

TOWARD "THOROUGH,
ACCURATE, AND RELIABLE"



A HISTORY OF THE
FOREIGN RELATIONS OF THE
UNITED STATES SERIES



United States Department of State

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"The Government continually depends upon the support of Congress and the People, and that support can be expected only in the condition of keeping them thoroughly and truthfully informed of the manner in which the powers derived from them are executed."—William H. Seward to Charles F. Adams, March 2, 1864

"The Chief of the Division of Publications is charged with the preparation for this purpose, as soon as practicable after the close of each year, of the correspondence relating to all major policies and decisions of the Department in the matter of foreign relations. . . . It is expected that the material thus assembled, aside from the omission of trivial and inconsequential details, will be substantially complete as regards the files of the Department."—Frank B. Kellogg, "Principles to Guide the Editing of 'Foreign Relations,'" March 26, 1925

"The Department of State shall continue to publish the Foreign Relations of the United States historical series . . . which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government. . . ."—Public Law 102-138, Title IV, Section 401, October 28, 1991

Foreword

The *Foreign Relations of the United States* (FRUS) series, the official documentary record of U.S. foreign policy, was born in the opening months of the Civil War. Originating in a response by the Department of State to a request from Congress, the series has endured through vast changes in the international system and the United States's role in the world, through equally vast changes in the Department of State and in the nation's government, and through recurrent crises that at times threatened the very survival of the series. The series's longevity testifies to the power of the ideal it represents and upholds—of the need for transparency and accountability in a democratic system.

As the sesquicentennial of its foundation neared, it became clear that much of the series's history had vanished over time. The Historian at the time, Ambassador Ed Brynn, directed the Special Projects division, under Dr. William McAllister, to resurrect that history—both to honor those who have built and executed the *Foreign Relations* series, and to capture the lessons available from a study of the past, as managers and historians have struggled to address the issues that have recurred throughout the 150 years of the series.

Dr. McAllister assembled a team from within the office, each member a specialist in their own right, to pull together the complex history of the series. Dr. Aaron W. Marrs had already begun an investigation into the 19th-century origins of the series, and extended that work for inclusion in this volume. Peter Cozzens, a nationally-recognized historian of the Civil War and the postbellum era, addressed the development of the *Foreign Relations* series from 1865 to 1895. Dr. Joshua Botts picked up the story in the 1920s, covering the succession of dramas that have led to the current series. In addition to coordinating and editing the overall effort, Dr. McAllister took upon himself the responsibility to research the pre-1861 precedents of the series and to explain the critical transformation in the series's mission that unfolded between the Spanish-American War and the 1920s. Together they have created a comprehensive narrative with as much to say about the evolution of the nation as about the evolution of the *Foreign Relations* series.

No one expected to find the sort of dramatic story that Dr. McAllister and his team have unveiled. As with any good research project, this trail led into unanticipated complexities and yielded unexpected benefits. The resulting history has demonstrated the world-class research skills of the members of the Office of the Historian. Moreover, like the series itself, this history has depended on support from other offices of

the Department of State and from agencies across the government for its success.

Neither did anyone expect the extraordinary value of the ongoing research for the volume in shaping and informing the decisions of the current leaders of the Office of the Historian. Again and again, as we have faced issues ranging from the realm of declassification, to questions of managing the surpassingly complicated processes needed to produce the series, to decisions on technology, we have called upon the experience of the past to inform the future.

Today the *Foreign Relations of the United States* stands as the global gold standard in official documentary history. It is the longest-running public diplomacy program in U.S. history, and the largest and most productive documentary history program in the world. This outcome was never foreordained. It rests upon the perseverance and vision of generations of historians, from the anonymous Clerks of the 19th century, through the first generation of professional historians entering the Department during the interwar years, to those of the present day—compilers, reviewers, declassification coordinators, and editors—working to uphold the promise of the 1991 *FRUS* statute. All have contributed to the continuing quest to provide a "thorough, accurate, and reliable" official record of U.S. foreign relations. This volume is dedicated to the men and women, past and present, who have created this unique and invaluable contribution to U.S. democracy.

