

Report of the Advisory Committee on Historical Diplomatic Documentation
January 1-December 31, 2021

As mandated by the Foreign Relations Authorization Act of 1991 (Public Law 102-138 [105 Stat. 647, codified in relevant part at 22 U.S. Code § 4351 *et seq.*]) (the *FRUS* statute), the Advisory Committee on Historical Diplomatic Documentation to the Department of State (the HAC) has two principal responsibilities: 1) to oversee the preparation and timely publication of the *Foreign Relations of the United States (FRUS)* series by the Department's Office of the Historian (OH); and 2) to monitor the declassification and release of State Department records.

The *FRUS* series is the U.S. Government's only regular, institutionalized mechanism for the public acknowledgment of historically significant events in U.S. foreign relations, a critical tool demonstrating the U.S. government's commitment to maintaining a transparent, accountable democracy while safeguarding national security information. To that end, Congress requires the Department of State to publish a "thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity...not more than thirty years after the events recorded." The statute also obligates the HAC to review the "State Department's declassification procedures" and "all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration [NARA]," and to submit annually "a report setting forth its findings from the review."

In keeping with those obligations, this report describes both important progress made in 2021 toward the fulfillment of the Department's obligations under the *FRUS* statute, and key challenges that pose serious obstacles to the continued fulfillment of these duties in the year ahead. The report concludes with recommended actions the Department should pursue. Of greatest significance in this year's report is the HAC's finding that systemic delays in interagency declassification processes, and in access to presidential records, risk jeopardizing the timely publication of multiple volumes of the *FRUS* series pursuant to statutory requirements.

Noted Progress Since Last Report

1. *FRUS* Publication Rate

While the pandemic remained a major obstacle to *FRUS* production in 2021, as OH continued to prioritize telework in line with the Department's COVID-19 operating posture and guidance, *FRUS* historians were able to conduct more in-office work and interagency research than they had in 2020. This shift contributed to gains in the production process, including referring documents from nine volumes for interagency declassification review.

The Department of State released the following *FRUS* publications in 2021:

1. *FRUS*, 1969-1976, Volume E-15, Part 2, Documents on Western Europe, 1973-1976, Second, Revised Edition (February 12), which includes a new chapter on Italy.

2. *FRUS*, 1981-1988, Volume IV, Soviet Union, January 1983-March 1985 (February 16)
3. *FRUS*, 1961-1963, American Republics; Cuba 1961-1962; Cuban Missile Crisis and Aftermath, Volumes X/XI/XII, Digitized Microfiche Supplement (March 31).
4. *FRUS*, 1981-1988, Volume XI, START 1 (April 22)

The HAC is grateful to the leadership of the Foreign Service Institute (FSI) for assisting OH in getting the outstanding Italy chapter published, allowing for a more complete volume on Western Europe for 1973-1976 to be issued. While the overall publication record is far below the average of eight volumes per year achieved from 2015-2018, the HAC greatly commends the work of OH historians during a difficult time; the HAC recognizes the impact of the pandemic and continuing declassification challenges that affect the ability of the Office to ensure that the thirty-year requirement is met.

2. Interagency Declassification Review

In 2019, the HAC raised significant concerns about the Department of Defense's (DoD) declassification review process, stating that the publication of only two volumes that year were attributable "largely, if not exclusively to DoD's failure to provide timely and quality responses" to the documents OH submitted to that agency for its review. In response to complaints, DoD in 2020 established a centralized *FRUS* coordination team in the Records and Declassification Division (RDD) as the HAC and OH had previously advocated.

The HAC commends DoD for this initiative and notes that the establishment of this coordination team has produced positive results. At the HAC's March 2021 open meeting, the DoD representative stated that when RDD assumed responsibility on July 30, 2020, the DoD *FRUS* program contained 19 open volumes, comprised of 1,250 documents, totaling 5,725 pages for response to OH. Seven months later, 1,022 documents, about 82% of the total document load, had received final DoD determination and been returned to OH. The DoD representative noted that 76% of the documents reviewed received full release decisions, and 24% received partial release determinations. He stated that only 18% of the overall *FRUS* backlog remained. (The DoD reviewers working on *FRUS* were able to work on-site even during the pandemic.)

