

ADVISORY COMMITTEE ON HISTORICAL
DIPLOMATIC DOCUMENTATION
November 15-16, 1990

Participants

Advisory Committee

Richard Cooper
Betty Glad
Margaret Hermann
George Herring
Warren Kimball

Bradford Perkins
Emily Rosenberg
Ronald Spector
Ann Van Camp
Stephen Zamora

Bureau of Public Affairs

G. Alfred Kennedy, Deputy Assistant Secretary
Susan Povenmire

Office of the Historian

William Z. Slany, The Historian
David Baehler, Rita Baker, Paul Claussen, Evan Duncan, Taylor Fain, Evans Gerakas, Nancy Golden, David Herschler, Nina Howland, Ted Keefer, David Mabon, Elaine McDevitt, Jim Miller, Nina Noring, Althea Robinson, Charles Sampson, Bill Sanford, Harriet Schwar, Luke Smith, Sherrill Wells

Division of Freedom of Information,
Privacy, and Classification Review

Henry Bardach
Frank Machak
Richard Morefield

Bureau of Legislative Affairs

Gary Chafin

Office of the Legal Adviser

Katherine Skipper

Publishing Services Division

Barbara Bacon
Paul Washington

Others

George Chalou, National Archives
Ron Swerczek, National Archives
David Langbart, National Archives
J. Kenneth McDonald, Central Intelligence Agency
Mary McAuliffe, Central Intelligence Agency
Paige Miller, National Coordinating Committee for the Promotion
of History

Department of State, A/GIS/IPS/SRP

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Open Session, November 15, 1990, Morning

The Open Session of the 1990 meeting of the Advisory Committee on Historical Diplomatic Documentation began at 9:05 a.m. Prof. Richard N. Cooper arrived at 9:25. Dr. William Z. Slany proposed that a Chairman be selected and an agenda be adopted. Prof. Warren F. Kimball was selected by acclamation as Chairman. The draft agenda circulated earlier by Slany was adopted provisionally.

Deputy Assistant Secretary for Public Affairs G. Alfred Kennedy was the first speaker. He stated that the Department wants to cooperate with the Committee and feels its work is important. He mentioned the controversy caused by the resignation of former Chairman Warren Cohen, and said that he did not believe that an Act of Congress would be necessary to improve the series; working in concert with the Committee should be sufficient. Kennedy said that Slany would describe in more detail PA's plan. Once the Department agreed to the plan, coordination with other agencies would be possible. Publication of a volume was not enough; it was necessary for scholars to verify its accuracy, completeness, and integrity. HO was being reorganized to concentrate more resources on compilation and publication. Kennedy concluded by saying that he would report on the meeting to Assistant Secretary Tutwiler.

Kimball then opened the floor to questions.

Prof. Bradford Perkins said that Warren Cohen had believed that he had reached an agreement with State, and had quit after State had reneged on it. Last year's meeting, incidentally, had been the first at which neither the Assistant Secretary nor the senior DAS had been present. Perkins was skeptical that State could deliver.

Kennedy replied that nobody had shown him documentary evidence of a State-Committee agreement; perhaps there was a verbal agreement. It was time to put this issue behind us. The Department wants to deliver on the Foreign Relations series. The absence of senior people did not mean a lack of commitment. Tutwiler was aware of the problem and had brought more senior people into the discussion. Under Secretary Selin said that he looked forward to meeting with the Advisory Committee. Moreover, a year after Cohen's resignation, the Department senior leadership is engaged with the issue. They are moving to reduce tensions within the agency and to convince the Congress that State can fix the problem. He hoped to have a plan ready before Congress took up the legislation again.

Kimball asked whether Advisory Committee members could meet with Tutwiler. Kennedy replied that the request was not unreasonable, but any meeting might take place at short notice.

Prof. Stephen T. Zamora asked whether State was still uncertain about the Advisory Committee's role. Kennedy denied it. Zamora stated that, after only two meetings, he was unclear about his own role. Slany said that part of the problem was the dynamics of changing Committee membership; he looked forward to a still more active Committee in the months to come.

Prof. Ronald H. Spector asked whether State had a counterproposal to the legislation which spells out the Advisory Committee's role. Kennedy replied that a work plan was being developed and that possibly Congress could be persuaded that legislative action was unnecessary. Slany would describe the Committee's role at greater length.

Slany stated that the Department lacks unanimity on a definition of the Committee's role. The aim was to give it a more specific role in the production of the volumes and to avoid a repeat of the Iran flap.

Perkins asked if it were true that someone in FPC had said the Advisory Committee had no "need to know." Kennedy denied that this was now the case.

Kimball said that access was the key to the Advisory Committee's evaluation sanction. The Secretary can designate a "need to know" for State's records. If he does, a major problem is solved. Kennedy replied that Baker was unlikely to say anything that explicit, or that "need to know" would ever be complete. State was trying to upgrade the Committee members' clearances, but even then there would be statutory and other limits. Kimball replied that the key matters were "need to know" and level of access. He was stressing the former, and the Committee's need to have a high-level person come out and say that they had it, within statutory limits.

Perkins said that he understood from FPC that copies of documents stored in PA/HO for the preparation of Foreign Relations were temporarily downgraded to Secret. Richard Morefield of FPC/HDR replied that documents were downgraded to Secret for handling purposes only.

Prof. Margaret Hermann, a new member, expressed surprise that access for the Committee was not automatic. Slany replied that State would consider how to grant access and would work with other agencies on specific topics.

Prof. Betty Glad asked whether there were any proposals to ease access guideline restrictions. Slany replied that there were no new laws or regulations, just procedural changes to facilitate disclosure.

Hermann asked whether the Advisory Committee could take one volume and see what was excluded so as to get a better feel for the guidelines. Perkins called the guidelines so vague that even the Declaration of Independence could be kept classified. Much depended on individual FPC members. Slany replied that State is considering involving one or more Committee members in the publication cycle for one volume--a "companion editor"--but that it would take awhile to arrange. Slany said that he had made the proposal to the Committee during the past 2 years. Participation would require visiting the Department regularly. Kimball then said that a working session would be necessary to discuss such a proposal. Spector said that

the Advisory Committee preferred cooperation to another year of "guerrilla warfare," but that it could not endorse non-formulated proposals.

Cooper wanted to know: 1) what were the terms of the Committee's mandate and 2) what were State's objections to the legislation? What specific criteria did they oppose?