Although this volume was prepared in the Department of State's Office of the Historian, the views expressed here are those of the authors and do not necessarily represent those of the Office of the Historian or the Department of State.

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Introduction

William B. McAllister and Joshua Botts

Questions have been raised about the integrity of our own historical record at the very time that in Eastern Europe, the Soviet Union, and elsewhere we are witnessing a flood of disclosures and new documentation from governments long used to concealing and falsifying the record . . . this is no time for the United States to depart from the tradition of providing an accurate and complete historical record of the actions taken by our government in the field of foreign relations.—Senator Claiborne Pell, 1990¹

In 1990, longstanding tensions over U.S. Government transparency policy came to a head. For the preceding 200 years, the executive branch routinely released official diplomatic documents to the congress and the public. Since 1861, the Department of State's *Foreign Relations of the United States* (FRUS) series served as the leading instrument of this tradition. While the Department published FRUS volumes nearly contemporaneously with the events they documented in the 19th century, the timeliness of the series receded over the course of the 20th century. Since the 1930s, volumes appeared decades after the events that they documented.

International and bureaucratic dynamics contributed to this shift in U.S. Government transparency. The increasing tardiness of the series coincided with the growth of complex bureaucracies to manage U.S. foreign policy and to maintain, review, and release government records. The Department of State's influence over foreign affairs—and its control over publishing records relating to foreign policy—diminished as more government agencies assumed international responsibilities. Additionally, as U.S. engagement in global affairs expanded and grew more multilateral, policymakers rebalanced the value of openness in light of the imperative to maintain good relations with other governments.

By the 1980s, those trends brought the U.S. Government's commitment to openness into question. Guardians of security, representing longstanding concerns that publishing foreign policy documents endangered vital national interests, prevented the release of important records, which jeopardized the credibility of the series. Transparency advocates, who championed equally venerable traditions of open government, tried to protect the FRUS series from these restrictive impulses, but suffered bureaucratic and policy defeats that forced them to adapt to new constraints. Ironically, the Department published volumes marred by these trends at the end of the decade, just as Cold War tensions eased

1. *Congressional Record—Senate*, Vol. 136, Pt. 22, October 19, 1990, p. 31389.

and long-closed Soviet/Russian and East European archives began to open. Liberalization in the Communist bloc, coupled with the post-Watergate erosion of public trust in the U.S. Government, helped empower transparency reformers as they criticized the disturbing trajectory of the *FRUS* series in the late 1980s.

After considerable debate, Congress affirmed openness as a key tenet of American governmental practice in 1991. The *FRUS* statute legislated standards and processes for disclosing government records reflecting a "thorough, accurate, and reliable" accounting of past U.S. foreign policy decisions and significant diplomatic activities. The statute also reaffirmed the need to evaluate such records for potential damage their release might cause to diplomatic activities, military operations, intelligence sources and methods, and other sensitivities. In doing so, Congress formalized "responsible transparency" for a new era by building upon two centuries of precedent, pragmatic compromise, adherence to the principle of openness, and evolving perceptions of risk and reward in acknowledging secret deliberations and actions.

This book traces the evolution of "responsible transparency," as manifested by the *Foreign Relations* series, from the earliest days of the republic through the efforts undertaken across the U.S. Government to implement the 1991 *FRUS* statute. The "responsible" in "responsible transparency" references two interrelated dynamics. The most obvious one is substantive. Too much transparency can damage national security and too little can compromise democratic legitimacy. Most advocates of openness accept limitations on disclosure to protect important interests and the safety of individuals. At the same time, most guardians of security acknowledge that government activities cannot be withheld from the public indefinitely. While often employing rhetorical absolutes, both sides in the debate usually accept a middle ground position influenced by both principle and pragmatism informed by shifting geopolitical and institutional contexts.

