

August 8, 2010

Report of the Advisory Committee on Historical Diplomatic Documentation, January 1-December 31, 2009

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 “thorough, accurate, and reliable” documentary record of United States foreign policy. That statute grew out of the intense public controversy triggered by the appearance of two particular Foreign Relations volumes: one, published in 1983, covered the events surrounding U.S. intervention in Guatemala in 1954; the other, published in 1989, covered U.S. intervention in Iran in 1953. In each case, those volumes omitted documentation that would have shed light on U.S. covert activities. Such documentation either was not made available to HO researchers or it was not cleared for publication. Consequently, knowledgeable scholars rightly criticized the two volumes—and the series—for falling short of the standard of accuracy and thoroughness, dealing a serious blow to its credibility and stature.

Over the nearly two decades that have passed since the Foreign Relations Statute of 1991 became law, the Office of the Historian has sought with good faith to compile volumes as true to the historical record—and as “thorough, reliable, and accurate”—as possible. Our committee applauds that effort. It is very pleased, moreover, with the palpable improvement in the series that has characterized the volumes compiled and published since that landmark statute. By the same token, we appreciate that the standard of thoroughness, accuracy, and reliability remains an exceedingly complex one for the Office of the Historian to meet in view of the profusion of important government documents pertaining to foreign relations for the decades of the 1960s, 1970s, and after and in view of the parallel requirement that volumes be published no later than 30 years after the events they document. The office has struggled to meet these complementary obligations, finding much greater success in achieving the quality objective than in achieving the timeliness objective.

The committee's second statutory obligation is to monitor and advise on the declassification and opening of the Department of State's records, which in large measure involves the Department's implementation of the operative Executive Order governing the classification and declassification of government records. E.O. 12958, issued in 1995, and later amended by E.O. 13292 of 2003, mandated the declassification of records over 25 years old—unless valid and significant reasons could be specified for not releasing them. Those orders were supplanted, in December 2009, by a new Executive Order (E.O. 13526), whose implementation

and implications fall outside the current reporting period.

Declassification Issues and the Transfer of Department of State Records to the National Archives

During 2009, the committee continued to monitor progress of the State Department's declassification efforts as well as the transfer of the Department's records—electronic as well as paper—to the National Archives and Records Administration. We also discussed issues relating to delays in opening these records to the public; and received quarterly reports on the processing and opening of State Department records at NARA, including the central files. We are pleased to report that the Department's Systematic Review Program achieved its core annual goal of completing the declassification review of 25-year old records.

In addition, the committee engaged in extensive discussion with National Archives personnel relating to its National Declassification Initiative and the expected launching of the National Declassification Center. The Historical Advisory Committee strongly supports the National Declassification Center, which should contribute significantly to the creation of a more rational and streamlined approach to the declassification and availability of governmental records pertaining to foreign affairs.

In an effort to bring our concerns about the ways in which the current declassification system affects the timely production of Foreign Relations volumes, we also met with the Public Interest Declassification Board (PIDB) and with the Director of the Information Security Oversight Office (ISOO). We also received several briefings about early drafts of President Obama's new executive order on the classification and declassification of government records, an order that was not formally issued until December.

Publications of the Foreign Relations Series

During 2009, the Office of the Historian published just three volumes in the Foreign Relations of the United States series, the fewest number of volumes to appear in some years. Those were:

1. 1969-1976, Vol. XXXI, Foreign Economic Policy, 1973-1976
2. 1969-1976, Vol. E-3, Documents on Global Issues, 1973-1976
3. 1969-1976, Vol. E-10, Documents on the American Republics, 1969-1972

For the record, the Office of the Historian published seven volumes in calendar year 2008, a year for which the Historical Advisory Committee (for reasons noted below) did not submit an annual report. Those were:

1. 1969-1976, Vol. XXIX, Eastern Europe; Eastern Mediterranean

2. 1969-1976, Vol. XVIII, China, 1973-1976
3. 1969-1976, Vol. XL, Germany and Berlin, 1969-1972
4. 1969-1976, Vol. XXXIX, European Security
5. 1969-1976, Vol. E-15, Part 1, Documents on Eastern Europe, 1973-1976
6. 1969-1976, Vol. XXIV, Middle East Region and Arabian Peninsula, 1969-1972; Jordan, September 1970
7. 1969-1976, Vol. E-14, Part 1, Documents on the United Nations, 1973-1976

The Historical Advisory Committee continues to be highly impressed with the quality of these volumes. All are characterized by thoroughness, the careful and intelligent selection of documents from an appropriately wide range of executive agencies, meticulous annotation, useful editorial notes, and helpful references for interested researchers to additional archival materials that could not be printed due to space limitations. Significantly, several of those volumes contain intelligence-related documentation of the sort that has only begun to appear in the series within the past decade; this material adds important breadth to the series while enhancing its accuracy and reliability. We are convinced that the high quality of these most recent volumes will further burnish the reputation of the Foreign Relations series as the foremost governmental publication of its kind anywhere in the world.