Slany replied that he had identified the Committee's major concerns. The Committee had tried to address issues on a case-by-case basis. Documents from other agencies complicated the declassification process. State was now trying to publish 10 Foreign Relations volumes each year. Cooper said that if the Committee had no access to classified material, how were they to determine why something was excluded, and wondered what their role was. Slany noted that the Advisory Committee had had "episodic" access during the 1950s, 60s, and 70s when questions of skewing the record had arisen. The discussion now centered on a broader mandate. Perkins said that, beginning 4 years ago, FPC began to report excisions to them. Slany replied that such a briefing would be held tomorrow.

Morefield tried to differentiate between declassification guidelines in the Executive order and the guidelines given to the Archives. Perkins asked whether the general guidelines were classified. He had never seen a copy of them, but they had to differ from the Executive order. Both Cooper and Kimball said that the Committee was very much concerned with NARA's declassification guidelines and would like to see a copy of them, while Spector observed that each agency interpreted the Executive order differently and set its own declassification guidelines. Morefield explained that the Executive order required declassification after systematic review, or else for the agency to give instructions to NARA about what topics still needed protection. Kimball wanted more details on the guidelines and said that the matter should be discussed at greater length.

Zamora reiterated that the Committee lacks a defined role. The legislation gives it one, although perhaps it is too broad. Kimball stated that the Committee should make clear to the Department what its view of its role is. The Foreign Relations series and the Department faced a crisis of confidence. The Committee should be ready to help the Department but in order to help, it must have confidence in the Department's operations.

Slany introduced Gary Chafin from the Department's Bureau of Legislative Affairs who discussed State's reaction to the legislation. Chafin reported that the Department had been surprised at the speedy approval of the bill in the Senate after being told to expect no action. The bill will be reintroduced in the 1991 session, probably as part of the Department authorization bill. The House took no action on the bill, but the topic would come up next year in some form.

H Bureau had sent its objections to the House Foreign Affairs Committee (HFAC) and the Senate Foreign Relations Committee (SFRC), but unless State could present an alternative, Congress would be heard from and hearings might be held. State's first objection to the bill was that it derogated from the Executive order and mandated a piecemeal change in government-wide practice. The major effort is to avoid damage from the legislation.

Perkins asked what damage the Department envisions. Chafin responded that the legislation would derogate from the Executive order. Legislation should not be Foreign Relations-specific.

Cooper then asked whether State considered the bill too broad or too narrow in scope. Chafin replied that the issue should be addressed in a broader way rather than by disrupting government-wide practices.

Spector commented that no government-wide declassification now existed; the Executive order was interpreted differently by different agencies. Glad noted that specific legislative action might give a push toward a better government-wide system.

Chafin noted that a second objection to the legislation was the creation of further layers of bureaucracy. The legislation would also abolish the Committee in its present form. Cooper said "it would not be the end of the world."

Glad asked if the Department supported any parts of the legislation. Slany responded that while the Department appreciated the generalized sentiment of support for Foreign Relations in the bill, the question was whether the legislation if passed would make coordination and work on the series more effective.

The Committee recessed at 10:30 a.m.

Closed Session, November 15, 1990, Morning

The Committee reconvened at 10:50 a.m. Kimball announced that the Committee had decided to depart from the agenda in order to hold a closed, Committee-only session from 3:30 p.m. to the end of the afternoon.

Paul Washington spoke on the distribution of the Foreign Relations series. Beginning in 1986, the Government Printing Office, in the interest of economy, had distributed 23 volumes of Foreign Relations to 1,100 depository libraries in microfiche form. This distribution had been completed last April. PA/HO had learned of the conversion to microfiche distribution only 2 years ago. If all the depository libraries were to be given hard copies of each of the 23 volumes, the reprints would cost, at an average of \$15 apiece, \$379,500, or \$16,500 a volume. This cost would be spread over the next 5 years. The question was, who would pay?

Some of the depository libraries had indicated a preference for fiche because of space limitations, but 2/3 wanted the printed volumes. If GPO obtains the needed funds, these libraries will be resurveyed to see if they still want the paper copies. There was also the question of whether the depository libraries would receive paper copies of future volumes. Some, again for space reasons, did not want to. Washington also handed out a chart showing availability and sales of in-print Foreign Relations volumes. Cooper wondered how the print run of the volumes was determined, and was told that it was determined by the GPO and was often an odd number.

Prof. George Herring wondered if the Committee should repeat its recommendation of last year, that the libraries should all receive paper copies. Cooper said that maybe the Committee should not make a recommendation on this point, and allow the libraries to make their own decisions on the basis of their individual use patterns and space availability. Kimball thought that users had the right to put their car in, and that the Committee were users and serious ones at that. Glad pointed out that paper copies were in the interest of students as well as professors, but there should be provision for microfiche at small depositories.

It gradually developed from the discussion that GPO's present plan was definitely to have some form of a dual hard copy and microfiche distribution system. Washington and Slany pointed out that this was not wasteful because of the comparative inexpensiveness of microfiche.

Glad suggested making print over-runs available to individuals. Washington said this would reverse a 10-year policy of maintaining an overstock for future generations of scholars.

Cooper pointed out that printing costs are a function of technology and that print runs of future volumes would no doubt be less expensive. The discussion closed with the Committee reserving for the time being its position on the issue.

Slany then presented his report on the status of the Foreign Relations series. He noted that the Office of the Historian had reorganized in order to assign more historians to work as Foreign Relations compilers. Only a small staff had guided Foreign Relations in recent years, but the pace of the series had not suffered because the declassifiers had been clearing out a large backlog of volumes.

Now the Office was redeploying its professional staff to keep the pipeline full and to keep the scope of the series in rough equity with that of the three previously-prepared triennia. He introduced the Division Chiefs: Charles Sampson, Europe and Canada; Paul Claussen, East Asia and Latin America; Nina Noring, Middle East, Africa, and South Asia; David Mabon, Arms Control and Economics; Sherrill Wells, General and Special Projects. A total of

19 people will give full or part-time attention to compiling and editing material for the Kennedy years.

A new Deputy Historian/General Editor was being recruited to give substantive and management guidance to the Foreign Relations program. Slany asked particularly for the Committee's suggestions regarding potential applicants for this position. The new person, he said, would have primary responsibility for the Kennedy and Johnson periods.

Slany described briefly the proposed tables of contents for the 1961-1963 period, of which the Committee had received a copy. Although constrained by reduced funding, the Office planned to produce 25 volumes plus microform supplements. The Department sought to match the series at the level of completeness reached by the series for the Eisenhower period. He emphasized that the tables were still flexible and open to the Committee's suggestions. He described the work done so far for the triennium: four volumes on Vietnam, two already published and two in the publication process; two volumes on Laos and Western Europe, delivered to the declassifiers last summer; and five more volumes completed or near completion.