The other, less obvious, dynamic of "responsibility" in "responsible transparency" relates to the authority of those making decisions about releasing or withholding information. The official character of the *Foreign Relations* provides a public acknowledgement of U.S. Government decisions and actions. Because the series plays this role, it has always received stricter scrutiny than other mechanisms of disclosure, such as the Freedom of Information Act. One result of this "special treatment" is that the series represents, in aggregate, the evolution of official judgments about the costs and benefits of openness. Although these transparency decisions have often embodied technocratic and bureaucratic perspectives, they also reflect democratic control. Congress plays a critical role, through both legislation and oversight activities. Ultimately, however, the President is accountable for the policies, procedures, and regulations devised and administered by the executive branch that determine the extent of openness about U.S. Government foreign policy.

Although “responsible transparency” is an inherently normative concept—and, indeed, the contested nature of the norms that it embodies is a central theme of this book—we employ the term descriptively as the outcome of evolving efforts to strike the proper balance between security and openness. The principal exception to our descriptive use of the term occurs as we examine the 1980s, when procedural and policy shifts essentially foreclosed informed debate between advocates of transparency and guardians of security. To reflect the diminished effort to balance security and transparency and the resulting circumscribed nature of the openness regime during this period, we describe it as “translucent” rather than “transparent.”

Part I of this book describes the “Contemporaneous *FRUS*” of a “long 19th century” that resonated into the 1920s. Chapter 1 examines the rise of transparency practices during the early republic, when executive branch officials accepted the legitimacy of congressional demands for records and Congress acceded to executive branch discretion to determine the boundaries of openness. Chapter 2 details how the Lincoln administration formalized ad hoc antebellum precedents to inaugurate the *Foreign Relations* series during the Civil War. This chapter also reconstructs the *de facto* declassification and excision criteria employed to sanitize the documents published in the first *FRUS* volumes and traces their dissemination and consumption. Chapter 3 explores why Secretary of State Hamilton Fish first discontinued and then restarted *FRUS*. This chapter also recounts how the Department of State learned lessons from publishing *Foreign Relations* during the Grant administration that shaped the series for a generation. Chapter 4 depicts the production and operation of the Contemporaneous *FRUS* series during its “golden age” from the 1870s to 1906. Chapter 5 traces the reasons behind the growing *FRUS* lag in the first decades of the 20th century and reflects upon the lost promise of the 19th century transparency regime.

Part II follows the evolving negotiation of “responsible historical transparency” after the *FRUS* series acquired its permanent lag from currency in the early 20th century. Chapter 6 covers the formalization of *FRUS* editorial guidelines and the professionalization of the compiling staff within the Department. This chapter also describes the growing concern about the possible risks of historical transparency among foreign governments and U.S. diplomats, culminating with Franklin Roosevelt’s intervention to veto publication of some volumes during World War II. Chapter 7 recounts controversies surrounding *FRUS* during the first decade of the Cold War as Congress and the Department of State tried and failed to revive a more contemporaneous mission for the series. The furor over the release of the Yalta papers in 1955 exposed the risks of politicizing *FRUS*, empowered guardians of security in the U.S. Government, and spurred the Department to invite the academic community to expand its role in assessing the integrity of the *FRUS* series. Chapter 8 follows the series through two decades of incremental change

and relative stability. It also portrays the development, implementation, and consequences of a major acceleration initiative in the 1970s. Chapter 9 illustrates the erosion of transparency of the early 1980s amidst resurgent international tensions, bureaucratic reform, and altered declassification policies. Chapter 10 relates the events leading to the resignation of the chair of *FRUS*'s scholarly advisory committee and the production of a *Foreign Relations* volume on Iran that lacked documentation of a significant (and widely-known) covert operation, which sparked a major crisis for the series in 1990. Chapter 11 illustrates the debate surrounding the 1991 legislation that provided a statutory mandate for the *Foreign Relations* series. Chapter 12 follows the implementation of this law during the subsequent decade and sketches the resulting framework for the current production of the series.