Yet we remain concerned, as our annual report for 2007 stressed, that the Office of the Historian is not making the progress needed to bring it into compliance—at least not in the foreseeable future—with the statutory requirement that volumes be published 30 years after the events they document.

The Challenge of the 30-Year Rule

A combination of factors served to impede progress in reaching the 30-year line throughout 2008 and 2009. The most serious of those appears to have been the internal turmoil, staff turnover, and managerial disruption that plagued the Office of the Historian during those years. Our committee had become sufficiently concerned about staff turnover and low office morale that we called attention to those matters in our 2007 annual report. Those concerns also led, in December 2008, to the public resignation of the committee's past chair and one of its members. Subsequent investigations of the Office of the Historian by a three-person panel appointed by the Secretary of State and then by the Department's Inspector General contributed to a significant slowdown in the compilation, review, and publication of Foreign Relations volume. Our committee did not prepare its traditional annual report for 2008 because of the sudden loss of its chair and because the uncertainties that plagued the office made an accurate appraisal of developments and future prospects exceedingly difficult.

For much of 2009, more than half of the managerial positions in the Office of the Historian remained vacant, including the Office Director, the General Editor of the Foreign Relations series, and all three front line supervisory positions devoted to preparation and review of Foreign Relations manuscripts. The important position of Joint CIA-State Department Historian also remained vacant at the end of 2009, despite the temporary occupancy of the position during part of the year.

Although the situation has now been partially rectified, it bears emphasizing that there is still no permanent Office Director, a General Editor was only named in June 2010, and all three of the “division chiefs” who supervise and provide the initial review of Foreign Relations manuscripts remain relatively new to their positions and thus inevitably somewhat inexperienced. The Historical Advisory Committee is cautiously optimistic that the staffing and managerial problems will soon be stabilized, allowing for greater productivity in the near future. It is also cautiously optimistic that the alarming level of turnover among staff historians that greatly concerned it in the past will give way to a more stable staff that over time will acquire the seasoning and experience that characterizes the most accomplished documentary editing teams. Further, we are heartened to note that staff morale appears to have improved measurably from mid-2009 to the present.

Staff departures in 2008-09 also led to a major backlog in the in-house reviewing of Foreign Relations manuscripts. In the past, the General Editor provided a second review of each volume before it could be sent forward into the declassification process. With the departure of the General Editor in 2008, the vulnerability of a system dependent on one experienced editor to review all manuscripts became evident. The departure of each of the division chiefs, who traditionally provide the initial manuscript review, exacerbated the bottleneck problem. A backlog of manuscripts needing a first and/or second review mounted through the course of 2009. The Historical Advisory Committee has explored with the Office of the Historian alternatives to an editorial review system overly reliant on a single individual and we have reason to believe that a system may soon be installed that will encourage the development of a larger number of experienced reviewers, thereby reducing the bottleneck problem.

Intelligence Issues and Other-Agency Coordination and Cooperation

External factors also impeded the Office of the Historian from making progress in moving toward the 30-year line this past year. One derives from the sensitivity surrounding the official publication of intelligence-related documentation. The 1991 law, and a subsequent memorandum of understanding between the Department of State and the Central Intelligence Agency, greatly facilitated research in intelligence files and the incorporation of intelligence documentation in Foreign Relations volumes. An interagency committee, known as the “High-Level Panel,” was established in the late 1990s to provide guidelines for the publication in the Foreign Relations series of documentation relating to covert actions and other sensitive intelligence activities that had a major impact on U.S. foreign policy. The success of that innovation can be gleaned from the fact that 44 covert intelligence activities have now been acknowledged, with the Foreign Relations series serving as the primary venue for publishing documentation on the role of intelligence activities in U.S. foreign relations. No fewer than 31

different volumes, either published or currently in declassification review, are expected to contain relevant documentation on those 44 covert intelligence activities. That crucial, and extremely positive, step toward openness has, however, created substantial delays in the declassification and publication process. The Office of the Historian estimates that any volume with a High-Level Panel issue will spend at least one more year in the declassification pipeline than a volume which does not contain an intelligence issue which requires consideration, the drafting of guidelines, and clearance by that inter-agency panel. Appealing negative decisions about documents deemed essential to a thorough and reliable record is a necessary, but time-consuming, process.