Slany said that the content and scope of the volumes had become an important topic due to a shrinking resources at the Office's disposal. He discussed the ever-increasing necessity to tighten the standards of selection, again stressing the potential helpfulness of the Committee in making suggestions for items to focus on. It might be necessary to contract-out certain volumes to make up for gaps in the Office's expertise. Another possibility was to do the entire 5 years of the Johnson administration as one unit.

Rosenberg asked how it was possible to keep the volume sizes the same given the increase in the number of documents available to historians for this time period. Perhaps a different format was needed for the series to reflect this.

Slany admitted that an ever smaller percentage of available documents were being printed than in earlier decades, and that fewer of these documents were State Department documents.

Cooper said that the increase in the number of available documents might necessitate a new strategy for compiling Foreign Relations.

Slany said the publication might have to move to a more bibliographic function, serving as an archival source and directing scholars to existing documents not contained in the volumes.

Perkins said that there was a choice between covering all topics in a shallow manner or reverting to a "post-holing" technique of singling out important issues for detailed coverage while acting as a bibliographic source on others.

Cooper pointed out that what scholars today may single out for detailed coverage may turn out to be of little importance to future scholars.

Kimball said the Committee might consider asking HO to prepare a study on this issue to generate thinking on future strategies for the Foreign Relations series.

Van Camp agreed and emphasized that the issue needed to be considered beyond that meeting.

Glad suggested that some guidelines on this subject must already exist for some of the Kennedy volumes to have been compiled and asked Slany to share these. Slany replied that no such explicit guidelines existed.

Perkins asked that the Committee receive a flow chart showing where each of the planned volumes was in the compilation and publication process. HO had furnished such a chart in previous years and it had been very helpful. Rosenberg requested a chart which would show the proportion of denied materials in each volume as published, for the period 1949-1963.

The Committee discussed the problems and opportunities presented by computerization of records. David Herschler pointed out that a great many documents never made it into the Department's computerized database. David Langbart, the National Archives specialist on retirement of Department of State records, described the special program for the retirement of lot files from the Executive Secretariat, stressing that these were not, even after accessioning, integrated into the Central Files because they had never been meant to be part of them. Preserving these records was vital because they including many items which, "by both accident and intent," had not been logged into the automated system. Cooper made a distinction between official and unofficial records but was assured by many of those present that this distinction often broke down in practice.

Kimball inquired whether these problems were a legitimate concern of the Committee. Van Camp disagreed saying that the topic was fundamental to the Committee and to the Foreign Relations series. If information were not well-managed, the job of compiling and publishing Foreign Relations would be made more difficult and would affect the manner in which HO functions. Kimball stated that the Committee should therefore have a statement from the Department on just what its records policy was. Van Camp replied that she thought that such a report might be difficult to generate.

The Committee recessed at 12:05 p.m.

Luncheon, November 15, 1990
Buchanan Room

Present

Committee members
G. Alfred Kennedy
Susan Povenmire
William Z. Slany
John Fawcett, National Archives
Elaine McDevitt

The Advisory Committee held a working luncheon. John Fawcett, Director of the Office of Presidential Libraries, National Archives and Records Administration, joined the Committee as did Deputy Assistant Secretary Kennedy and Special Assistant Povenmire. In informal discussions during the meal the Committee members reviewed the morning proceedings and Fawcett's efforts to improve the public use of documents at some of the more newly-established Presidential libraries.

As the meal ended, Under Secretary Selin joined the Committee. The Under Secretary greeted the Committee and expressed his appreciation for its valuable advice to the Department and the Historian. He assured the Committee of the Department's continuing commitment to an accurate and comprehensive Foreign Relations series. The Under Secretary personally acknowledged the importance of the Advisory Committee's role in verifying the accuracy of published volumes in the series. He was quite aware that the Committee members could not evaluate the quality of books proposed for publication unless they could themselves see what was deleted during the declassification process. Only that sort of examination could determine whether the printed record was distorted in any important way. He recognized that Committee members' access to classified records was absolutely indispensable for them to do their work.

Under Secretary Selin understood that the process of providing Committee members with Top Secret clearances was underway. He warned that the process could be lengthy, and the whole Advisory Committee might not have their clearances soon. The Under Secretary reminded the Advisory Committee of the difficulties in expediting clearances. He suggested that the Committee might want to form a subcommittee or working party of those members who were cleared by the spring of 1991 in order to get on with the process of reviewing classified records withheld from a volume or volumes proposed by the Department Historian for Committee scrutiny.

In response to a question from Kimball regarding the relative uselessness of security clearances without a "need to know," Under Secretary Selin assured the Advisory Committee that it would, of course, have such a "need."

The Under Secretary took up the question of the pending Congressional bill regarding the Foreign Relations series. There were many problems with the existing draft legislation. The Department knew that it had to improve the series and was certain it could do so far better than Congress could. The Department had, however, been slow in bringing before the Congressional committees the Department's views on the legislation and its plans to assure the accuracy and completeness of the published record. The Under Secretary assured the Committee that the Department would have its action plan on the reform of the Foreign Relations series in the hands of the relevant Congressional committees before Congress convened on January 17, 1991. The Advisory Committee would be consulted and kept informed about the contents of the plan.

Under Secretary Selin responded to the Advisory Committee members who anticipated they might be involved in the expected Congressional hearings in 1991 regarding the legislation. He acknowledged that the members of the Committee might be asked to comment to the Congress regarding the legislation. The Committee was, however, a creation of the Department, and the Under Secretary could not imagine how the Committee as a whole could possibly take a formal, public position regarding the legislation, especially legislation that the Department opposed.

Perkins was particularly concerned to know if the Under Secretary understood the importance to the Advisory Committee of access to the Department guidelines for the page-by-page declassification review of Department documentation transferred to the National Archives. The Committee felt strongly that its mandate must not be confined to documents included in particular Foreign Relations volumes but must extend to the larger body of Department documentation from which the contents of the printed volumes were drawn. Under Secretary Selin acknowledged that the Committee's access to the Department's relevant systematic review declassification guidelines was necessary to allow it to fully evaluate the accuracy and completeness of the published historical record and other records made accessible to the public at the National Archives.

Under Secretary Selin concluded his remarks to the Advisory Committee by assuring them of the Department's intention to move quickly to perfect its planning for an improved Foreign Relations series and the hope that the Committee can work with the Department and the Historian in modernizing the publication.

The luncheon concluded at 1:45 p.m.

Closed Session, November 15, 1990, Afternoon

Others Present

John Fawcett, National Archives
 Nancy Smith, National Archives
 Thomas Thorne, PA/HO

The session reconvened at 2 p.m.

