



201912911

United States Department of State

Washington, D.C. 20520

www.state.gov

March, 29 2019

John Fitzpatrick
Senior Director for
Records, Access Management, and
Information Security
National Security Council
725 17th St., NW
Washington, DC 20500

Dear Mr. Fitzpatrick:

Enclosed is the Department of State's submission for the Argentina Declassification Project. The State Department compiled 2,154 records in response to the National Security Council's request. These records include State Department memoranda, cables, and reports of human rights abuses that occurred in Argentina between 1975 and 1985. With this letter, I submit them to you for inclusion in the larger project for delivery to President Mauricio Macri of Argentina. Also, enclosed is the Department's methodology report. Please direct questions about our submission to Jeffrey Charlston at CharlstonJA@state.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Kenna", written over a light blue horizontal line.

Lisa D. Kenna
Executive Secretary

Enclosure:
As stated.

Report on Methodology: Argentina Declassification Project
Department of State
March 2019

I. INTRODUCTION

This report provides information on the Department of State's response to the Executive Secretary of the National Security Council's (NSC) letter of June 13, 2016, relaying the White House's instructions to federal agencies to search for records relating to human rights abuses committed in Argentina between January 1, 1976, and December 31, 1984, and to review responsive records for public access. In response to this tasking, the Department assembled staff, including historians and declassification reviewers, utilized search strategies tailored to its specific missions and record-keeping systems, and focused searches on those records determined likely to contain responsive records (both electronic and paper, classified and unclassified). In determining responsiveness, the Department evaluated records, erring on the side of inclusiveness. Records determined to be responsive were reviewed for public access on a word-for-word basis, using standards established in section 3 of Executive Order 13526, "Classified National Security Information," and common public release standards agreed to by the participating agencies.

To fulfill the spirit, as well as the letter, of the NSC's request, the Department took two additional steps. First, it waived its right to review records found in other government agencies' holdings that contained Department information—retaining review and redaction authority over only a very small specific segment of information. This allowed other government agencies to review Department information without having to refer it to the Department for review, thus expediting the disclosure process and, as a result, the entire project, significantly. Second, rather than ending its search on December 31, 1984, as specified in the NSC's guidance, the Department also included records created in 1985, so as to capture the full arc of this story, ending with the trial of the junta members.

This project builds upon an earlier declassification project that the Department completed in 2002. That project had both a narrower scope and a more limited timeframe. The 2002 project only involved Department files and focused on the public release of information based on specific requests, rather than a thorough account of human rights abuses during the era of the military junta. As part of the June 2016 request, the NSC sent the Department detailed tasking information asking, among other things, that the Department re-review the project documentation that had not been publicly released in 2002 to see if, given the passage of time, information previously exempted could now be declassified and publicly released. With interagency coordination and support, the Department determined that the majority of 813 records that had been redacted or denied in their entirety in 2002 were now releasable either in full or in redacted form. These newly reviewed records were provided to Argentine President Mauricio Macri on the occasion of his visit to the White House in April 2017 and are available at <https://foia.state.gov/Search/Collections.aspx>.

The Department's Office of the Historian also participated in this project and provided records compiled as part of its research for the *Foreign Relations of the United States, 1977–1980*,

Volume XXIV, South America; Latin America Region publication. Two compilations in that volume were prioritized for declassification, editing, and public release. They are available at <https://history.state.gov/historicaldocuments/frus1977-80v24>. These same documents, without substantive annotation, were provided to President Macri in April 2017. The entire volume, *Foreign Relations of the United States, 1977–1980, Volume XXIV, South America; Latin America Region* is expected to be published in 2018.

In addition to the April 2017 release, the Office of the Historian compiled a special project for this release that has been accessioned to the National Archives and Records Administration (NARA). Details on this release can be found below.

II. PROJECT METHODOLOGY

Records Management

The Department's federal records, which document the unique, substantive functions and activities of the Department, are preserved for a specific duration and are eventually destroyed or transferred to NARA pursuant to records disposition schedules. Records disposition schedules describe an accumulation of federal records, known as a record series, and provide the mandatory instructions for disposition. All records disposition schedules are approved by the Archivist of the United States.

Those federal records determined to be of permanent historical value are organized by the Department into "Lots" (called "Lot Files"), or collections, and, once any Lot Files determined to be of permanent historical value reaches its mandated disposition, it is reviewed and accessioned to NARA.

