

May 19, 2008

**Report of the Advisory Committee on Historical Diplomatic Documentation,
January 1-December 31, 2007**

By public law and its own tradition, the Historical Advisory Committee of the Department of State has two principal responsibilities. One is to oversee the preparation and timely publication of the *Foreign Relations of the United States* series, the series which provides the American people with an honest record of the foreign relations of this country. The other responsibility is to facilitate public access to Department of State records that are 25 years or older from the date of issue.

The first of these responsibilities is mandated by the Foreign Relations Statute of 1991, which calls for a thorough, accurate, and reliable documentary record of United States foreign policy. This strong language was the result of the intense public controversy that surrounded the publication of two *FRUS* volumes concerning Iran and Central America, volumes which omitted records relating to covert operations undertaken in those countries during the 1950s. (This issue was discussed fully in last year's annual report.) The Historical Advisory Committee recognizes that this mandate of thoroughness, accuracy, and reliability, which it believes that the Office of the Historian has followed faithfully, makes the compilation of the historical record an exceptionally complex task, as it does the oversight of this responsibility by the committee.

The second statutory obligation is to monitor and advise on the declassification and opening of the Department's records, which involves the Department's implementation of Executive Orders 12958 and 13292 which mandate the declassification of records over 25 years old unless valid and significant reasons can be specified for not releasing them. The magnitude of this unprecedented order can be comprehended by noting that some 44 million pages, or 14 percent of the National Archives holdings of classified material, were declassified in bulk—records ranging from the end of World War II to the 1970s.

The committee continued to monitor the progress of the Department's declassification effort and the transfer of the Department's paper and, especially, electronic records to NARA, and issues relating to delays in opening these records to the public. The committee reviewed the procedures being developed by the Department's records managers and NARA in a major initiative to identify, through the Department's TAGS, those electronic records that could be determined to be non-permanent. Finally, the committee engaged in extensive discussions with NARA officials, including Assistant Archivist Michael Kurtz, regarding the National Declassification Initiative intended to expedite reviews of classified materials with multiple equities and regarding the removal from Archive shelves of materials that representatives from other agencies claimed were incorrectly declassified.

The Historical Advisory Committee is now in its seventeenth year since the time of the landmark statute of 1991. The committee believes the Office of the Historian has

met the standards of thoroughness, accuracy, and reliability imposed by statute. The committee, however, is disappointed to have to report on the continuing failure to meet the 30-year requirement for the Foreign Relations series. Although there are many factors that may have contributed to this failure – the always present concern with balancing secrecy and the public’s right-to-know, possible shortages of personnel and/or resources, and recent presidential directives – the committee believes that the Historian must make a more concerted effort to address this problem of the *FRUS* series in his decisions relating to the functioning of the Office. Despite many and repeated assurances that this problem would be addressed by 2010, the committee is now very skeptical that the Office of the Historian will succeed in meeting the 30-year requirement for the Foreign Relations series at anytime within the next decade. The focus of the Historical Advisory Committee continues to be upon bringing the series into full compliance with the law – that is, with ensuring the series meets the required 30-year timetable while continuing to provide to the American people a thorough, accurate, and reliable documentary record.

Publications of the Foreign Relations Series

After an impressive publication record in 2006 of ten volumes, during calendar year 2007 the Office of the Historian published only five volumes in the *Foreign Relations* series:

- 1.) 1969-1976, Vol. E-2, Documents on Arms Control, 1969-1972
- 2.) 1969-1976, Vol. E-5, Part 2, Documents on North Africa, 1969-1972
- 3.) 1969-1976, Vol. E-8, Documents on South Asia, 1973-1976
- 4.) 1950-1955, The Intelligence Community (retrospective volume)
- 5.) 1969-1976, Vol. XXX, Greece; Cyprus; Turkey, 1973-1976

This was well below the Office’s stated goal and well below the production level necessary to make progress toward meeting the 30-year timeline. This failure was a considerable disappointment, and does not bring with it much encouragement for the future.

The Office of the Historian also published a volume, jointly produced with the History and Records Department of the Russian Ministry of Foreign Affairs, entitled, *U.S.-Soviet Relations in the Era of Détente*. The publication of this volume coincided with a highly successful conference held in October 2007 which featured presentations by former Secretary of State Henry Kissinger and former Secretary of Defense James

Schlesinger. The Committee applauds such cooperative volumes and encourages the continuation of cooperation with the foreign ministries of Russia and China.

There is no question that these volumes displayed all of the characteristics of the best traditions of the *FRUS* series: comprehensive, detailed, meticulous, and impressive volumes of historical documentation. The Committee yields to no one in its praise for Series Editor Edward Keefer's continuing efforts to insure that the series retains its reputation for excellence.