John Fawcett summarized the Presidential libraries' former procedure of simultaneously processing classified documents for use by PA/HO historians and for the public at large. Because this procedure did not adequately meet PA/HO needs, materials are now partially processed for Department of State historians in order of priority for Foreign Relations volumes.

Fawcett reported there were over 20 visits by PA/HO historians to the John F. Kennedy Library during 1989. He also reported resources were increased at the Lyndon B. Johnson and Kennedy Libraries to expedite the examination of documents by Department of State historians.

Slany stated these procedures and additional resources had definitely enhanced research performed by PA/HO historians. He briefly outlined the PA/HO reorganization, and said the reorganization will increase the number of historians performing research at Presidential libraries during 1992 and 1993. Slany indicated he would work out a schedule of visits by PA/HO historians to Presidential libraries that "won't overwhelm everyone," and that PA/HO historians would only resort to using Presidential libraries for documents not found elsewhere. Fawcett said it would be helpful and essential for the Presidential libraries to have as much advance notification as possible of Foreign Relations needs.

Fawcett and his assistant, Nancy Smith, stated that access by PA/HO to documents is typically much easier directly at the agency level than at Presidential libraries because of the NSC's review procedure. As an example, Fawcett outlined the following procedure for historians to gain access to classified NSC and White House documents at Presidential libraries: 1) the NSC is notified PA/HO would like to review a certain file or files, 2) NSC is notified a second time when PA/HO requests a copy of the documents, and 3) NSC is asked to review compilations for declassification.

Charles Sampson noted, however, that the NSC has never denied PA/HO timely access to documents.

Fawcett referred to a recent article in the Washington Post that reported former Secretary of State George Shultz had removed copies of his official papers. Fawcett commented that Secretary Shultz was the first Secretary of State to have implemented a procedure for

removing his papers, and that all classified documents are in the Federal Records Center managed by the National Archives in San Bruno, California.

Sampson, speaking on behalf of PA/HO, expressed appreciation for all the assistance provided by Suzanne Forbes at the Kennedy Library.

The session adjourned for a break.

Closed Session, November 15, 1990, Afternoon

Thomas Thorne made a presentation on the volume on the relationship between intelligence and U.S. foreign policy that will supplement the Foreign Relations series. The project had been started several years ago, interrupted, then resumed in May 1990 on a part-time basis (about 60 percent). The majority of the material had been collected before he began work on the project although some collecting is still being done with the aid of the CIA. Compilation and annotation should be completed in early 1991.

The volume will be a combination fiche and print publication covering the formation of the intelligence community during the period 1945-1950. The project will comprise about 3,400 pages of documents: 2,200 pages of memoranda, reports, minutes; and 1,200 pages of finished intelligence, i.e., estimates, intelligence memoranda to the President which transmitted raw intelligence data (about 1/4 of the 1,200 pp.).

Thorne explained his standards of selection:

1) In compiling an institutional history, he sought to cover the main issues and themes of the beginning of the intelligence community: military vs. civilian control, size of the agency, the origins of covert action in the late 1940s, the integration of clandestine intelligence collection, and the development of the evaluative and estimating process.

2) He also included samples of finished intelligence (to be reproduced in the fiche portion), including estimative material, and interagency intelligence estimates for the period 1946 through mid-1950 until the outbreak of the Korean war.

In collecting the documentation, Thorne discovered that materials are widely scattered among government agencies and within agencies: Central and lot files of the Department of State, Truman Presidential Library, Military Record Groups at NARA, Bureau of the Budget (especially 1943-1946), and other files at NARA. There are a few record collections that have cumulated material that would be otherwise difficult to locate. He cited the Troy Papers at NARA and the collections at the CIA History staff.

Overall, he found CIA records rather difficult to use because he had no direct access to the files but had to go through the History Staff. Nor are there any finding aids that would facilitate research. Recordkeeping in the early years of the Agency was neither regularized nor centralized.

A "surprising" amount of material has already been declassified except in two categories: covert actions and the origins of clandestine intelligence collection. Thorne was optimistic, however, that the age of the documents and already-released information would help to overcome problems in declassifying these documents.

J. Kenneth McDonald, Historian of the CIA, characterized the volume on intelligence as a model of collaboration between the Agency and PA/HO. In 1985, the Agency inaugurated its Historical Review Program to review and release records and established an advisory panel of consultants consisting of both government officials and distinguished historians. Under systematic declassification, the CIA has released two histories of the early years of the Agency.

McDonald cited the two recently-published histories: one by Arthur Darling published in November 1989 covering the 1945-1950 period and one by Ludwell Montague published in September 1990 covering Walter Bedell Smith's tenure as Director of Central Intelligence. The Agency was currently working on declassifying supporting documents for the first history.

Mary McAuliffe, Deputy Historian of the CIA, reiterated Thorne's statement of the difficulty of using the CIA files. She attributed this difficulty to two factors:

- 1) there has been no orderly recordkeeping in the CIA, leading to great difficulties in finding early documents; and
- 2) the compartmentalization of the Agency has resulted in each directorate maintaining separate files.

The CIA History Staff, mostly historians on the staff engaged in writing histories, has made an effort to collect some source documents from around the agency. This cooperative project with Thorne has stimulated more of this effort to collect and identify files within the Agency.

In response to a question regarding future intelligence volumes for the post-1950 period, McDonald said CIA had no plans to produce more special volumes. [The State Department Historical Office, however, will be planning intelligence supplements to span the Eisenhower period.] McAuliffe looked forward to building on the close and productive working relationship the CIA History Staff and the State historians--Bill Deary, Neal Petersen, Ted Keefer, and now Tom Thorne--had developed in working on this volume.

In regard to including documents on specific covert actions, Thorne noted that the volume was only a broad overview of the subject and contained no details on specific actions. There were, however, specific intelligence estimates on, for example, Soviet military strength, included in the documents that would be reproduced in the microfiche portion of the publication.

On the issue of State historians' access to CIA records, which Zamora pointed out was a problem identified last year, Slany said that access to CIA records in the files of other government agencies was better, but there are no doubt episodes for which State does not have access to key documentation. McDonald again made his point that the problem is not access but declassification, which the CIA History Staff can facilitate somewhat by acting as a broker with the CIA declassification staff.

The issue of requesting access to CIA records at the Presidential Libraries or requesting access directly from the CIA was discussed. The intelligence documents at the Libraries were generally quite accessible and allowed the historians a larger selection; the CIA records are dispersed throughout the Agency and are extremely difficult to find or gain access to even for CIA historians. There are few if any finding aids. Nonetheless, as McDonald pointed out, the collaboration between Thorne and McAuliffe should be used as a model for designing future State-CIA cooperative research for Foreign Relations volumes.

