

June 19, 2007

**Report of the Advisory Committee on Historical Diplomatic Documentation,
January 1–December 31, 2006**

By public law and by its own tradition, the Historical Advisory Committee of the Department of State embraces two principal responsibilities. One is to oversee the preparation and timely publication of the *Foreign Relations of the United States* series. The other is to facilitate public access to 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 complete, accurate, and reliable documentary record of United States foreign policy. Such clear and emphatic language can best be understood by reflecting briefly on the tempestuous circumstances in which the law was enacted in the public mood of the early 1990s against excessive secrecy. The *Foreign Relations* series, in the eyes of its critics, had disgraced itself because the volumes dealing with the early 1950s on Iran and on Central America, particularly the chapter on Guatemala, failed to record the covert activities of the Central Intelligence Agency, which defined the relationship between those countries and the United States during that era. The *New York Times* and the *Washington Post*, as well as scholarly journals, denounced the *Foreign Relations* series as betraying its own principles of openness and accountability. The chairman of the Historical Advisory Committee resigned in protest. As if in a Greek chorus, the U.S. Congress then reaffirmed the original purpose of the series not only by insisting on a thorough and accurate account of foreign policy, but also by adding a specific injunction that comprehensive documentation must include the records of all branches of government, including intelligence agencies. At one stroke the compilation of the historical record became significantly more complex, as did the responsibilities of the advisory committee.

The second statutory obligation is informed by an Executive Order on classification and declassification of government records (EO 12958, as amended) issued by the Clinton administration in 1995, which schedules the declassification of records 25 years old or older—unless valid and significant reasons can be specified for not releasing them. Something of the magnitude of this unprecedented order can be comprehended by noting that 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 Historical Advisory Committee is now in its sixteenth year since the time of the landmark statute of 1991. The committee has struggled, as has the Office of the Historian, with the tensions embedded in the statute and in EO 12958, as amended. The documentation must be comprehensive; but it must also be published within 30 years of the date of the original records. Documents 25 years old or older must be declassified and made accessible to the public; but records that might pose a risk to the security of the United States must remain classified. In the six years since the terrorist attacks on September 11, 2001, the issue of balancing security and public access has become increasingly acute. A directive from the White House in 2001 has severely slowed or so far prevented the release of important presidential papers. Control over the release of documents has passed to sitting presidents, as well as former presidents and their heirs,

further delaying and complicating public and scholarly access to documents. This has led to increasing backlogs and delicate balancing acts for archivists and the Historical Advisory Committee. The problem of meeting the 30-year requirement for the *Foreign Relations* series is no less acute. Thoroughness and accuracy are not easy to balance with a deadline for publication and particularly for declassification review, which is sometimes unrealistic to meet. The result is that the *Foreign Relations* series is currently behind schedule, and has been for some years. The focus of the committee continues to be upon bringing the series into full compliance with the law, and progress is being made in that direction.

Publications of the *Foreign Relations* Series

During 2006, the Office of the Historian published ten volumes in the *Foreign Relations* series, reaching its publication goal. Only 10 times in the 150-year history of the series have five volumes been released in a single year. The year 2006 thus stands as a remarkable year in the history of the series, both in itself and in moving towards compliance with the law.

1. 1969–1976, Vol. VI, Vietnam, January 1969–July 1970.
2. 1964–1968, Vol. XXIX, Part II, Japan.
3. 1969–1976, Vol. E–4, Africa, 1973–1976 (Electronic publication).
4. 1969–1976, Vol. XVII, China, 1969–1972.
5. 1969–1976, Vol. E–6, Documents on Iran and Iraq, 1969–1972 (Electronic publication).
6. 1969–1976, Vol. E-13, China Supplement, 1969–1972 (Electronic publication).
7. 1969–1976, Vol. XX, Southeast Asia, 1969–1972.
8. 1969–1976, Vol. XII, Soviet Union, January 1969–October 1970.
9. 1969–1976, Vol. XIV, Soviet Union, October 1971–May 1972.
10. 1969–1976, Vol. II, Organization and Management of Foreign Policy, 1969–1972.