It was in these program records that the Department project manager searched for responsive documentation. The research component of this project was divided into three parts. The first two parts focused on those records still in the custody of the Department and not yet accessioned to NARA; those records created in paper form—e.g., memoranda, letters, reports and, those records created in electronic form—e.g., cable communications between the U.S. Embassy in Buenos Aires and the Department in Washington. The third part consisted of Department records previously accessioned to NARA, which included most of the Department records created before 1980.

In coordination with and at the direction of the NSC, the Department project manager employed the most expansive interpretation of the task, including documentation in some cases that is contextually relevant to the guidelines laid out by the NSC, if not directly responsive. For instance, information about the Argentine political situation that led to the coup in 1976 provides important context to the human rights abuses that are the subject of the task. This type of information was deemed relevant and included in the records to be reviewed for declassification and public access.

Declassification Review

Nine personnel reviewed all documentation compiled during the search phase of the project. Reviewers looked first for document duplication, to reduce the number of times a single

document appeared in the overall collection. This occurred most often when records of interest were printed and attached to memoranda or kept in files. Clean records, those with no handwritten or typed marginalia, were determined to be duplicates and were removed from the project. Those with marginalia were identified as new records and were included.

Next, reviewers focused on the issue of relevancy, to ensure that all records captured in the research phase were, indeed, responsive to the task. As noted above, the Department project manager cast a wide net in the initial records-capture phase. Reviewers analyzed the contents of the records against the NSC's guidance to ensure that those records that made it into the final project indeed had been responsive to the request (for additional information see below).

Reviewers analyzed the records on a word-for-word basis for any information that would remain classified today under section 3.3(b) of Executive Order 13526 and examined each record for any other government agency's information. Such records required review by the other agency for declassification purposes. A little over 100 Department records were referred out to other agencies for review.

There were several reasons why information was withheld from public release in this project: to protect classified national security information, to protect visa information, or to protect personal privacy information. Additionally, information was withheld from release if it was determined not to be responsive to the request. These reasons are discussed in greater detail below.

Classified National Security Information

Under section 3.3(b) of Executive Order 13526, agencies may only exempt from automatic declassification specific information contained in records more than 25 years old, the release of which "clearly and demonstrably" can be expected to harm national security. In accordance with Executive Order 13526 and its implementing directive, 32 Code of Federal Regulations (CFR) 2001, any historical information exempted from automatic declassification must be marked with the appropriate category of section 3.3(b) under which it is being withheld. For the Department, the withheld information most often falls within section 3.3(b)(6) and consists of "information, including foreign government information, that would cause serious harm to relations between the United States and a foreign government, or to ongoing diplomatic activities of the United States." The Department also occasionally withholds information under section 3.3(b)(1), which pertains to information that would reveal the identity of a "confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source." When the Department redacts information under these sections, it is marked on the record as either "25X6" or "25X1" to indicate the reason for the redaction.

Visa Information

Under section 222(f) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1202(f), certain records of the Department of State pertaining to the issuance or refusal of visas shall be considered confidential and may not be publicly disclosed. In instances where information was redacted under INA 222(f), these redactions were identified and marked as "FOIA (b)(3)," the exemption that would be used for such information if requested under the Freedom of

Information Act (FOIA). A total of 14 records were withheld in their entirety under this statutory requirement.

Personal Privacy Information

Under 5 U.S.C. § 552a, the Privacy Act of 1974, personal privacy information found in certain records of the Department is carefully protected and subject to disclosure on a very limited basis. Similarly, the FOIA allows for the withholding of personal information "where disclosure would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). In instances where information was redacted for personal privacy reasons, these redactions were identified and marked as "FOIA (b)(6)."

Non-Responsive Information

Finally, some information compiled was not responsive to the tasking. Those portions were redacted with an "NR" indicating that it was non-responsive. In those instances in which only one portion of a record was about Argentina (e.g., a record with information about multiple countries that included only a segment on Argentina), the portions of information pertaining to other countries and not connected to the issue of human rights abuses in Argentina, was not responsive to this request and was redacted with an NR.