Kimball asked if there were a position the Committee could take in this issue that could be helpful. Hermann noted it appeared that beyond urging continued close cooperation between the CIA and the State Department, no further Committee statement was necessary.

McDonald digressed to speak about the legislation and the problems it posed for the agencies in the foreign affairs community. The legislation proposed establishing a "super declassification board," a panel made up of historians that would determine ultimate declassification. The panel would institute sanctions on the agency involved. McDonald indicated that an Executive/Congressional quarrel was not the best way to solve the declassification impasse. In response to a question, however, McDonald said that the CIA was not working on alternatives to the legislation.

Slany expressed his and the Office's appreciation for Thorne's contribution to the progress on the important project of an intelligence supplement to the Foreign Relations series, due largely to Thorne's experience as the former Director of the Bureau of Intelligence and Research. Hopefully the volume would be published in 1993.

Cooper asked about the possibility of publishing National Intelligence Estimates which represented finished intelligence stripped of all references to sources and methods. The NIEs were

important in the policymaking process. He wondered why it was so difficult to declassify them. McDonald and McAuliffe agreed.

Morefield and McDonald explained that publishing the NIEs as a series of numbered documents could reveal long-term trends of intelligence collection and methods of analysis and evaluation--the so-called "mosaic argument".

Kimball noted that the Committee would take the position that inclusion of NIEs would be very valuable to the published record and would urge their declassification.

McAuliffe briefly summarized the guidelines of declassification of covert actions that the Agency uses: no presence in foreign countries and no activities in foreign countries are acknowledged by the Agency, unless a "window" has been opened by, for example, the assassination of a CIA Station Chief.

Closed Session, November 16, 1990, MorningParticipantsAdvisory Committee

Warren Kimball, Chairman	Emily Rosenberg
Betty Glad	Ann Van Camp
George Herring	Stephen Zamora
Bradford Perkins	

Bureau of Public Affairs

G. Alfred Kennedy, Deputy Assistant Secretary
Susan Povenmire

Office of the Historian

William Z. Slany, The Historian
PA/HO Staff

Office of Freedom of Information, Privacy, and Classification Review

Richard Morefield
Hugh McL. Woodward
Philip Valdes

Others

George Chalou, National Archives
Mary McAuliffe, Central Intelligence Agency
Kenneth McDonald, Central Intelligence Agency
Nancy Smith, National Archives

The Committee convened at 9 a.m. Slany circulated to the members: 1) copies of model pages for a facsimile edition of a Foreign Relations volume, and 2) copies of a 1988 memorandum outlining various options for the future format of the series.

Morefield said that he wished to brief the Committee on the work of his unit, the Historical Documents Review Staff of the Division of Freedom of Information, Privacy, and Classification Review (FPC/HDR), prior to the volume briefings to be given by Philip Valdes on the 1955-1957 Eastern European volume, and by Hugh Woodward on the 1958-1960 Cuba volume.

Morefield explained the relationship of HDR to other elements of the IS bureaucracy. He said that HDR's work fell into three areas: 40 percent of the time was spent reviewing for declassification Foreign Relations volumes and other special projects submitted by HO (such as the intelligence volume discussed yesterday or a lot file project on the Secretary of State's Memoranda of Conversation); 40 percent of the time was spent on systematic review of the

Department's documents as part of the transfer to the National Archives; and 20 percent of the time went to other agency support. He used this breakdown to underline that HDR could only devote less than half of its time to reviewing Foreign Relations.

Morefield emphasized that the production of Foreign Relations volumes should be viewed as a pipeline. He pointed out that over the last 5 years many volumes had been leaving the pipeline, but few had been entering it. This was not completely HO's fault, but rather reflected the difficulty in gaining access to Kennedy Library documentation. But the paucity of volumes entering the pipeline had created programming problems for HDR which had to properly oversee its budget and inform annuitants whether their services would be required during the coming year. He said that recently HDR and HO had been working toward achieving a schedule that would help address these problems.

Morefield said that HO had three problems in regard to the Foreign Relations series:

1) How to handle editorially the growing number of issues within increasing space limitations. He expressed concern that if HO did not cover a particular issue for space reasons and did not explain this in a preface, then the reader would presume that the HDR "troglodytes" had rejected it;

2) How to handle the subject of covert activities when a government-wide decision denies their declassification. Morefield indicated two recently declassified Foreign Relations volumes which handled the intelligence question adroitly: the coverage of assassination intrigue by using Church Committee hearings and coverage within the Suez volume of the impact of intelligence on the decisionmaking process; and

3) How to achieve objectives with declining available resources. HDR, he pointed out, needed to know when Foreign Relations manuscript was going to be submitted to HDR because it had to deal with staff and budget limitations.

Morefield then briefly summarized recent discussions between HO and HDR which had produced a schedule for the submission for review of Foreign Relations volumes through March 1991. Morefield pointed out that the scheduling question involved the size of the Foreign Relations series and the need to abide by plans and agreements made.

Morefield also raised the question of joint planning. In August and September a schedule had been worked out through March 1991. He referred to a 1986 memorandum by the declassification leadership that committed the Department to fewer and smaller volumes. According to Morefield, HO had reneged on this, and now FPC will be stretched to the limit to meet demands posed by the documenting of the Kennedy administration.

Morefield praised the briefing on the intelligence volume given the previous day and said that HO should provide HDR with similar briefings on all volumes. He felt the remark that most of the documents had already been declassified was particularly helpful.

Morefield described the lengths of time involved in each step of the declassification process. The initial HDR review, during which the HDR reviewer consulted with the appropriate State Department desk, took 6-9 months for an 800-page volume. When this was completed, HO could if it wished appeal the results. Simultaneously documents were sent to other government agencies and, when necessary, to foreign governments. This second step took 6-9 months, during which time HDR had no control over the process. Once these reviews were received, documents were then sent once again to the desk and then to NSC. Following NSC review, the volume once more went through the desks. HO could appeal the results when the process was done and this appeal might take a year. The whole declassification process (without the appeals) takes 2 to 2-1/2 years. With publication time included, it is around 3 years if all goes well.

Perkins recalled that several years ago HO had prepared flow charts for each of the volumes which were quite helpful in determining which component of the process was responsible for delay. He recalled that the last flow chart he had seen showed that the major delay was at the NSC. Morefield replied that by detailing FPC staff to NSC they had resolved this problem. Kimball suggested that HO prepare a type of "buck sheet" (as "flow chart" was an out-of-date concept) that would indicate who was responsible for which deletions.