As this work shows, officials throughout the U.S. Government engaged in repeated negotiations over the course of more than two centuries to determine the proper balance between public accountability and the requirements of security. The official publication of documents revealing how U.S. foreign policy is determined and implemented raises questions of fundamental importance to the exercise of democracy. How much do the people need to know, and when? What information must be protected and who should decide which documents to release? What criteria should be employed to determine which records to withhold? And how do the ways Americans address these dilemmas affect foreign perceptions about the United States? Such questions have generated considerable controversy since the dawn of the republic, and, since 1861, that debate has repeatedly raged around, within, and behind the pages of the *Foreign Relations of the United States* series.

The history of these controversies illuminates the broader evolution of open government in the United States. As political scientist Stephen Skowronek has observed, "state building is most basically an exercise in reconstructing an already established organization of state power. Success hinges on recasting official power relationships within governmental institutions and on altering ongoing relations between state and society." He concluded that "states change (or fail to change) through political struggles rooted in and mediated by preestablished institutional arrangements."² In tracing the evolution of the *Foreign Relations* series, this book shows how policymakers translated abstract values like "security" and "legitimacy" into concrete practice as they developed institutions to select, clear (or declassify), and evaluate the government's most important foreign policy records. Over time, this expanding array

2. See Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1777–1920* (Cambridge: Cambridge University Press, 1982) (quote on p. ix). See also James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989); and Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928* (Princeton: Princeton University Press, 2001).

of *FRUS* stakeholders inside and outside of the U.S. Government accumulated substantive and procedural knowledge that policymakers employed in their struggles to balance the government's pursuit of security with its commitment to openness. The outcomes of *FRUS* debates, ranging from clearances for individual documents to the purpose, size, and scope of the entire series, reflected the relative power, influence, and autonomy of the various *FRUS* stakeholders. Struggles to define the "soul" of the *Foreign Relations of the United States* series occurred precisely because of the important issues at stake. Deciding the extent of the "people's right to know" has fueled lively debate for over two centuries, as this history demonstrates.

Part I: Immediate Accountability, 1790s–1920s

Chapter 1: The Parameters of Openness and Executive Discretion, 1790–1860

William B. McAllister and Aaron W. Marrs

The *Foreign Relations of the United States* series, which began publication in 1861,¹ drew upon longstanding precedents that established the prerogatives of the executive and legislative branches. Dating from the dawn of the republic, and drawing on earlier English parliamentary practice, Congress exerted its right to inquire into the basis upon which foreign policy decisions were made. The executive branch, in the person of the president, reserved the power to withhold or restrict release of information, with proper justification.² Much about this dynamic has changed since the 1790s, but the fundamental balancing act between the public's right to know and the government's responsibility to protect remains at the center of an ongoing and lively exchange.

During the early republic period, the legislative and executive branches jostled to establish functional intergovernmental communications procedures. The Congress quickly established a habit of calling for reports or executive branch records on a variety of domestic matters.

1. *FRUS* has been published regularly and continuously since 1861. Chapter 3 discusses why the Department did not produce a volume covering diplomatic events for 1869. Chapter 4 explains the late appearance of the 1881 and 1898–1900 volumes. Chapter 5 outlines proximate factors contributing to the lapse of annual publication of volumes beginning in 1906. Volume releases further receded from the 19th century standard of currency thereafter; the tension between timeliness and comprehensive coverage comprises a central theme of Part II.

2. For secondary treatments of the early republic era, see Daniel N. Hoffman, *Governmental Secrecy and the Founding Fathers* (Westport, CT: Greenwood Press, 1981); Abraham D. Sofaer, "Executive Power and the Control of Information: Practice Under the Framers," *Duke Law Journal* 77, no. 1 (March 1977): pp. 1–57; Sofaer, "Executive Privilege: An Historical Note," *Columbia Law Review* 75, no. 7, (November 1975): pp. 1318–1321; Louis Fisher, "Invoking Executive Privilege: Navigating Ticklish Political Waters," *William and Mary Bill of Rights Journal* 8, no. 3 (1999–2000): pp. 583–629; Mark J. Rozell, *Executive Privilege: Presidential Power, Secrecy, and Accountability*, 2nd ed. (Lawrence: University Press of Kansas, 2002), pp. 28–37; Lawrence R. Houston, "Executive Privilege in the Field of Intelligence," paper dated September 22, 1993, Central Intelligence Agency, Center for the Study of Intelligence website, https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol2no4/html/v02i4a07p_0001.htm; Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge: Cambridge University Press, 2009), p. 165.