Note: Documents determined to be not relevant included documents that dealt solely with issues outside of human rights abuses, including cables regarding economic development, the political implications of the situation developing in the Falklands/Malvinas, or discussion of other nations not directly connected to this issue. In addition, there was a considerable amount of cable traffic located in the initial search that focused on other Latin American countries and was sent to Argentina for informational purposes only. Those documents were determined to be non-responsive and excluded from this release.

Paper Records

The majority of Department records created during the military dictatorship have, as noted, already been transferred to NARA. However, there are paper records still in the Department's possession that extend back to 1975, which were either attached to later documentation or carried over into files retired from daily use but retained in the Department's possession after 1980.

For those records created between 1980 and 1985, 15 sets of records, Lot Files, were identified by the Department's Office of the Historian as containing potentially responsive documentation. This amounted to 95 boxes of records totaling approximately 137,500 pages. This search took approximately 300 hours to complete.

Within these boxes, there was little material responsive to this request. There was significant communication on the Beagle Channel, the Falklands/Malvinas War, on Argentina's relationship to the Union of Soviet Socialist Republics, and on the issue of grain sales; however, the discussions in those records rarely touched on the larger issue of the human rights abuses during the military government.

The 385 paper records, totaling 997 pages, determined to be responsive consisted mostly of Department memoranda, briefing papers, and printed cable traffic. The printed cable traffic was included, even though it was likely these records had been located in the electronic records search, to demonstrate that these cables were well-circulated within the Department and to allow for any marginalia on the records to be included for release to the public.

A very small portion of these records extend back to 1975. These records provide insight into the conditions leading to the military coup overthrowing Isabel Perón in March 1976 and early U.S. reactions to the human rights abuses by the military authorities. These records entail discussions of a joint committee that included representatives from the Department's Latin American Bureau, the Central Intelligence Agency, and, on occasion, the Department's Bureau of Intelligence and Research, between 1976 and 1978, that met to discuss ongoing matters of interest and events.

The largest percentage of these records were created between 1983 and 1985, that is, just before and after the Argentine transition from the military government to a civilian democratically elected government. Reporting in these records discusses views within the military junta, as well as movement toward democratic elections.

The Department also created a considerable number of records on the Argentine proclamation of an amnesty for crimes committed by Argentine military, police, and government leaders, and the Argentine insurgents. On that issue, U.S. Embassy reporting detailed the opposition of Argentine civil society groups and organizations to the amnesty and highlighted the difficulties Argentine authorities had in providing information on the thousands of "disappeared."

These records reflect the perspective of human rights representatives at the Department, significant U.S. congressional interest in specific disappearances, and requests to the Department for information.

Finally, this part of the project was dependent on the record-keeping practices of the time and place, and those practices can vary. The records captured do not necessarily reflect all records created at the Department during this period and some are more complete than others. Where researchers encountered a record with a missing page, or of poor quality, they noted it was the best copy available in the Lot Files searched for this project.

Electronic Records

This portion of the collection demonstrates the discussion between the U.S. Embassy in Buenos Aires and the leadership at the Department. These records are searchable through the Department's State Archiving System (SAS), which contains almost all incoming and outgoing cables among the Department and its embassies and other U.S. diplomatic posts beginning in 1973. The Department's project manager searched SAS using each of the terms on the 19-page list provided by the NSC for the years 1976 through 1985, conducting a total of 595 searches. As a result of these searches, the Department located 1,821 cables responsive to this request. The searches and processing took approximately 250 hours to complete.

The responsive cables include Embassy reporting on the situation in Argentina from just before the junta took control through the trial in 1985. They detail hundreds of disappearances, prison

conditions, and U.S. Government policy concerns on regional stability and security. Note, there is considerable overlap with the earlier releases for this project and those records available on <https://aad.archives.gov>. A determination was made, early on, to be as inclusive as possible, rather than to risk omitting anything.

Of particular interest in this compilation are the records detailing those efforts by the Argentine civilian courts to obtain information and testimony from the U.S. Government for use in the trials of former junta members and officials, including testimony by former Assistant Secretary of State for Human Rights and Humanitarian Affairs, Patricia Derian.

Additional information on the 1975 to 1979 time period may be found on the Department's FOIA website at <https://foia.state.gov/> and at the National Archives at <https://aad.archives.gov>.

