

RELEASE IN FULL

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Wednesday, February 1, 2012 7:45 AM
To: H
Subject: FYSA re HAK

Here is the last update I had on HAK matter (4 January), which I am following up on today to see what is the issue. This memo was from Pat and Peggy:

Update on Dr. Kissinger's Request

January 4, 2012

Context

The Secretary met with Dr. Kissinger on October 27. At the meeting, Dr. Kissinger presented the Secretary with a document regarding the creation of a new center for his papers at Yale University. This new center presents the opportunity to try to move forward by leveraging already declassified collections of State documents from his tenure as Secretary (see attached).

Background

In 1976, Dr. Kissinger deeded to the Library of Congress copies of records covering his tenure as Secretary of State, in addition to other documentation covering his U.S. government service (and some materials related to periods prior to his government service).

In accordance with established Department procedures, the original records of his tenure as Secretary were reviewed for declassification and transferred to the National Archives (NARA) consistent with our ongoing program to open permanent historical records to the public. All the documents that can be declassified have been publicly available at NARA for the past decade. The copies of State records at the LoC have not been reviewed for declassification since they are already available at NARA for unrestricted public access. Several years ago, Dr. Kissinger gave the LoC \$150,000 to have the material he deposited there (which include materials from period of his life other than when he was Secretary) there scanned into the Remote Archive Access system used by NARA/the National Declassification Center and reviewed by those agencies with equities. This would enable this non-State material to be reviewed for declassification by the relevant agencies and subsequently made available to the public at both the LOC and the National Archives, as well as at Yale.

As the Department only conducts a single review of such records for public dissemination, we have not reviewed the copies of Dr. Kissinger's State Department records that were provided to the LoC.

We understand that in 2006 Dr. Kissinger deeded additional papers to the LoC that related to the time period *after* his tenure as Secretary; we have not been privy to the details of this deed.

As stated at the October meeting, Dr. Kissinger has recently established a relationship with Yale University to establish a center and donate his papers as his "legacy." This new focus presented an

opportunity for the Department to decouple the ongoing issue regarding copies of State records at the LoC to a new initiative to contribute already declassified records to this collection. Dr. Kissinger seemed pleased with this approach, so since then, we have pursued working with his representatives from Arnold and Porter, as well as from Yale University.

On November 16, Deputy Assistant Secretary Peggy Grafeld (Bureau of Administration) and Assistant Legal Advisor Josh Dorosin met with Yale's Vice President & General Counsel and the Assistant to the President (who represents the University on the Kissinger Project). This meeting was arranged by Jeffrey Smith (currently Dr. Kissinger's counsel from Arnold and Porter, and formerly CIA General Counsel and State Assistant Legal Adviser). The Yale team was in Washington to meet with representative from the legal counsels from the LoC and NARA. This meeting focused on what the Department could do to assist Yale develop a collection that represents Dr. Kissinger's tenure as Secretary of State, including the declassified materials in the attachment. The Yale reps acknowledged that they had focused their attention on the collection deeded to the LoC in 2006, but not the materials covered by the 1976 deed, or any other documents covering his tenure. The State reps provided a "tour" of the declassified records currently available online, as well as the search functionality associated with it. While impressed with the sophistication of what State could offer and appreciative of our willingness to collaborate, the Yale reps indicated that they needed to further consider whether and how to focus on materials beyond the 2006 collection, and appeared overwhelmed by the possibilities.

The Department reps offered the Yale archivists and librarians the opportunity to visit State for a "deeper dive" into the material. We have followed up with emails to Jeff Smith and are awaiting further contact from Yale. Mr. Smith also committed to pursuing getting a progress report from the National Declassification Center regarding their efforts to coordinate the inter-agency review of the Kissinger collection from the LoC.

Summary

At the both the meeting with Dr. Kissinger and the follow-up meeting with the Yale reps and his counsel, State reps identified several ways in which it could assist Yale, leveraging already declassified, publicly available documents (many of which were available online):

- Provide electronic copies of State cable traffic from Dr. Kissinger's tenure, (approximately one million cables) or a link to the public site.
- Provide electronic copies of Dr. Kissinger's declassified telephone transcripts or a link to the public site.
- Facilitate access by Yale staff to declassified State records at NARA for reproduction (copies of which are in the collection at the LoC).
- Provide electronically copies of nomination material which may or may not be at the Library of Congress.
- Provide copies of roughly 2500 pages of memoranda of conversation and nomination papers that have not yet been transferred to NARA.
- Facilitate a meeting between the technical professionals from State and Yale to discuss any issues.

Next Steps

The decision regarding how – or if -- to proceed with the Department's offers remains with Dr. Kissinger's representatives and those from Yale University.

Inventory of Kissinger Collections

State Documents

Copies of State records (paper) from HAK tenure at State

- NARA (declassified)
- LoC (not reviewed)

Copies of HAK Telephone Transcripts

- State FOIA website (declassified - online)
- NARA (declassified - paper)
- LoC (paper)

State cables covering HAK tenure at State (1 million)

- NARA (declassified – online via web)
- State (declassified)

State Memcons and confirmation materials

- State (declassified - paper) [the only collection not available elsewhere,
but which can be made available to an entity
Dr. Kissinger requests]
- LoC (?)

The materials at the LoC cover a wide range of documents from Dr. Kissinger's life, including personal papers.

We have also learned that there are documents (including memcons with Putin) in the custody of Arnold & Porter.

We are uncertain regarding the contents of the documents Dr. Kissinger recently donated to Yale, but have been led to believe that they are mostly personal in nature.