Finally, the inability of certain agencies to meet the 120-day deadline, set by statute, for reviewing documents chosen for inclusion in Foreign Relations volumes has been a major frustration for the committee and for the Office of the Historian. To illustrate the problem, four volumes have been delayed simply because the Department of Justice and the FBI have failed to meet their statutory obligation to review documents in a timely manner—even though, in each case, only a small number of documents needed to be reviewed. The record of the Department of Energy has also fallen short of statutory requirements, slowing down the production of other volumes. In the past, Department of Defense and CIA reviewers also contributed to these declassification delays. The performance of both agencies over the past year has, however, shown marked improvement.

Conclusion

Although external impediments to the attainment of the 30-year line in the publication of Foreign Relations volumes are both significant and troubling, the Historical Advisory Committee is just as concerned with internal problems and performance. After all, a 30-year line in the compilation and internal review of volumes must be recognized as an essential first step in the positive movement toward a 30-year line in the publication of the volumes. Yet the office is not yet close to achieving a 30-year line in the compilation of Foreign Relations manuscripts, no less a 30-year line in the review and revision of those manuscripts. Twenty-six volumes are being prepared for the Carter administration (1977-1980). All would have to be completed, reviewed, revised, and entered into the declassification process by the end of December 2010 for the 30-year line in the compilation of Foreign Relations manuscripts to be met. Regrettably, that will not occur. By the end of 2009, in fact, only one of the projected 26 volumes for the Carter years had attained the status of being fully compiled, reviewed, revised, and entered into the declassification process. Research for the next two quadrennia—covering the Reagan administration (1981-1988)—had, by the end of 2009, not yet even begun. And the records of the Reagan administration contain approximately 8.5 million pages of classified material, a more than threefold increase over the number of classified pages for the Nixon administration, further complicating the challenge.

In view of those realities, the Historical Advisory Committee continues to be deeply concerned by what appears to be a growing distance between the statutory obligation to reach a 30-year line in the publication of Foreign Relations volumes and the actual length of time it has been taking to compile, review, revise, declassify, and publish those volumes. Too many

volumes are now being published closer to 40 years from the events they document than 30 years. A few examples can illustrate the wider point: the volume covering SALT I, for 1969-1972, remains unpublished, despite the fact that the first portion of that volume covers events that occurred 41 years ago. The same is the case for volumes on National Security Policy; the Energy Crisis; Western Europe and NATO; Chile; the Arab-Israeli dispute, Japan, and others. All remain unpublished; yet the early portions of each of those volumes document events that occurred fully 41 years ago. Our committee finds such a significant divergence from the law requiring the publication of Foreign Relations volumes at a 30-year deadline to be both alarming and unacceptable.

We look forward to working with the Office of the Historian in an effort to devise a workable plan to meet the 30-year line as quickly as feasible, without sacrificing the high quality that is a cherished hallmark of the series. We continue to believe that an essential benchmark on that road must be first to attain a 30-year compilation line -- a goal that, we believe, should be attainable within the next three-five years, given current resources.

A very positive development, on the resources front, occurred in late-2009 when the Department of State awarded the Office of the Historian 11 new full-time positions for historian-editors while formally ending the contract-historian program. We are hopeful that this new staffing level will allow for additional resources to be devoted to the production of Foreign Relations volumes. The new positions should also contribute to the staffing stability that we believe is essential to achieve and maintain the high level of productivity demanded by the statutory requirements under which the office operates.

Other positive developments during the past year include the close cooperation between the Historical Advisory Committee and the Office of the Historian in strategic planning for the Reagan administration volumes. Several members of the committee participated in the work of two office working groups: one focused on achieving the appropriate balance between print and electronic volumes; the other devoted effort to the preparation of a draft plan for the appropriate number of geographic and thematic volumes for the Reagan presidency. The committee endorses the office's preliminary commitment to produce 54 total volumes for Reagan's two presidential terms as an excellent working plan. We also note, and enthusiastically endorse, the launching, in March 2009, of the office's new website: www.history.state.gov. That website, and the broader digital history initiative of which it forms a key part, will allow for sophisticated on-line searches of Foreign Relations volumes, something that we believe should be a major boon to researchers.

In closing, the committee applauds the positive initiatives and developments of the past year. Nonetheless, it remains pessimistic about the ability of the Office of the Historian to reach a 30-year line in the publication of FRUS volumes by 2018, as the office has previously asserted it could. That would mean the compilation, review, revision, declassification, and publication of all volumes for the Carter and Reagan years, in addition to the 26 still-unpublished volumes for the Nixon-Ford years within the next nine years--a total of some 106 volumes in 9 years. In our collective judgment, that is a noble aspiration--but not a realistic one.

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