Kimball noted that 6 to 9 months seemed very long to him; he wondered why it took so long. Morefield replied that some reviewers keep going back to the bureaus to get as much as possible released. He reviewed their efforts with NSC and explained how FPC had cut back on the amount of material sent to other agencies. He raised FPC's brokering of the NIE and SNIE reports with CIA.

Kimball assumed that the Committee would obtain access to denied and excised documents and stressed the need to know which agency had denied or excised a document. He felt the Committee could not do its job without this access. Morefield stated that access would be a problem and stressed that pointing fingers at other agencies would be counter-productive.

Kimball replied that Foreign Relations was authorized by a Presidential directive and Executive order. Morefield noted that nonetheless it was hard to get other agencies to spend money for our programs and that finger-pointing would only make it harder.

Kimball asked if FPC could reverse NSC decisions.

Morefield indicated that it could not and that in any case it was probably imprudent to do so. He indicated that State had to give consideration to other agency concerns, because if an agency feels it has been hurt by a State release it will not cooperate further. Morefield then went on to describe the INFORM system for tracking declassified documents and making them available to the public. He noted that as soon as a volume was published there were requests for the documents cross-referenced and for those excised as well.

There followed a brief discussion on the limits on earnings of the FPC staff annuitants.

Morefield then stressed that clearance of Foreign Relations volumes was not the top FPC priority. He could juggle the staff within a quarter but had to balance HO demands against those of Archives. FPC could not ignore its mandate to turn over to the Archives State Department files at about the 30-year line. He reiterated that for the past year and a half he had been trying to get a schedule from HO without success and that finally he had given HO the parameters of what FPC could handle: he asked that HO spread out submission of manuscript over a given year and that it not all be on one subject.

Slany observed that he had given FPC preliminary schedules and that the present one stretched into 1992.

Van Camp believed a long-range plan would help. She asked how the 30-year line in the proposed legislation would affect FPC. Morefield replied that this would detract from the effort to clear Foreign Relations volumes since more time would be needed to do the processing.

As Morefield concluded his remarks, Kimball brought up a letter from a number of HDR staffers recently published in the Foreign Service Journal. Kimball particularly objected to the statement that the mandate of the Committee did not include declassification. Kimball called this "wrong." He said it did not reflect the cooperative attitude that the Committee was trying to encourage with the declassification unit and said he was "deeply troubled" by it. Kimball said it reflected an attitude problem in HDR.

Morefield responded that the Committee and part of the Department had differing views on the Committee's mandate. Morefield said there was not more specificity in the Committee's charter because agreement could not be reached within the State Department.

Perkins stressed that was old business. The Committee felt strongly that it was advisory on declassification as well since as the volumes became more selective in the face of exponentially growing numbers of records, this function would become even more important. Perkins pointed out that as Foreign Relations was forced

to become more and more selective from the mass of documentation, it was more and more imperative for the Committee to become involved in the general declassification issue.

The meeting then turned to the declassification briefing of Foreign Relations, 1955-1957, volume XXV, Eastern Europe. Kimball posed the question of whether in the absence of appropriate access to documents the Committee members wished to hear the briefings at all, as this would be a form of acquiescence in the denial of access. The Committee disagreed and consideration turned to the briefing.

This portion of the minutes is Confidential and is maintained as a separate document.

The meeting recessed at 10:30 a.m. for a break.

Closed Session, November 16, 1990, Morning

The Committee reconvened at 10:45 a.m. to hear Frank Sieverts of the Senate Foreign Relations Committee (SFRC) staff and Jim Curry of the Senate Select Committee on Intelligence (SSCI) staff discuss the proposed Foreign Relations legislation.

Sieverts began by explaining the genesis of the bill. The impetus for the legislation came from the extensive public criticism of alleged significant omissions in Foreign Relations, 1952-1954, Iran. This included criticism by all the major historical organizations. This criticism had come to the attention of the SFRC, its Chairman, Senator Claiborne Pell, and its ranking minority member, Senator Jesse Helms. Senators Pell and Helms had found allies in the majority and minority leaders of the SSCI, Senators David Boren and William Cohen.

When the Senators focused on the problem, they had discovered that Foreign Relations had no legislative mandate: "it exists because it exists". Sieverts explained that this was reason to worry because the Department of State Bulletin had once existed and is no more. Given the fate of the Bulletin, which also lacked a mandate, Sieverts felt that it was important to provide the Foreign Relations series with one.

Sieverts outlined the history of the bill. It was approved by the Senate Foreign Relations Committee as an amendment to a Department of State supplemental authorization bill; the Department of State then determined that it did not require the supplemental authorization; the legislation was then introduced as a free-standing bill. It was passed by the Senate in the final days of the last session (thereby constituting an "action of the

Senate"), but did not become law because there was no corresponding House of Representatives action.

Sieverts predicted that in early 1991 the Senate and House bill would be added to a "must" authorization bill for Department of State funding. He expected it to be passed in mid-February and noted that interested parties had until then to make comments and suggestions.

Sieverts then asked the Advisory Committee for advice regarding the proposed legislation which, he noted, authorizes the Foreign Relations series as a continuing responsibility of the U.S. Government and gives the Advisory Committee legal status, thereby making both Foreign Relations and the existence of the Committee a matter of law. The legislation also spells out goals for Foreign Relations; provides a set of principles for the series; defines the function of the Advisory Committee; and provides for automatic declassification of Department of State documents after 30 years. It also creates a procedure for the inclusion of intelligence materials in Foreign Relations.

Sieverts explained that the goal of the legislation was to get HO historians fullest access to Department of State and other government agency documents. He said that the SFRC had received wide public support and interest and repeated that he was confident that the legislation would pass. He then asked Jim Curry to discuss the Department of State's response to the proposed legislation, a letter dated October 25 from Assistant Secretary of State for Legislative Affairs Janet Mullins to Dante Fascell, Chairman of the House Committee on Foreign Affairs.

Curry began by explaining that he too was trained as an historian, with a Ph.D. from the University of Virginia. He pointed out that neither Senator Boren nor Senator Cohen would ever do anything to damage U.S. intelligence equities and noted that they had had extensive discussions with CIA representatives to ensure that the legislation would protect U.S. intelligence.

Noting that many documents use code words, Curry declared that the Mullins letter could have used "hyperbole" and "paranoia" as its codewords. He considered the letter a statement of official Department of State opposition to the bill. For example, her letter claims that the legislation derogates from the government-wide system for declassification provided by Executive Order 12356. Curry pointed out, however, that in fact the legislation leaves declassification in the hands of the originating agencies, but requires that those agencies attempt to declassify documents for Foreign Relations and tries to establish procedures for the submission of Foreign Relations documents to agencies for declassification. It also calls for unclassified abstracts or summaries of documents that cannot be declassified.