III. REVIEW OF RECORDS AT NARA

The Department project manager searched through Department records that were previously accessioned to the National Archives. These records, identified by the Director of the National Declassification Center as containing potentially responsive records, included 15 Lot Files, amounting to roughly 30 boxes of records. A search of the boxes resulted in approximately 1,500 pages of responsive records. This component of the Department's search took about 90 hours to complete.

Once this search was complete, the Department project manager submitted a spreadsheet to the Director of the National Declassification Center. The spreadsheet included a list of records determined to be responsive and identified those individual records that required a declassification and public access review by other agencies. It also provided a synopsis of the content of those records. For additional information, see the narrative of the National Archives available at <https://www.archives.gov/>.

The records in NARA's collection detail conditions in Argentina starting in 1975. They contain U.S. Government reporting on the political and human rights situation before, during, and after the military coup—including internal U.S. Government discussions about the old and new Argentine government's objectives and operations.

Also captured in this collection are records detailing the efforts of U.S. Members of Congress to halt Department aid to the Argentine military government. Members of Congress and staff at the Department were concerned about the level and volume of the human rights atrocities.

In addition to Department reporting and congressional inquiries, this collection includes several important memoranda from Assistant Secretary of State for Human Rights and Humanitarian Affairs Patricia Derian to Secretary of State Cyrus Vance. It also includes cables from the U.S. Embassy in Buenos Aires to the Department, as well as the Bureau of Inter-American Affairs response to the fast-changing situation in Argentina.

IV. FOREIGN RELATIONS OF THE UNITED STATES SERIES

Upon receiving the NSC's instructions in June 2016, the Office of the Historian and the Office of Information Programs and Services, which led the Department's response, determined that

additional documentation collected by Department historians conducting research for the *Foreign Relations* volume on South America, 1977–1980, was potentially responsive to the request.

As a normal part of their research for *Foreign Relations* volumes, Department historians seek to capture as complete a record of high-level decision-making as possible. To do this, they generally conduct research in the files of multiple agencies, including Presidential libraries, NARA, NSC, the Department, the Central Intelligence Agency, and the Department of Defense. Since these historians focus on publishing documents capturing high-level decision-making, many records collected during the initial research phase for a *Foreign Relations* volume are not ultimately selected for inclusion.

From the material collected by the Office of the Historian, 794 records totaling 3,349 pages were determined to be responsive to the NSC's request. Documents were collected from NARA, the Jimmy Carter Presidential Library and Museum, the Department, and the NSC. The Department conducted a declassification and public access review of these documents and coordinated a declassification and public access review with other U.S. Government agencies with equity in the records. However, in accordance with existing agreements with the Central Intelligence Agency and the Department of Defense, individual records collected at those agencies were returned to them. The Department historians provided these agencies with a list of records so that they could evaluate them for responsiveness and for their inclusion in this project. Interagency review of these records was coordinated by the Office of the Director of National Intelligence, and they are available for public access through NARA as part of its submission for this project.

In addition, two compilations from the *Foreign Relations* volume on South America, 1977–1980, were determined to be directly relevant to the request. This volume was nearing the end of the editorial process and about to enter the interagency declassification process that all *Foreign Relations* volumes undergo. At the request of the NSC, the two relevant compilations, containing documents on Argentina and the Latin America Region, were fast-tracked through the declassification process using the privacy and declassification guidelines developed by the NSC for the Argentina Declassification Project. This fast-tracking meant that the two compilations could be published ahead of schedule in October 2017. The remaining compilations in the *Foreign Relations*, South America, 1977–1980, volume are scheduled to be published at the end of 2018.

V. DOCUMENT RELEASE

Today, the Department is pleased to release 2,154 records to both the Government of Argentina and to the public, fulfilling our commitment to the President to support President Macri's request for assistance. Thirty-five State Department experts in various fields, invested just over 2,500 hours into the search, review, and processing for this project, and released 2,055 records, 95 percent of the total, in their entirety, and 94 records, 4 percent of the total, have minor redactions for various reasons, including current national security concerns, statutory reasons, or privacy issues. Less than 1 percent of the total, 5 records, were withheld from release for the reasons cited above.

Questions regarding the Department search should be directed to Jeffrey Charlston, Chief of the Systematic Review Division in the Office of Information Programs and Services, at 703-923-6400, or charlstonja@state.gov.