However, the publication of only two print volumes and only three e-volumes in the *FRUS* series for calendar year 2007 is very disappointing, one of the lowest publishing yields in the last three years. The Committee is especially disappointed that only two printed volumes were published, since it continues to regard the printed volumes as an essential part of the series.

The Office of the Historian's own annual report for 2007 is much more optimistic about its publishing record, since it includes four print volumes which have been published in the first three months of 2008. Because it includes these volumes, the decline in publishing is only one volume, and it is able to claim that the 19 volumes produced over its two year reporting period is the most the Office has ever produced. However, as already noted, the committee remains concerned about the feasibility of achieving even a 31- or 32 - year schedule by 2012, given the briefings it has received, and must note, again, that compliance with statute requires meeting a 30-year deadline.

Last year the committee reported that "it is reasonable" to be optimistic that the series would be in compliance with the law by the end of 2010. We no longer have any reason to be optimistic, and are frankly very pessimistic. It seems clear that unless there is a dramatic improvement in the publication schedule, the Department of State will remain significantly out of compliance with the law well into the second decade of the 21st century.

In its annual report, the Office of the Historian lists five major factors that have obstructed the ability of the Office to meet the 30-year deadline: 1.) Obtaining and maintaining resources, 2.) Declassification and procedural problems with intelligence related files, 3.) Declassification problems with agencies, 4.) Nixon presidential tapes and Carter Library problems, and 5.) Proofreading and printing contracts. The Committee recognizes that all of these have played a role in the continuing delays in publication. In previous years we have been particularly critical of other agencies, especially the Department of Defense and the CIA, for their delays in the declassification of materials. However, it is clear that both agencies have made substantial efforts to improve their performance, and the Office has noted in its report the increasing cooperation it has received from both the Central Intelligence Agency and the Department of Defense. Only the Treasury Department remained a problem, and that may improve, since Treasury has decided that, with one minor exception, Treasury documents more than 25 years old may be declassified without referral to Treasury for declassification review.

The Historical Advisory Committee finds it very hard to believe that the Office of the Historian will, as it writes in the report, publish “12 or more volumes” per year over the next three years, and finish the Carter Administration series by 2012. This is a production schedule of 36 volumes over three years, something that has never been achieved in the history of the series. There are a number of reasons for our skepticism, some of which the Historian’s Office own report makes clear. Despite the much-needed expansion of the staff of the office, and the excellent training of compilers that the committee believes Series Editor Edward Keefer provides, the committee believes that the problems of retaining skilled researchers and replacing those who leave the office have become more serious. The Office’s own report notes that there are now considerable delays in obtaining necessary top secret clearances. Clearances for contract historians, which are undertaken by the Office of Personnel Management, a subcontractor of the Department of Defense, often take more than a year to obtain. Without a top secret clearance, and the additional clearances that can only be obtained after a top secret clearance is granted, the compilers in the office cannot fully do their job. From the Committee’s point of view, this makes it all the more important to retain those qualified and productive researchers who already have received such clearances.

Among our strongest recommendations to the State Department is that the Department’s Human Resources officials conduct mandatory exit interviews to determine the principal reasons behind the departure of skilled researchers, and that the Historian should, where feasible, address any problems that come to light and make a concerted effort to retain skilled and experienced researchers who already have necessary top secret clearances. We recognize that there are a variety of legitimate personal and professional reasons why a skilled researcher would depart the office. However, we believe that the Department should ascertain these reasons, and if they indicate any serious problems or morale issues within the Office, the Historian should try to correct these and improve the working environment for these talented professionals.

We also recommend that the Historian establish a fixed program for the completion of the compiling – not the declassification or publication – of volumes on a 26 year deadline, so as to allow four years for declassification, editing, proofreading, and publication. With the Office’s expanded staff, the committee believes that the Historian can now present a detailed and realistic plan for the achievement of the compilation of volumes at the 26 year mark. Compilation is largely within the Office’s ability to control, and it should become a key priority. If this means that additional resources and personnel are necessary or that shifting of resources within the Office to the *FRUS* series and away from other projects is required, the committee strongly recommends that the Historian either request additional resources or undertake such a shift in resources. The only way that the 30-year deadline can even be approached is by an aggressive plan undertaken by the Historian to make this a top priority of the Office, and a 26- year deadline for compiling would be a major step in this direction. The committee will fully support him in such actions.

At the same time the committee wishes to commend the Historian’s Office on the effective steps it has taken to address the declassification issues which have proved an

obstacle to timely publication in the past. We recognize that this progress has required the devotion of considerable attention and substantial human resources by the office, and we understand that the office will continue to have to devote this attention and these resources to declassification. We do not believe it would make sense to shift resources from declassification to compiling.

