

Federation of American Scientists
307 Massachusetts Avenue, NE
Washington, D.C. 20002

for more information:
Steven Aftergood
(202)675-1012

SECRECY & GOVERNMENT BULLETIN

To Challenge Excessive Government Secrecy and
To Promote Public Oversight and Free Exchange
In Science, Technology, Defense, and Intelligence

Issue No. 12
July 1992
ISSN 1061-0340

CIA Increases Intelligence Budget Secrecy

In his confirmation hearing last year, Director of Central Intelligence (DCI) Robert Gates indicated that disclosure of the total annual intelligence budget would be one way of demonstrating "that the mentality of the Cold War has changed at the Agency, that there is an appreciation of a new day...."

In practice, the new day has still not arrived. Far from disclosing the intelligence budget, the CIA has actually *increased* its secrecy by classifying the budget for intelligence support staff.

In past years, the "Intelligence Community Staff (ICS)" was one of the only unclassified portions of the total intelligence budget. (In FY 1992, \$31.2 million and 218 personnel were authorized for this program.) But the ICS has formally been dissolved and its functions taken over by a new body called the "Community Management Staff"-- whose budget is now inexplicably classified.

The House Intelligence Committee recently noted the incongruity of the CIA action:

"The DCI has determined that the funding and personnel levels of the Community Management Staff should not be made public. It is difficult to understand how publication of these figures could be thought to constitute a threat to national security. The decision is therefore unfortunate since it has the effect of making the intelligence budget *even less open to public review now than it was at the height of the Cold War*. This seems to be contrary to the spirit of openness declared by the DCI, and to the sense of Congress, as expressed in the Intelligence Authorization Act for Fiscal Year 1992, that an appropriate public disclosure should be made of the intelligence budget." (H. Rep. 102-544, pt. 1, page 5, emphasis added).

Intel Budget to Be Disclosed-- in Russia

While the CIA increases budget secrecy, the Russian intelligence service is reportedly moving towards budget disclosure.

In an interview with a Russian magazine, Vyacheslav Trubnikov, the first deputy director of the Russian Foreign Intelligence Service (FIS), said that "the size of our budget will be revealed shortly." (FBIS-SOV-92-106, 2 June 92, p. 17).

He further asserted that dozens of agent networks abroad had been shut down, because state funding of intelligence had declined.

CIA Destroys Documents Secretly

The Central Intelligence Agency routinely destroys official records that it considers to have no historical value. So do all other agencies. Unlike other agencies,

however, the CIA will not disclose what it is destroying.

The law requires that the public have an opportunity to comment on proposals for document disposal (44 USC 3303a). Such proposals are therefore announced by the National Archives at least once a month in the *Federal Register*. Interested members of the public can request copies of the proposals (known as "records schedules") and submit comments on the whether or not the action should proceed.

All CIA document destruction proposals, however, are classified "in the interests of national security." The National Archives still announces the proposals as required by law (see e.g., *Federal Register*, 4 June 92, page 23601), but since they're classified, the public may not obtain a copy of the proposals it is invited to comment on.

"It's an anomaly," according to a National Archives official, who added that the blanket classification of CIA records schedules is particularly odd since not all of the documents to be destroyed are classified.

When asked whether public disclosure of the document destruction proposals really might cause damage to national security, the Archives official laughed.

The CIA did not respond to a request for comment on this practice.

Advisory Panel Slams Invention Secrecy

An official Advisory Commission on Patent Law Reform will recommend far-reaching changes to the government's practice of imposing secrecy orders on certain new inventions. The Advisory Commission, established by then-Commerce Secretary Robert Mosbacher, will present its report to the current Secretary of Commerce in August. (*New Scientist*, 20 June 92, p.9)

A review of invention secrecy policy "has uncovered a number of problems of concern to the Commission," according to a draft of the final Report. These include, first of all, the arbitrary exercise of authority. "People at relatively low levels throughout the defense agencies have been able to implement their own personal notion of what is 'detrimental to the national security'."

"Second, the statute makes it very easy to extend the duration of [secrecy] orders so that it has not been unusual for an order to remain in effect for decades."

"Third, a private [patent] applicant with no government funding and no contact with the government other than having filed a patent application can fall victim to a secrecy order and be barred from publication or even disclosure.... Of greatest concern is an alarming increase in the number of [secrecy] orders imposed during the recent decade."

Also, "Since no other countries impose such orders,... foreign competitors have a distinct advantage."

"The Commission is fully cognizant of the need to maintain national security." But "It is also skeptical of the need to maintain controls imposed during WW I and II in a time of substantial decrease in international tension."

Among its several recommendations on the subject, the Commission advocates amending the law to "forbid the imposition of a secrecy order in any patent application based on work not funded by a defense agency unless the head of an agency requesting such an order first makes a finding in writing that publication of the application would pose a clear and present danger to the national security."

"The Commission believes it is unfair for the Government to restrict the ability of private citizens who have developed an invention to realize the value of their investment through a patent grant without an adequate showing of need."