In 2021, OH's principal interagency declassification partners—the Central Intelligence Agency (CIA), DoD, and the National Security Council (NSC)—reviewed and returned *FRUS* declassification referrals and met with OH to discuss declassification issues on a limited basis. Although the pandemic continued to hamper the Department of State's Office of Information Programs and Services' (IPS) work, OH completed the final declassification for four *FRUS* volumes with CIA; IPS returned declassification review of two *FRUS* volumes to OH; and the NSC provided responses on five *FRUS* volumes referred for declassification review.

Finally, the Congressional passage in December 2021 of an amendment to the *FRUS* statute mandating access to pertinent interagency records at the twenty-year mark was helpful to the work of OH historians. This amendment will assist OH in complying more effectively with its thirty-year publication requirement.

3. HAC Functions

For much of 2021, the work of the HAC itself remained significantly affected by the pandemic. The 1991 *FRUS* statute mandates that the HAC meet four times per year. The HAC held its March, June, and August meetings virtually, a format that continued to draw far greater numbers of members of the public for the unclassified briefings than had attended in-person briefings prior to the pandemic. (Thus it remains important that in-person HAC meetings retain a virtual session for the public going forward.) The HAC was finally able to begin receiving classified briefings again at its meeting in December 2021. Two long-standing members of the HAC, long-time chair Richard Immerman and long-time member, Mary Dudziak, each of whom brought a wealth of institutional knowledge and keen judgment to the work of the committee, ended their terms before having the opportunity to brief the six HAC members who joined the committee during the pandemic on the classified issues that can only be discussed in person. One seat on the HAC remained vacant in 2021 pending completion of a security clearance.

In June 2021, the HAC established a Records Subcommittee to devote special attention to the questions and challenges raised by changes in records capture, retention, and transfer practices. There are several issues that will require ongoing attention as they determine the future research landscape: 1) the transition to fully electronic records; 2) record scheduling for collection and retention; 3) the designation of principals for inclusion in the capstone group for permanent records retention; 4) the disposition status of temporary records; and 5) the ongoing development of data mining, machine learning, and artificial intelligence techniques for records management. The subcommittee continues to engage with IPS and NARA representatives to gather information and assure the input of OH and subject-matter experts in each of these key areas.

The CIA's Historical Advisory Panel (HAP), formerly known as the Historical Review Panel, has been reconstituted and finally met for the first time in December 2021. The HAC looks forward to working with the HAP to resolve issues in the CIA declassification review process that affect the timely publication of the *FRUS* series.

Key Challenges

1. The Thirty-year Requirement

The ability of OH to publish *FRUS* volumes in a timely manner depends to a large extent on the timeliness and quality of the declassification reviews conducted by IPS and other agencies and offices, including the CIA, DoD, and NSC.

Of significant concern to the HAC is the High-Level Panel (HLP) process, an interagency evaluation process involving the State Department, CIA, and NSC to review documents for public release related to historically significant covert actions. Without this documentation, the Department cannot in some cases meet the statutory mandate to produce volumes that are

“thorough, accurate, and reliable.” Since 1998, the HLP process has resulted in more than 60 historically significant covert actions being acknowledged in *FRUS*. In the past five years, however, HLP efforts to review and approve covert action-related historical documents for release in *FRUS* have effectively ground to a halt, delaying the publication of more than a dozen *FRUS* volumes. As the list of covert action-related declassification referrals submitted for official acknowledgment continues to grow, the HLP has become overburdened. OH’s ability to work with CIA and NSC to determine a functioning way forward is critical to *FRUS* production, and the HAC hopes to work with the HAP and relevant White House staff to assist in this process.

2. Access to Presidential Records

Three years ago, at the September 2019 HAC meeting, the Chief Operating Officer of the National Archives, William “Jay” Bosanko briefed the committee on NARA’s plan to consolidate presidential records, moving them from their traditional homes in the presidential libraries across the country to the National Declassification Center (NDC) in College Park, Maryland. Bosanko stated that the records, after their transfer to the NDC, would be maintained in the exact manner as they had been at the presidential libraries. The records would be returned to the presidential libraries on a “case by case” basis as soon as they are declassified.

At that 2019 meeting, Bosanko stated that the 50 members of the NDC staff, with expertise cutting across presidential administrations, would help researchers along with staff at the libraries to speed declassification of the records, and noted that Freedom of Information Act (FOIA) requests would be handled through communication between the presidential libraries and the NDC. Bosanko said he expected that the consolidation of classified presidential library documents to the DC area would take place over a three-year window.