These are all volumes in the best tradition of the *Foreign Relations* series, comprehensive and detailed, models of meticulous documentation that uphold the reputation of the series as the foremost of its kind.

Electronic publications are helping with the timely issue of the *Foreign Relations* volumes. They require approximately one-third less time from declassification to publication than the printed volumes and the cost is substantially less. In 2006, efforts were undertaken to

make the electronic publications more user-friendly, and downloadable versions of some print volumes were made available. But in the view of the committee the printed volumes will always remain the essential part of the series, and it remains important to maintain a balance between the electronic and print volumes.

The major concern of the committee is that the number of published volumes falls short of compliance with the Foreign Relations statute of 1991, though it is useful to remember that in the late 1990s the series came close to paralysis. Since then, confidence as well as resources have been restored. It is reasonable to be optimistic, though some members of the committee remain skeptical. The publication of ten volumes in 2006 represents an improvement over the six published in the previous year, and the Office of the Historian has definite plans to continue to publish ten or more volumes per year in the years to come. By the end of the year 2010, if this pace can be sustained, the Department of State will have brought the series into compliance with the law, or nearly there.

There is now a staff of 21 historians preparing the *Foreign Relations* volumes and six historians who coordinate declassification and perform technical editing.

The historians brought on board in recent years are mainly younger scholars who come with impressive academic credentials. They are receiving, in the judgment of the committee, sound training from senior members of the Office. Both The Historian and the Advisory Committee expect that the additional personnel and resources devoted to the *Foreign Relations* series will result in greater progress toward meeting the 30-year publication requirement. But the technical aspects also present particular difficulties of quality control. At any stage, whether it be proofreading or printing, things can go wrong, sometimes drastically wrong. Such problems have been met by ingenuity and dedication on the part of the staff, but it is essential to maintain and even enhance human and financial resources if progress towards meeting the 30-year mandate can continue.

Two volumes related to China were released in the year 2006, one print and one electronic publication. A conference was held in September in conjunction with their release, entitled "Transforming the Cold War: The United States and China, 1969-1980". The event was co-sponsored by the Institute for European, Russian, and Eurasian Studies of the Elliot School of International Affairs at George Washington University. It was the largest and best attended conference the office has held recently, and was the first to feature high-ranking former officials.

The Central Intelligence Agency and the *Foreign Relations* Series

In dealing with sins of omission as well as with acts of praiseworthy commission in the *Foreign Relations* series, the Historical Advisory Committee is much aware of the indelible mark left by earlier volumes published as late as the 1980s without reference to the CIA. In 2003, the Department of State published a retrospective volume on Guatemala, 1952–1954, which was based largely on CIA files. This volume helped considerably to restore credibility to the intelligence dimension of US foreign policy in the series. Two further retrospective volumes,

one on Iran 1952–54 and the other on the Congo 1960–1968, will further help to correct the flawed and incomplete quality of earlier volumes published without acknowledgement of the part played by intelligence agencies in the shaping and execution of U.S. policy. The coordination and cooperation of the Department of State and the CIA in the retrospective volumes has been facilitated by a historian appointed jointly by the Department of State and the CIA.

The relationship between the CIA and the Office of the Historian in recent years has improved. The CIA has committed additional resources to reviewing documents for the *Foreign Relations* series and has substantially reduced the backlog—with the exception of volumes with issues for the High-Level Panel—that had been a source of complaint in many previous committee annual reports.

The Memorandum of Understanding between the Department of State and the Central Intelligence Agency of 2002 has generally helped to establish procedures for declassification and step-by-step review of individual volumes. The committee has noted, however, that the Department of State and the CIA appear to have slightly different interpretations of what might be called the spirit of the Memorandum of Understanding. The difference in outlook and approach has often left a feeling of frustration in the Office of the Historian.