Carter and Reagan Materials

The committee acknowledges that delays have affected the Office's ability to work with the materials of the Carter Administration. In particular, a security incident this past summer at the Carter Library – not associated with *FRUS* research - led to the closure of classified files to all researchers, including those from the Historian's Office, for almost five months. Nevertheless, the committee as a whole remains concerned the compiling of the volumes for the Carter years is well behind schedule, and likely to lead to serious delays in the production of these volumes.

We note as well that the Office has now presented a plan for the Reagan period, which, if the 30-year deadline were to be followed, would require the full publication of the records of these years by 2018, only ten years from now. However, after hearing from officials with the National Archives, the committee has serious concerns about the funding and support for the research that the Office will have to undertake at the Reagan Library. The officials from the Archives seemed to suggest that financial subsidies will be necessary for Reagan material to be processed to allow for anything even approximating the 30-year deadline, while it was clear that the Historian's Office does not envision being able to provide any such funding. In addition, the committee is concerned that despite a collection of 8.5 million classified pages in the Reagan Library, compared with the Nixon years' 2.5 million pages, the Office plans substantially fewer volumes of the *FRUS* series. While this may be both intellectually and practically justified, the committee wants to assess this at future meetings during 2008. The committee takes seriously its mandate for a thorough record of American foreign policy, and it anticipates reviewing with the Historian whether the Office's approach will allow this.

Cooperation with Other Agencies

Although the Committee is pessimistic about the Office of the Historian's plan to meet the 30-year deadline, we are delighted to report other favorable developments. The Central Intelligence Agency has eliminated its backlog of overdue reviews of volumes that do not require a High Level Panel decision. The working relationship between the CIA and the Office is vastly improved, and we commend all who played a role in accomplishing this change. We will continue to monitor this, but we are hopeful that the

relationship will continue to improve. We also look forward to the publication in the near future of the two retrospective volumes dealing with Iran and the Congo that will further reestablish the credibility of the *FRUS* series.

We are also pleased with improvements in the functioning of the “High Level Panel” to declassify sensitive documentation. This panel, composed of senior officials from the Central Intelligence Agency, the Department of State, and the National Security Council, has been working efficiently. In the past ten years, this has permitted the U.S. Government to acknowledge in *FRUS* volumes 39 major covert operations or other sensitive intelligence activities. We applaud the Office’s initiative in now bringing covert policy issues to the panel’s attention at the beginning of the declassification process rather than at the end. We do remain concerned, however, with the protracted pace of the High Level Panel process, which is another contributor to the delay in the production of the *FRUS* series.

We have expressed concern in the past with the reluctance of the President’s Foreign Intelligence Advisory Board (PFIAB) to allow the Office of the Historian access to its records. We note that the PFIAB has agreed in principle to reconsider its decision not to allow access, but that a draft memorandum has yet to be signed. The Committee repeats its view that the records of the President’s Intelligence Advisory Board need to become accessible to the staff of the Office of the Historian and be made available for inclusion in appropriate volumes of *Foreign Relations of the United States*.

The committee has continued to be pleased with the presentation of works-in-progress by the members of the Office. The discussions held in the past year, especially about volumes that will deal with Carter years, have been particularly helpful. The Committee plans to continue these seminars as a regular part of its meetings.

Conclusion

The publication of the *Foreign Relations* series stands as a symbol of commitment to openness and accountability. It is recognized as such throughout the world. The Historical Advisory Committee believes the series is at a critical turning point. The momentum it had acquired in recent years, largely from the increase in staff and resources, has now stalled. Rather than reinvigorating its commitment to reaching the 30-year deadline, the Historian now provides reasons for why that deadline cannot be met. The Committee sees this as unacceptable. If the Historian needs additional personnel or resources to reach the 30-year deadline, we will support his request wholeheartedly. But the committee needs to see a practical plan for attaining that deadline, a plan that indicates both the careful management by the Historian of the personnel and resources of the Office, and an adequate supply of those personnel and resources to the production of the *FRUS* series by the Office. We certainly encourage

creative thinking in meeting the 30-year deadline, and acknowledge that this will probably include fewer print volumes and more electronic volumes, thus retaining the symbolism of the traditional series while breaking through into a new dimension of publication to cover the range, diversity, and complexity of United States foreign relations in the 1970s and beyond. But the committee remains very concerned that the *FRUS* series will not be in compliance with the 30-year requirement for the foreseeable future. We hope and expect to work with the Historian as he develops a plan that will reach this timeline, thereby continuing to meet the statutory requirement that the series provide the American people with a thorough, accurate, and reliable documentary account of America's foreign policy.

This report was drafted by Thomas A. Schwartz, who deserves full credit for its analytical thrust and direct addressing of critical issues. It carries with it the full concurrence and endorsement by all members of the committee.

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