Over time, it became customary for most executive branch agencies to submit annual reports to Congress, although the Department of State never did so. As early as 1790, Congress acceded to the principle that the President might withhold particulars about certain expenditures related to foreign policy. That same year, President George Washington transmitted documents relating to Indian affairs, but insisted that Congress keep the information confidential. Congress also stipulated that certain foreign policy documents, for example, the provisions of treaties ratified by the Senate, should be published at the public expense.

In 1791–1792, an issue encompassing foreign policy, military affairs, and congressional oversight required the two branches to consider key operational and constitutional principles. On November 4, 1791, United States military forces under Major General Arthur St. Clair suffered a crushing defeat on the banks of the Wabash River (in present-day Ohio) at the hands of a coalition of Indian tribes.³ As soon as President Washington received the first report, he voluntarily informed Congress.⁴ The House of Representatives formed a committee to investigate the causes of the debacle, and, on March 30, 1792, requested that Secretary of War Henry Knox release documents relevant to the inquest. Given the fundamental nature of the questions involved, and aware that his administration's decisions would set precedents for relations between the branches of government, Washington convened his Cabinet to consider how to reply. The Cabinet examined in detail English Parliamentary precedents to guide their views about prerogatives attached to the executive and legislative functions.⁵ They decided that the Legislative branch did possess the right to request documents from the Executive. As to who should re-

3. John F. Winkler, *Wabash 1791: St. Clair's Defeat* (Oxford: Osprey, 2011).

4. Washington to the Senate and House, December 12, 1791, *The Papers of George Washington, Presidential Series*, Vol. 9 (Charlottesville, Virginia: University Press of Virginia, 2000), p. 274. Available at the NARA, Founders Online website, <http://founders.archives.gov/documents/Washington/05-09-02-0166>.

5. Knox to Washington, March 30, 1792, *The Papers of George Washington, Presidential Series*, Vol. 10 (Charlottesville, Virginia: University Press of Virginia, 2002), p. 168 and accompanying notes on pages 168–169. Available at the NARA, Founders Online website, <http://founders.archives.gov/documents/Washington/05-10-02-0104>. In 1792 the cabinet consisted of Alexander Hamilton (Treasury), Thomas Jefferson (State), Henry Knox (War), and Attorney General Edmund Randolph. For this crucial precedential case, see Jefferson's March 31 and April 2, 1792 accounts of the Cabinet's deliberations and implementation of their decisions in Franklin V. Sawvel, ed., *The Complete Anas of Thomas Jefferson* (New York: Round Table Press, 1903), pp. 70–71. Jefferson's notes cite "Chandler's Debates," referring to *The history and proceedings of the House of Commons from the Restoration to the present time, Supplemental Pieces* (short title), Vol. 13 (London, 1742), HathiTrust website, <http://babel.hathitrust.org/cgi/pt?id=hvd.32044106508997>. The specific references address whether the House of Commons possessed the authority to initiate an inquest concerning military affairs (including clandestine spy operations) and how the King's ministers should respond. The debates took place during the latter period of Robert Walpole's premiership (late 1730s–early 1740s). The disputants in the Walpole era referenced earlier 18th and 17th century cases that came before Parliament, evidence of the American Founding Fathers' adherence to English Common Law practices of deference to tradition and precedent.

spond, the Cabinet determined that only the President, as head of the Executive branch and therefore responsible for all executive departments' operations and records, could reply to congressional requests. Concerning what documents the executive branch might submit, they agreed that "the public good"—as defined by the President—must determine the extent of disclosure. In principle, the President should divulge as much material as possible. Nevertheless, if, in the President's judgment, release of certain documents might harm the important national interests, those records could be withheld.⁶