Nuclear Test Data Declassified-- in Kazakhstan

Izvestiya reports that "The Kazakhstan Cabinet of Ministers has declassified all materials containing information about the results of nuclear tests at the Semipalatinsk range."

"So far they have been kept in 'secret' departments and only a very restricted range of people could use them. Now access to secret information is available to almost anyone interested in it."

"It is quite obvious that this openness will finally make it possible not only to lift the last shrouds of secrecy surrounding the test range but will also be of serious assistance to physicians and scientists who are undertaking research in the zone of the radiological calamity." (in FBIS-SOV-92-104, 29 May 92, page 2).

Back in the U.S., the Department of Energy can not even produce an accurate inventory of its records, according to a recent General Accounting Office report ("DOE Management: Better Planning Needed to Correct Records Management Problems," GAO/RCED-92-88, May 1992), much less make them publicly available.

"DOE manages, and its contractors create, some of the most important and extensive scientific and technical information in the world. For example, DOE maintains records on the development of the first nuclear bomb, as well as a massive collection of records on its workers' exposure to radiation."

But, says the GAO, "DOE continues to have difficulty locating and retrieving records." "Despite all that needs to be done, the Department has not developed plans or set specific target dates to ensure that its line managers and contractors complete all the actions necessary" to respond to concerns about records management first identified in 1988.

DOE asserts that corrective action is "ongoing" and will be completed within the next several-- years.

Campaign '92

"A Democratic president (Republican also) could do no greater service to the nation and to his administration than to set about an energetic, determined, *public* dismantling of the secrecy system. It is the only way I can think of for the next president to free himself of the baggage of the Cold War as we enter an age of considerable instability in much of the world." (Senator Daniel P. Moynihan, writing in *The National Interest*, Spring 1992, p. 19.)

Nuclear Rocket Zeroed Out

The 1993 budget of the formerly secret Air Force nuclear rocket program got zeroed out by the House Armed Services Committee in the program's first year out of the black. In a sort of "vampire phenomenon," support for the program disintegrated as soon as it was exposed to the daylight of declassification.

The Committee report noted that the Air Force

Space Nuclear Thermal Propulsion (SNTF) program "may have questionable military application." Of course, its application was no less questionable during the past five years that Congress has funded it. But then it was a secret.

In its appeal to the Senate to reverse the House action, the Defense Department wrote that "the SNTF program has received the endorsement of ... the National Academy of Sciences (NAS)." (*Inside the Air Force*, 6/19/92, p. 10). That happens to be untrue.

In response to our inquiry, the NAS National Research Council's Aeronautics and Space Engineering Board, Air Force Studies Board, and Energy Engineering Board all denied knowledge of a National Academy endorsement of the Air Force nuclear rocket. To the contrary, a recent NRC report explicitly rejected the use of nuclear engines for launch vehicles.

(U) Not by the Hair of My Chinny Chin Chin

Classification principles are applied to the fable of the Three Little Pigs in a training exercise for defense contractors published earlier this year by the National Classification Management Society.

The material with which each pig built his house (straw, sticks, bricks) is classified Confidential. A chart displaying the relative resistance of each type of material to huffing-and-puffing is classified Secret. So is the wolf's threat to climb down the third pig's chimney, since it reveals a vulnerability of brick houses to wolves. The pig's countermeasure-- boiling water in the fireplace-- is classified Confidential, while the fact that the wolf was boiled to death and eaten is classified Secret, since it reveals the effectiveness of the countermeasure.

If this exercise reflected actual government practice, it would make even less sense.

The Energy Department, for example, continues to make a mockery of classification standards by its suppression of benign information. Thus, DOE recently blocked the publication of the bracketed words in this sentence from a question submitted by Senator Edward Kennedy in 1991: "However, in the last 18 months, [the Soviet Union has conducted only one underground nuclear explosive test, research on advanced nuclear weapon concepts in the Soviet Union has virtually ceased for lack of resources, and] the Soviet government has said over and over again that it would agree to a Comprehensive Test Ban with extensive and intrusive measures." (deleted from Sen. Hrng. 102-255, pt. 1, page 709)

Similar capriciousness has prevailed in DOE's handling of documents concerning the Iraqi nuclear weapons program. In a 28 May 1992 letter, Chairman John D. Dingell of the House Energy and Commerce Oversight Subcommittee wrote:

"We found that the DOE apparently maintains a dual standard for classifying documents: one for the Congress, and the other for public relations."

Following some critical press reports, "the DOE suddenly declassified two of the documents allegedly containing sensitive national security information" that Dingell's Subcommittee had been obliged to protect as classified. "It clearly illustrates that national security considerations are less important than the Department's public image."

Dingell's point, of course, is not that the documents should not have been declassified in response to press reports; the point is they should have been declassified in response to Congressional inquiries, or not classified at all.

* * *

The Secrecy & Government Bulletin is produced and edited by Steven Aftergood. Subscriptions are available from the Federation of American Scientists at a cost of \$20 per year (about 10 issues). The FAS Project on Secrecy & Government is supported by grants from the Rockefeller Family Fund and the J. Roderick MacArthur Foundation.