Since that 2019 briefing, the pandemic contributed to the postponement of the NARA-mandated transfer of classified records from the Ronald Reagan, George H.W. Bush, and William J. Clinton Presidential Libraries to the NDC. These records include many of the most important collections for *FRUS* research. OH and NARA signed a Memorandum of Understanding (MOU) that will enable *FRUS* historians to conduct research in the classified Presidential Library records once they are transferred to the NDC, but as of December 2021, there remains no identifiable plan establishing when those transfers will take place. Those documents thus remain effectively in limbo, and substantially inaccessible to *FRUS* historians.

3. OH Capacity

The HAC remains extremely concerned by the constraints on OH’s ability to recruit and hire qualified historians to fill vacant positions and thereby to fulfill its mandate regarding *FRUS* production. The Office of Personnel Management (OPM) qualifications for the O170 History series were last updated in 1962 and prevent the most highly qualified candidates from being referred to OH for consideration. OH is working within its parent bureau, the Foreign Service Institute (FSI), to begin the process of addressing this issue. It is critical that the office be able to fill vacant positions with personnel qualified to produce *FRUS* volumes. Rigorously researching

the multiplicity of records that document an administration's foreign relations, culling from them the limited number that can be managed in one volume while still providing a "thorough, accurate, and reliable" documentary history, steering the draft volume through the interagency declassification review process, and editing it for publication require deep historical training.

4. Review, Transfer, and Processing of Department of State Records

IPS continues to work on fully complying with the joint Office of Management and Budget/NARA mandate (M-19-21) that all agencies transition to fully electronic record keeping by December 2022. At the March 2021 HAC meeting, IPS briefed the HAC that this deadline would be difficult to achieve given the delays caused by the pandemic. IPS described the State Department's efforts to develop and establish policies to support managing and accessing electronic records. Two billion temporary emails and other data types have been captured in eRecords to date.

P-reels are microfilm copies of Department of State central files paper records. The Department began preserving such documents on microfilm in 1974; once filmed, the paper records were destroyed. As outlined in last year's annual report, the HAC for a long time has followed closely the review and release of the post-1979 P-reels. A 2019 agreement between NDC and IPS led to a joint strategy to create digital review modules that would allow for the discovery of sensitive information, and reviews of the 1980 P-reels began in 2020. At its June 2021 meeting, the HAC learned that the 1980 and 1981 P- and N-reels (the latter containing microfilmed telegrams marked as NODIS- No Distribution) are now digitized, allowing for review of those records by a Department reviewer. The HAC was told that once more staff members and agency personnel have returned, the main priority of NDC is to reduce the backlog of records needing evaluation.

The negotiation and implementation of the Memorandum of Understanding (MOU) between IPS and the Office of the Historian sets out a process for OH to provide feedback on Department of State records schedules. The HAC is pleased that IPS recognizes the importance of the working relationship between IPS and OH on records issues. The HAC also appreciates the eagerness of IPS to draw on the expertise of Committee members with backgrounds in electronic records preservation and digital humanities. The HAC shares the hope expressed by IPS leadership that IPS and the HAC's Records Subcommittee would continue to establish a solid partnership.

The HAC will continue to monitor NARA's ability to manage a significant increase in historically valuable records with budget allocations that have not increased correspondingly and its capacity to provide researchers with specialized subject-area expertise.

Recommendations

- The Department should work actively with CIA and NSC to reconstitute and ramp up operation of the HLP, including the development of a plan for managing the backlog produced over the past five years of inaction.
- The Department should work to schedule annual meetings of the HAC and HAP to ensure timely resolution of issues related to the role of CIA in reviewing documents to be declassified and included in forthcoming *FRUS* volumes.
- The Department should ensure that OH be able to fill its vacant positions with personnel qualified to produce *FRUS* volumes.
- The HAC repeats last year's recommendation that the Department recommend that NARA and OMB delay the implementation of M-19-21 to take into account delays caused by the pandemic and ensure adequate funding is in place.
- The Department should ensure that virtual public meetings become a standard feature of HAC quarterly in-person meetings.

The HAC encourages readers who were unable to attend the open public meetings to visit the minutes from the quarterly meetings, in particular to learn more about the presentations that OH historians gave regarding their work on *FRUS* volumes and other work of the Office. The minutes for the HAC meetings are available at <https://history.state.gov/about/hac/meeting-notes>

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