Curry argued that 30-year-old documents--except those dealing with certain activities--do not need to be remain classified. Embarrassment and stupidity should not be used as grounds for denial. The American people are entitled to know the basis for U.S. foreign policy and 30 years is not too short a time. It was not true that U.S. national security would be endangered by the legislation. National security would be protected, but would not be used as an excuse for withholding documents.

Curry also dealt with the contention that the proposed bill would conflict with the Atomic Energy Act, the National Security Act of 1947, or other legislation. He believed that with reason and responsibility, the material could be released.

Curry denied the letter's complaint that preparation of unclassified abstracts or summaries of withheld documents under the proposed bill would be a fiscal problem for the Department and said that only a handful of documents would need summarizing. If more resources were required, the Department should ask Congress for the money. He also disagreed with the letter's contention that the Advisory Committee would become a high-level review body, rather than a scholarly advisory body. Some additional work would be required but Curry pointed out that the Committee would be authorized to review procedures, which should not take too much more time. Under the legislation, the Committee would have access, would receive a sampling of documents, and would know what had been left out of Foreign Relations.

Perkins asked for an explanation of the end of the process if the Advisory Committee did not agree with declassification decisions. Curry responded that the agency would then have to make a case to the SFRC and the HFAC for withholding the document. However, he described this as a "sanity check" and said that the committees would not force an agency to release withheld documents; the originating agency would always have the final say.

Glad asked whether this would be micromanagement. Curry replied that he hoped not, but noted that sometimes Congress needed to micromanage. She then asked whether dealing with reports on declassification disputes would be a burden for Congress. Curry replied that this procedure was supposed to encourage settlement of differences. Congressional committees get such reports all the time. Also the reports would be used only as a last resort and he did not believe they would be particularly burdensome.

Zamora commented that the proposed legislation did not seem to change the declassification guidelines, except for the Department of State. He pointed out that the exception no. 3 allowed documents to be withheld if their release would demonstrably impede current diplomatic negotiations or other ongoing official activities of the U.S. Government and said that "other activities" seemed awfully broad. Sieverts explained that some historians wanted to allow only very specific and limited grounds for denial. The drafters had to

have guidelines flexible enough to protect national security, but these were not to be used as loopholes to avoid declassification.

Rosenberg asked what the differences were between the Senate and House bills. Noting that the legislation would be redrafted in the next session, Sieverts said that there were only minor differences. He explained, for example, that the House bill specified when terms of Committee members were to start and said that the Senate would probably adopt the House language. Perkins noted that the House language also tightened up the date in which the system would go into effect. Sieverts observed that, if anything, the House was more suspicious than the Senate about declassification.

Kimball asked if the legislation applied only to Foreign Relations or did it apply to documents accessioned by the National Archives as well. Sieverts responded that it would certainly apply as well to the documents destined for the Archives because of the provision for automatic declassification after 30 years. Curry added that the Advisory Committee would review Department of State declassification procedures, but would only receive a sampling of withheld documents. Committee members would not become declassifiers. Sieverts pointed out that the new automatic declassification process would be simpler than the current system. After 30 years, the burden of proof would be shifted to the agency.

Kimball noted that the Committee was most concerned about the guidelines.

Sieverts stated that if the bill was adopted the guidelines would be changed and it would make declassification easier. With a tip of the hat to Senator Helms, he suggested that the present system of declassification could be viewed as "Corporate Statism" whereby the government controlled release of historical materials. The bill envisioned a "Free Enterprise" approach in which private scholars would take control. There was general awe that Sieverts had managed to hit the appropriate ideological buttons with that analogy.

Perkins complained that it was "not quite fair" to assume that the Department declassifiers automatically wanted to keep documents classified and asked whether action by the Department to change its declassification modus operandi would mean that Foreign Relations legislation would not be needed. Curry said that he agreed that this might have been possible if the Department had cooperated, but pointed out that it had been fighting the legislation "tooth and nail." Perkins asked if a new law was necessary, to which Curry replied yes.

Herring commented that the focus of the bill had been on Department of State records and asked what about those of other agencies, noting that such agencies presented an increasing share of policy and declassification problems. Sieverts replied that the origins of the bill had been Department of State problems and

concern over material omitted from Foreign Relations, but agreed that this was just a beginning. He noted that use of the documents of other agencies was a growing problem for historians, even those with access. He pointed out that earlier intelligence documents had been transmitted through the Department of State. This was no longer true, but if historians lacked access to these documents, they would not have a full picture of what happened. The legislation constituted an important step in the right direction. Curry added that release of CIA documents will, of course, be difficult, but he believed that the bill was a major step forward.

Kimball expressed concern that the proposed language on the content of the series might prevent necessary changes and reforms. He asked what would happen if HO were to claim that because there were too many documents, Foreign Relations should become a finding aid consisting primarily of indexes and bibliographical information. Would the legislation prevent this? Curry said yes, it would prevent changing the basic format of the series. He argued that this was a good thing because Foreign Relations constituted a major resource for historians who cannot come to Washington. Curry noted that he had used Foreign Relations as an undergraduate; he argued that the government should continue to publish the series and try to make it as comprehensive as possible.

Kimball repeated that he was concerned with the practical aspects of producing Foreign Relations. Would the legislation be an obstacle to reforms in 15 years?

Sieverts suggested that there might be a point at which major changes in Foreign Relations would become necessary. Sieverts thought this would perhaps occur with the Department's 1973 conversion to electronic record-keeping and he saw that as a time to consider changes. Clearly automatic declassification would then be necessary. Sieverts stated that Foreign Relations had a special status and the legislation sought to preserve it.

Perkins asked what would happen if the Historical Office needed to expand resources to maintain the format? Curry answered that the Department should come to Congress with an appropriation request.

Van Camp commented that Foreign Relations might have to be reformed in 2 years, not 15; thus perhaps the legislation was not realistic. Curry asked why it would be necessary or desirable to change Foreign Relations to merely an index of documents.

Kimball retracted that example as too extreme, but wondered again if the Department of State and the Advisory Committee decided to change the format, would the bill impede that? Would reform be possible without a new law? He observed that the legislative process wasn't neat and clean.

Sieverts stated that the Congress would certainly be prepared to think about change, especially in connection with electronic

record-keeping and computerized access. It would be prepared to look at how these developments would affect Foreign Relations. Curry suggested that if the Department did not work with the Congress it would find that the bill "would be rammed down their throat". So far, the Department had responded only with a flat "no".