The problem of the CIA prohibiting quotation or citation from the President's Daily Briefs in *Foreign Relations* volumes continues to be a serious restriction. The Advisory Committee has raised this issue in each of its annual reports for the previous six or so years. The blanket denial by the CIA of the right to quote or cite from the President's Daily Briefs of the Nixon years and beyond will make it difficult to give a full and accurate rendering of the effect of intelligence assessments on the foreign relations of the United States. The committee notes that the continued exemption of the President's Daily Briefs may cause serious harm to the intellectual integrity of the *Foreign Relations* series.

While the committee appreciates the cooperative attitude displayed by the CIA and other agencies in resolving a number of the difficult questions associated with the release of previously classified or unreleased material, concerns remain about timely declassification. In view of the history of the series and the charge imposed by Congress, members of the committee believe that the credibility of the series—and the ability of The Historian and the committee to discharge their legal duties—remains in the balance. The committee is absolutely and unwaveringly committed to protecting appropriately classified material and information. The *Foreign Relations of the United States* series must contain, however, those materials necessary for a complete, accurate, and reliable documentary record of United States foreign policy. Finding the balance between these two requirements must be a continuing priority.

Relations with the President's Foreign Intelligence Advisory Board

In recent years, the Historical Advisory Committee and the Office of the Historian have noted the difficulty in including references to records of the President's Foreign Intelligence Advisory Board in *Foreign Relations* volumes. The Advisory Board has not allowed the

historians of the series access to its records and the issue remains unresolved. 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*.

Declassification and Transfer of Department of State Records to the National Archives and the Problem of Electronic Records

In 2004, the Secretary of State and the Archivist of the United States signed a historic agreement of cooperation between the Department of State and the National Archives and Records Administration. In 2005, the committee continued to note progress in the public release of the electronic central cable files from the State Department under the terms of the agreement. But the process of getting the electronic files available to the public was marked by substantial technical complications. While testing the electronic system, the staff at the National Archives discovered that more than 90,000 unclassified and declassified cables (out of nearly 900,000 cable messages) contained personal information that must be withheld because of federal legislation protecting privacy. The subsequent round of screening further delayed the release of the cables, and some 400,000 cables were scheduled for release in March 2006. The caravan of technology at last seems to be moving forward. Yet the State Department and the National Archives both remain five years behind the schedule for providing access to declassified records from the Department of State's electronic central cable files 25 years old or older. The 1975 cables are now available on the NARA website and the 1976 cables should be processed soon. In December 2006, when the Department of State cables had been available for nine months, there had been just under 46,000 queries, or 182 hits a day.

Automatic Declassification of Records with Historical Value

In March 2003, President Bush issued EO 13292, affirming that on December 31, 2006, with some limitations, "all classified records that (1) are more than 25 years old or older and (2) have been determined to have permanent historical value under title 44, United States Code, shall be automatically declassified whether or not the records have been reviewed." While a genuine innovation in policy, in practice the impact of EO 13292 may be both complicated and limited. Many agencies sought exemptions for records related to a category of information (including war plans, intelligence sources, and other sensitive information) that have been granted, leaving many documents still classified. In addition, records that touch upon the interests of more than one agency were not subject to the December 31, 2006 deadline, and are scheduled to be declassified in 2009. Yet declassification does not mean immediate disclosure or accessibility. Many records must be reviewed for privacy data and other exempt information. In any case the processing of such voluminous material presents a major logistical challenge for the National Archives. Without Congressional support through supplemental resources, many of these records will remain inaccessible though they are technically declassified and releasable.

Committee members are concerned about policies and trends in the Executive Branch that appear likely to restrict, limit, or prevent public access to important documents and records of US foreign policy in the future. Committee members believe that unless policies consistent with respect for the right of the American people to be fully informed about their government's conduct of foreign policy are adopted and implemented by the Executive Branch, it may become impossible for The Historian to carry out his duties or for the committee to carry out its Congressionally mandated obligations.