Congress did not challenge Washington's general approach to questions of principle, and the administration subsequently presented a comprehensive response. On April 4, 1792, the House committee redirected their query to the President, recasting the request in terms that recognized the "public good" criteria by asking Washington to "cause the proper officers to lay before this House *such papers of a public nature*, in the Executive Department, that may be necessary to the investigation."⁷ The President and his Cabinet averred that in this instance, copies of all the relevant documents could be released. Washington even offered to dispatch a clerk to display the original documents so that Representatives could fully satisfy themselves as to the veracity of the records.⁸

By 1800, this procedure of congressional requests for information with allowances made for reservations had become established practice. The House or Senate asked for documents relating to specific foreign policy issues when they deemed it necessary. Those queries usually deferred to the executive branch by including language to the effect that exceptions could be made if the president judged it necessary to withhold information "in the public interest," or in consideration of the "public good," or when "public safety" required. Although much altered in form, this basic approach to sharing information about foreign policy issues continues today.⁹

6. Hoffman, *Governmental Secrecy and the Founding Fathers*, pp. 69–83; note 5 above.

7. *Annals of Congress*, House of Representatives, 2nd Cong., 1st Sess., April 4, 1792, pp. 535–536 (emphasis added).

8. Knox delivered the papers to the House on April 9, 1792. See note 5 above and *The Papers of George Washington, Presidential Series*, Vol. 10, notes on p. 169.

9. For the legislative branch undulation between acceptance of and challenges to assertions of executive privilege during the 1790s, see note 2 above and especially Hoffman, *Governmental Secrecy and the Founding Fathers*, pp. 88–118, 124–138, 143–177, 184–196. All parties recognized from the beginning that various actors might derive very different calculations about what constituted "the public good." Some members of Congress rejected the legislature's right to demand documents from the executive because they believed it implied impeachment of the President, or because they feared investigations would be instigated for political purposes. See, for example, statement of William Smith in *Annals of Congress*, 2nd Cong., 1st Sess., House, March 27, 1792, p. 491. Secretary of State Jefferson worried that his rival, Treasury Secretary Alexander Hamilton, contemplated using the procedure to promote bureaucratic independence from the Chief Executive: when confronted with a congressional directive Hamilton did not wish to obey, he would invoke the shield of executive privilege; if, instead, Hamilton did not wish to follow a presiden-

Most importantly, the President's officials possessed the capacity to control the flow of information. Because executive branch agents created, received, retained, and reviewed the documents, little recourse existed for questioning their determinations about what was in the public interest to divulge. Congress could press for the release of more documents or demand explanations as to why records remained sealed, but legislators acceded to the principle that redacting and withholding constituted appropriate executive functions. Neither branch wished to appeal to the judiciary, nor did the courts want to become embroiled in matters likely to involve ephemeral political considerations. Thus, the executive retained the initiative in defining what constituted "the public interest" or "national security" for the purposes of determining responsible U.S. Government transparency.

The earliest evidence of the criteria employed to justify excisions from released material arose during the 1793–1794 Citizen Genet affair.¹⁰ After multiple rounds of congressional requests for information and partial executive branch releases, including some transmitted confidentially,¹¹ in January 1794, Secretary of State Edmund Randolph outlined the type of information typically not released. "The parts to be withheld will probably be of these denominations: (1) what related to Mr. G[ene]t; (2) some harsh expressions on the conduct of the rulers in France, which, if returned to that country, might expose [Gouverneur Morris, U.S. representative in Paris] to danger; (3) the authors of some interesting information, who, if known, would be infallibly denounced."¹² Randolph's criteria incorporated several of the excision categories used today:

tial instruction, he could release material to Congress that promoted Hamilton's policy preferences. See note 5 above.

