



United States Department of State

Washington, D.C. 20520

March 13, 1991

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MEMORANDUM FOR THE FILE

FILE

SUBJECT: HAC Meeting on FRUS Plan

Attending: PA/HO - Messrs. Kennedy and Slany  
IM/IS/FPC - Messrs. Machak and Hamilton  
L/M - Catherine Skipper  
FMP/MP/MAP - Susan Tait  
Committee Members: W. Kimball (chair), E. Rosenberg, A. Van Camp, B. Perkins, B. Glad, G. Herring

Preliminary Remarks

Mr. Kennedy opened the meeting by explaining that Assistant Secretary Tutwiler had wanted to be present personally at this meeting, but she was traveling with the Secretary in the Middle East. He said the FRUS plan now on the table had been approved within the Department. It had four main points: expand historical research, improve the declassification process, explain the research methodology in the preface to each published FRUS volume, and increase the committee members' confidence in what the Department was doing to improve the quality and timeliness of the FRUS series.

Chairman Kimball said that part of the Department's plan was window dressing and other parts did not interest the committee. He asked Mr. Slany to provide current background.

Mr. Slany's noted that PA/HO has shut down other activities in order to devote all 18 to 20 office personnel to the FRUS program. A deputy historian is being recruited. Relations with other agencies are being improved. Because, in the future, 50 percent or more of the basic FRUS materials will come from Presidential libraries, HO is devoting much attention to them.

Mr. Slany pointed out that the key to working with intelligence material was how much access advisory committee members needed. The present FRUS plan does not go into detail on committee access and need to know. Will all the members need an SI clearance or should there be a working group formed to handle compartmented information? The committee will have to work out what the plan means in terms of practices and procedures and establish a "model" for itself and its successors, and "we have to do this in a way that will make the committee happy." The committee, Mr. Slany stated, has to tell the Department if it is heading in the right direction in planning and designing the FRUS volumes.

Department of State, A/GIS/IPS/SRP

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IPS by M. Russell Date 05/29/14

There followed a brief discussion between Perkins and Slany on the need-to-know process. Slany stated that a judgment is based upon the decision of a government official in charge of a body of information. Perkins observed that the State Department can grant access for documents it produces but does not have this authority over other agency documents. This issue was raised several times as the members struggled with the problem of how to obtain access to other agency documents.

#### H Presentation on FRUS Legislation

The Deputy Assistant Secretary for Congressional affairs, Richard Mueller, summarized the recent and current status of legislation concerning the FRUS volumes and a statutory advisory committee. He believes the FRUS issue will resurface on the Hill in April. Mueller listed several objections to the current legislation: it uses the advisory committee as a declassification group; it promotes Congressional micromanagement which casts the most simple operational activities in concrete, and it imposes a burden on committee members that many in the academic community may not have time to assume.

The committee members did not agree with this analysis. They believe that, if other agencies cooperate, they will not have all that much to do. They feel strongly that their responsibilities must be established in law, lest what they see as the current favorable environment shift in the future. They did not agree that micromanagement was a significant obstacle and argued for a "basic" law that would establish FRUS in formal legislation, clothe the advisory committee in a formal legal setting, formalize the 30-year plan, institutionalize the appeal process, and establish meaningful time limitations. They believe that such a basic bill can be worked out to meet everyone's needs.

Mueller conceded from the outset that the Department's FRUS plan may not work and that we may have to fall back upon trying to improve the present legislative language. He then announced that H had made appointments for committee members to go up to the Hill this afternoon. He emphasized that they were free to voice their own opinions and that the Department was not stage-managing their appearance.

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### Committee Views on FRUS Plan

At the direction of the chairman, the committee undertook a paragraph by paragraph consideration of the FRUS plan.

On the three paragraphs under "expanding the scope of research for the FRUS series," there was general agreement among the committee members that a Presidential memorandum will not have any effect on CIA or DOD. Some thought perhaps an Executive Order would be better. However, an EO would need other agency concurrence and therefore is not a practical way to go. Previous Presidential memos on this subject have been quickly discarded or forgotten.

Kimball noted that to ask the President to ask other agencies to cooperate with State is a "cliche". Rosenberg asked what evidence there was that other agencies have changed their views about cooperating with State. Slany said they have asked about State's plan and have opened some doors.

Continuing on this subject, Kimball asked if there is any appeal from other agency decisions on access. Slany responded that we have to find out what the sticking points are, and noted that this plan mobilizes more support within State than previous plans. The chairman characterized the plan's reference to enlisting House and Senate historians as "cute", but there was no substantive comment on this aspect of the plan.