Zamora asked whether the Department could forestall the legislation by instituting a new plan. Sieverts replied yes, but argued that Foreign Relations needed a legislative mandate; thus, they intended to go forward with the legislation. Important declassification and Foreign Relations goals belong in the law. In addition, Curry pointed out this could not be done just by the Department of State. Obviously State cannot force access by other agencies, but the bill can. Van Camp asked how legislation would do this. Curry said that the bill sets it out in law.

McDonald agreed with the basic intent of the legislation but had some reservations. The provisions for access to CIA material would mean that scores, if not more, people would have access to extraordinarily sensitive material. It was not just the case of compiler and reviewing editor of Foreign Relations, but numerous officials in State, CIA, Congress, the Advisory Committee, etc., down the line. It increased the risks of leakage.

McDonald also observed that the Advisory Committee was now an amateur, temporary body. The law would transform it into a different organization and require it to become more bureaucratic. It might even develop its own staff. He noted that the present system was slow, frustrating, and arcane, but wondered if the new system contemplated under the bill would be any better.

Kimball said that the question was who watches the watchdogs? McDonald suggested that they might limit complete access to 2-3 Advisory Committee members who would report to the whole Committee. He reminded the Committee that with official access comes responsibilities including an agreement to pre-publication review. Access to Top Secret documents changes what you write. Curry said that the drafters had been as sensitive as possible to the need to protect national security and the CIA's integrity, but noted that these were 30-year-old documents. The bill attempted to protect both national security and the interests of the U.S. public.

The Committee then heard a declassification briefing of Foreign Relations, 1958-1960, volume VI, Cuba. This portion of the minutes is Confidential and is maintained as a separate document.

At 12:15 p.m., the meeting adjourned for a working luncheon.

Luncheon, November 16, 1990Present

Advisory Committee members
 Ambassador Roy R. Rubottom
 William Z. Slany
 David Herschler
 David Mabon
 Elaine McDevitt

During this working luncheon, Ambassador Roy Rubottom reviewed the upcoming Foreign Relations volume on Cuba, 1958-1960. Ambassador Rubottom had been Assistant Secretary of State for Inter-American American Affairs during this period, and signed many of the documents that appear in the volume.

Ambassador Rubottom stated that it was important to understand U.S.-Cuba relations in the context of U.S. relations with all of Latin America. The United States followed a three-pronged policy with regard to Castro during this period: probe and test; let Castro's deeds speak for themselves; and rely on international mechanisms, particularly the OAS (which he said was a weak link). He provided a number of interesting anecdotes with regard to his experiences in obtaining information about Castro.

With regard to the volume on Cuba, Ambassador Rubottom had just a few specific comments:

1) The book covered the U.S. policy of allowing Castro's deeds to speak for themselves quite well. The NIEs printed in the volume are particularly revealing.

2) One anecdote concerned a trip by Ambassador Smith to Santiago in which the Batista regime violently suppressed a protest by women. When Smith publicly "deplored" this, he was criticized in the pro-Batista press. According to Rubottom, Smith was never the same. This episode, he suggested, could be included in annotation in the volume.

3) He could find no mention in the volume of the Advisory Council on Economic Affairs, chaired by Milton Eisenhower, which he thought deserved a citation in an appropriate footnote.

4) In response to a query by Kimball whether he was "comfortable with the integrity of the volume," Ambassador Rubottom replied, "I think so". And in response to a followup question whether there was anything of significance omitted from the volume, Ambassador Rubottom did point out that the extensive and intensive work between the United States and the OAS did not get very thorough treatment in the volume. Mabon noted, however, that this area was covered in the Latin America regional volume.

Closed Session, November 16, 1990, Afternoon

The Committee reconvened at 2 p.m.

Slany proposed that in order to allow the Advisory Committee to meet in Executive Session, the planned discussions for the afternoon be removed from the agenda and substituted with written reports to the Committee. These included long-term planning for the Foreign Relations series; facsimile publishing (in the event the series should need to be produced in this way in order to meet the cost of publishing 12 volumes each year); a proposed microfiche publication of declassified NSC minutes, agendas, actions, and memoranda of discussion for the years 1947-1953; and an explanation of the steps taken by PA/HO in compiling and publishing the much-criticized volume on Iran, 1951-1954.

With regard to the Iran volume, it would be useful to get the Advisory Committee to recommend steps in dealing with gaps in the record and finding ways to supplement the record with documents now available that were not previously released or seek additional documents from the CIA.

Kimball asked if the tranche of documents recently released by Iran is available. McDonald responded that it was available and the CIA had a copy. McAuliffe added that this documentation needs to be assessed to determine if it contains information to supplement the foreign policy record. The Advisory Committee suggested that HO make recommendations regarding the gaps in the Iran volume for the Committee to review and discuss at the next meeting. Slany agreed to this.

Glad asked McDonald if Jim Curry's earlier statement was correct that the legislation on Foreign Relations would not affect CIA declassification procedures. McDonald stated that he thought this would be the case because the release of documents would remain within CIA control. Congressional sanction, he said, would likely put more pressure on the agency to release material for Foreign Relations, so to that extent there would be an impact on the CIA. He remained concerned that expanded access to CIA documentation heightened the risk of leaks of the most sensitive information.

Kimball asked if the CIA planned to work with Congress to deal with this problem. McDonald stated that he thought the CIA could work with Congress on a practical solution. The Department of Justice, however, had drafted a technical objection to the legislation.

Rosenberg said the notion that the legislation will result in large numbers of contested documents may not be the case if agency historians and declassifiers would work out conflicts in advance. McDonald responded that there was much to be said for this view. On the whole, he thought, the legislation was like using a 16-inch gun

when a rifle was needed. He thought the legislation, as presently laid out, was overkill; the best solution might be to handle the matter administratively.

In response to a question by Kimball whether Congress should enact legislation authorizing the Foreign Relations series and leave the details of implementation to the Executive branch, McDonald stated that the CIA has an advisory committee that functions this way. Accountability can be built into the legislation, he said, without having Congress micromanage its implementation.

George Chalou of the National Archives pointed out that NARA had been told by Morefield that under the legislation State declassification reviewers would divide Department of State records at NARA into "Department only" and "other agency" groups. NARA has grave reservations about this procedure, he said, as it could result in "alienation" of Department of State historical files, changing the original order of the documents.

Slany proposed that he report to the Committee by mail on the remaining agenda items (long-term planning for the series, facsimile publications, a proposed microfiche publication on NSC documents, background on the preparation of the Iran volume, and options on following up on the omissions from the Iran volume) and allow the Committee to move into private session.

Kimball thanked Slany, the PA/HO staff, and other participants in the 2-day meeting. The afternoon session adjourned shortly before 3 p.m., and the Advisory Committee went into executive session.

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