The High-Level Panel

The problem of the high-level panel to resolve problems of declassification and other matters has been emphasized in previous committee reports. It needs renewed emphasis in this one. In the late-1990s the Central Intelligence Agency, the Department of State, and the National Security Council established an inter-agency panel of senior officials to review problems of declassification and release of documentation on covert operations that have affected foreign policy. In recent years, this High-Level Panel has not worked as efficiently as it might have if issues of sensitive documentation had been brought to the panel's attention at the beginning of the declassification process rather than at the end. By waiting until the volume's declassification review is virtually complete, the process faces delay during the time that the High-Level Panel considers the documentation. Under new procedures between the Office of the Historian and the CIA, issues requiring the attention of the High-Level Panel are now being submitted for consideration at the outset of the declassification process.

Access Guides

The committee attaches signal importance to access guides, and is encouraged that the Office of the Historian now provides examples of work in progress at each of the committee's meetings. An access guide differs from a finding aid. Access guides reflect the knowledge and expertise of the historian who has compiled individual volumes. The discussion of archival sources is of immense value for those conducting research in the records of the Department of State, and thus helps to further one of the basic purposes of the *Foreign Relations* series—and of the original aim of the 1991 statute and EO 12958—to make the records of the Department of State accessible to the public. On this point the Historical Advisory Committee in the past has often been to the Office of the Historian as the latter is to the CIA: the committee was often left with a sense of frustration in trying to impress upon the General Editor and his colleagues the importance of access guides that are uniformly thorough, comprehensive, and even inspirational. But there has been a recent development that has changed the view of the committee: the list of sources in the China print volume published in 2006 (vol. XVII) in many ways measures up to the committee's expectations of an access guide. The committee applauds this accomplishment and hopes that the historians in the Office will regard the list of sources in the China volume as the equivalent of a model access guide.

New Initiatives, New Problems

A new initiative during the quarterly meetings of the committee taken in recent years is the presentation of work-in-progress on individual volumes by members of the Office of the Historian staff. The committee judges these discussions to be important: questions are raised not only about the documents selected but also about the range, scope, and focus of the research, as well as the themes of the volumes. The committee plans to have the seminars continue as a regular part of its meetings.

As noted in the report of last year, members of the committee are now encouraged to read as widely as possible in the documentary material as it is being prepared, at various stages, and to discuss with the staff members of the Office of the Historian the principles of selection of documents, as well as problems of declassification for the *Foreign Relations* series. The committee in recent meetings has examined the documents withheld, for reasons of security, from recently published volumes. The committee will continue to devote special attention to withheld documents and problems of declassification.

The committee recognizes the need for preserving classification of records that might compromise the security of the United States in areas such as weapons technology, cryptology, and atomic energy, and that touch on issues of privacy, such as medical records. But the purpose of the legislation governing the creation and functions of the Historical Advisory Committee is to guard against excessive governmental secrecy. The committee supports the Archivist of the United States in his historic pledge of 2006 never to enter into secret agreements with other agencies with respect to declassification and access questions and to safeguard the integrity of the records under the stewardship of the National Archives.

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 continued success of the series depends entirely on adequate resources. The increase in staff in recent years and the renewed commitment of the Office of the Historian to publish volumes expeditiously represent a momentum that should be sustained and that is crucial to the future of the series. The future sub-series of the *Foreign Relations* volumes 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. The committee encourages the staff not only to sustain this momentum, but also to take full advantage of new technology in moving forward with electronic publications, while continuing to emphasize the core printed volumes that have been, and always will be, at the heart of the *Foreign Relations* series. The recent controversy over “reclassification” in the past two years has focused attention on the problem of access and accountability and has strengthened the committee’s sense of

responsibility to ensure both a full and reliable documentary account in the *Foreign Relations* series and the right of access of the American public to records that are 25 years old or older.

Wm. Roger Louis
Chairman, Advisory Committee on Historical
Diplomatic Documentation

Committee Members:

Carol Anderson
Margaret Hedstrom
Robert McMahon
Edward Rhodes
Thomas Schwartz
Katherine Sibley
Thomas Zeiler