The committee's main focus was on the plan's declassification paragraphs. Kimball said the committee wanted to see the procedures used to appeal withholding of documents and to be assured that there is a timetable for moving such documents along. The committee approved of the plan's provisions for HO being able to appeal to P and to M any issues not resolved at the bureau level.

For clarification of the declassification problem and process, Machak offered several observations on the committee's discussion. Most importantly, provisions of the proposed legislation would retard rather than help to accelerate information retrieval and declassification review. The bill would establish additional and complex procedures relating, notably, to committee review and to appeals procedures. These processes would draw severely limited manpower resources away from present efforts to speed the declassification aspects of the FRUS process. The effect would be to slow down rather than speed up publication schedules.

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Another provision in the draft legislation which would work counter to the committee's objectives is the proposed imposition of a 30-year line for "automatic" declassification of State Department records. Machak noted that the Department continues to press toward the 30-year line as an objective but that, again, a legislative requirement would force diversion of resources from processing documents for the FRUS. The organization and condition of State files preclude automatic declassification by file blocks because of the frequent interlarding of other-agency material, or national security information still protected by provisions of law and/or Executive Order, and of non-security file material which by law must be segregated. The latter categories include personnel and visa files. Enactment of the 30-year provision would mandate review of some 16 million pages by 1993--a task that would require additional manpower far beyond any reasonable expectation given budgetary constraints and competing demands in other areas.

Machak commented also that the limited listing of categories of information or documents for possible withholding presents major problems for the declassification process, for FRUS and for release of general files. There is no explicit provision for protection of foreign government documents or of information provided by foreign governments in confidence. Such protection of the diplomatic process is essential to avoid damaging the conduct of contemporary foreign relations. The measures might similarly force imposition of classification or comparable controls on visa and personnel files to ensure proper protection.

In the light of this discussion, the Chairman observed that he would not object to incorporation of "the Kellogg principles" into the legislation.

The committee then returned to a discussion of how to obtain access to other agency documents. The members had no specific problems with the plan's language, but evidenced skepticism that anything in the plan would overcome this basic problem. Slany's assurance that "we are working on procedures" did not blunt this line of thinking and there were repeated requests to "see these procedures." The members also wanted to be reassured that bureaucratic inertia would be thwarted and urged some kind of a timetable to move documents through the appeals process. They also voiced reservations about the feasibility of preparing summaries of deleted information.

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Two members wanted stronger language on the access issue (e.g. other agency historians should be "ordered" not just "requested" to cooperate with the State Department). They also believe they need some kind of a commitment on the question of other agency cooperation. The chairman wanted to know what would be done in the case of non-compliance by other agencies, but this question was finessed in his subsequent observation that he views the advisory committee as a "goad."

In response to several questions on member clearances, S lany said the Department is committed to the top secret level but that no other access clearances are underway. Ms. Van Camp stated that the committee members need the same clearances as the Department's historians. Ms. Glad asked if they would have access to covert operations material. S lany responded that "we will have to look into this," adding that the Department's historians rarely see this type of information.

Several members said they would send out committee findings on declassification issues to their professional societies. Kimball noted that the committee does not want to get into attesting to the validity of each FRUS volume, but it can attest to the integrity of the process. At this point there was a lively but inconclusive debate on whether the advisory committee should either approve or disapprove each volume or whether it should condense its views in its annual report.

There were several references to concern that nothing in the FRUS plan itself insures the committee's future position. There appeared to be shared hope for some assurance of permanence and a shared fear that the present amiable atmosphere could change quickly. Perkins recalled a previous M memorandum that he said came close to abolishing the committee. No one opposed the view that some kind of basic legislation, perhaps not as detailed as that introduced in the Senate, was necessary to formally sanction the role of the FRUS and the mandate of the advisory committee and its members.

Prof. Van Camp noted that the FRUS plan does encompass the main concerns of the advisory committee. Prof. Kimball said that nothing suggested in the course of this meeting impinges upon the Department's plan, but he urged that the committee not take a position until the plan's procedures are worked out. The chairman stated he has consulted five past chairmen of this committee and while they like the plan, they are skeptical about chances for its implementation. S lany commented that

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"your skepticism may not be as great as ours." Kimball and Perkins both expressed the view that if the plan does not work, there are other options. They observed, however, that they do not see the committee's future role as a watchdog for the Congress.

At the end of the FRUS plan review, the chairman announced that the committee would go into executive session.

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