delays in publication. It also completed the reviews of classified State Department records before their automatic declassification after 25 years in order to exempt still-sensitive information from declassification. The release rate for electronic records was 90%; for paper records, over 99%. An even more impressive achievement was its processing in 2016 of more than double the number of FOIA requests, MDR requests, and special requests for records over 25 years old than it did in 2015, reducing the backlog by 72%.

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