10. Harry Ammon, *The Genet Mission* (New York: Norton, 1973); Eugene R. Sheridan, "The Recall of Edmond Charles Genet: A Study in Transatlantic Politics and Diplomacy," *Diplomatic History*, 18, no. 4 (Fall 1994): pp. 463–488.

11. Documents detailing the principal submissions to Congress and key and cabinet discussions about release criteria include: *Message of the President of the United States to Congress, Relative to France and Great-Britain. Delivered December 5, 1793* (Philadelphia: Childs and Swaine, 1793), Internet Archive website <http://archive.org/stream/amesagepreside00congoog#page/n4/mode/2up> (note on p. iii that Washington did not apprise legislators of omissions, merely stating that he forwarded "certain correspondences" pertaining to relations with France and Great Britain); *Annals of Congress*, 3rd Cong., 1st Sess., Senate, January 17, 1794, p. 34; John C. Hamilton, ed., *The Works of Alexander Hamilton; Comprising his Correspondence, and his Political and Official Writings, Exclusive of the Federalist, Civil and Military*, Vol. IV, 1851 (New York: John F. Trow), pp. 494–495; *American State Papers: Foreign Relations*, Vol. 1 (Gales and Seaton, 1833), p. 329. The most important document Washington withheld was Jefferson's memorandum of conversation with Edmond Charles Genet, July 10, 1793 printed in *The Papers of Thomas Jefferson*, Vol. 26 (Princeton, N.J.: Princeton University Press, 1995), pp. 463–467, available at the NARA, Founders Online website, <http://founders.archives.gov/documents/Washington/05-13-02-0137-0002>.

12. Randolph to Washington, January 26, 1794, *The Papers of George Washington, Presidential Series*, Vol. 15 (Charlottesville, Virginia: University of Virginia Press, 2009), p. 130, available at the Library of Congress, American Memory Collection website, <http://memory.loc.gov/mss/mgw/mgw4/105/0100/0105.jpg>.

- gossip, accusations, or other information not germane to the issues at hand, especially regarding diplomats representing their country's interests in the United States;
- the type of frank assessments diplomats typically convey, but that can prove problematic if revealed to officials of the host nation. Ministers expected their communications with the Secretary of State to remain confidential, at least until the most acute sensitivities receded;
- "human intelligence" sources—those likely to discontinue cooperation if their communications were revealed.

When considered in conjunction with the "public interest" withholding, the categories of today's classified information criteria appear similar: material that might compromise national security, intelligence sources and methods, the protection of information provided in confidence by a foreign government, assessments that might damage current relations or compromise ongoing negotiations, and personal information. Sensitive information of these types now comprises the principal categories exempt from release.¹³

It is important to note when considering the parameters of openness through the early part of the twentieth century that the universe of documents subject to release was much smaller than today. Many types of official records now considered essential to reconstructing the policy making process did not then exist. The large bureaucracies of the modern era create multiple types of records that reveal internal decisionmaking processes such as memoranda of conversation, position papers, decision documents, cross-departmental coordination efforts, interagency task force records, detailed accounts of international negotiations, and the like. Until the early 20th century, the federal government was quite small; the Department of State, for example, totaled seven domestic employees in 1790.¹⁴ If a Department head or the President wished to convene a meeting to determine policy, the principals could easily fit into one room. Little need existed to write down the course of the deliberations, since all key players could be present. Additionally, extant records that recounted certain intra-executive branch functions—for example, the deliberations of Cabinet meetings—would have been considered off limits out of respect for the separation of powers. The House and Senate sometimes met in executive session and treated the records of those deliberations as secret; they could hardly ask the executive to surrender similar documents. Finally, conceptions about what constituted a government record were much more circumscribed. Officials routinely retained their "personal" records when leaving govern-

13. For careful assessments of the questions surrounding Randolph's criteria for withholding and material excised from Morris's communications before transmittal to the Senate, see Hoffman, *Governmental Secrecy and the Founding Fathers*, pp. 104–116.

14. Department of State, Office of the Historian website <http://history.state.gov/departments/history/buildings/section13>.