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## SECRECY & GOVERNMENT BULLETIN

To Challenge Excessive Government Secrecy and  
To Promote Public Oversight and Free Exchange  
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### Secrecy vs. Science

In the mythology of science, the scientist pursues truth unfettered by ideological considerations. In practice, real scientists are frequently constrained by institutional habits and prejudices. In extreme cases, they are vilified for failure to conform. One of the more cruel and dishonest assaults on science recently is being played out at Los Alamos National Laboratory, where falsehoods have been perpetrated by Lab officials and secrecy policy has been utilized to stifle independent thought.

The immediate victim is physicist Pedro Leonardo Mascheroni, a fusion scientist and Los Alamos employee from 1979-87. Dr. Mascheroni has consistently differed with Lab managers about the direction of research in inertial confinement fusion (ICF). He argued that ICF research should be directed primarily towards civilian goals like commercial energy production and transmutation of high-level waste, instead of being used exclusively for weapons research. Towards these ends, he has advocated (rightly or wrongly) a fusion concept based on a high-efficiency, pulsed hydrogen fluoride laser. Los Alamos is committed to a military-oriented ICF program, however, in which considerations of efficiency and cost are secondary at best. The Lab sees no reason to change.

But Los Alamos officials didn't just dismiss Mascheroni's arguments. They turned his professional life into the kind of hell that only a wayward government bureaucracy can create. In the mid-1980s, they improperly accelerated the destruction of the Antares laser that had begun to validate Mascheroni's claims, which are also supported by Japanese and other research findings. Worst of all, they fabricated a case for revoking his "Q" security clearance, which is the *sine qua non* for scientists in this highly classified field.

Last November, a Los Alamos security officer of dazzling integrity named William A. Risley investigated the denial of Mascheroni's clearance. He found that certain Los Alamos officials had "brought trumped-up security issues against Mascheroni and put false information into the security system" leading to his loss of access and employment. This whole episode, Risley wrote, "hurts the credibility of the national ICF program, especially because it has become evident that Mascheroni is a first class scientist."

To add insult to injury, the DOE Albuquerque office dispatched an FBI agent to Mascheroni's house on June 22 to confiscate his copy of the Risley report which had exonerated him. (*NY Times*, 7/19/92, p.26) It seems that six months after the unclassified Risley report entered the public domain, some DOE officials now assert that the document is classified, though it has already been "widely distributed." (*Albuquerque Tribune*, 7/30/92, p.A12).

Meanwhile, Mascheroni is left hanging out to dry. (A seemingly interminable DOE Inspector General

investigation has been underway for over a year.) Los Alamos and the nation's inertial confinement fusion research effort are diminished and disgraced.

There are several senior physicists still employed at Los Alamos who share Mascheroni's views about the proper direction for fusion technology development. But as one of them told S&GB, "most of us keep a rather low profile in this regard most of the time-- our fear of retaliation is demonstrably well-founded."

*A copy of the Risley report is available from our office.*

### National Reconnaissance Office to be Acknowledged?

One of the many grotesqueries of the current classification system is the continued secrecy surrounding the National Reconnaissance Office (NRO), which is the Defense Department agency responsible for procurement of intelligence satellites. Not only is its roughly \$5 billion annual budget concealed, the very existence of the NRO is supposedly a secret and its name may not be officially spoken where ordinary Americans might overhear it.

But now, according to the recent Senate Intelligence Committee FY 1993 Authorization report (S.Rep. 102-324, pp. 24-5), the Executive Branch is weighing whether to declassify the name of the NRO, although so far it "has not reached a decision."

The Senate Intelligence Committee report carefully refers to the NRO as the "Office of Reconnaissance Support," even though "the Committee would prefer using the actual name of this office." The Committee boldly asserts that "use of the real name would not jeopardize any legitimate security interest."

"It is the Committee's expectation that before this [1993 intelligence authorization] bill is considered by the Senate as a whole, or by the time it is considered by the conference committee, the Administration will have resolved this issue in favor of disclosure of the existence of the organization concerned." The Committee does not indicate what action it will take if the Administration decides not to declassify the name of the NRO.

The Committee reiterates the non-binding "sense of the Congress" that "beginning in 1993, the aggregate amount requested and authorized for, and the amount spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner."

Although the House yielded to CIA classification of the new Community Management Staff budget (see S&GB #12), the Senate Committee uncharacteristically did not, arguing that public authorization of this intelligence function "should be preserved both from the standpoint of congressional oversight and public accountability." The Committee openly authorized \$10.5 million for this purpose.

## Towards a New Classification System

Few people who are not paid to do so would say that the government secrecy system is working properly, or that it really serves the national interest, or that it is cost-effective. So what should be done?

Since there really are some types of information that need to be protected against disclosure, some form of official classification system will continue to be necessary. While the details of such a system may pose some vexatious problems, the broad outlines of a sensible classification scheme can be laid out rather simply.

We believe that Congress or a new Administration should promptly establish a new classification system that embodies the following sorts of principles, derived largely from the literature cited below.

### 1. Circumscribe the Universe of Classifiable Information

The types of information eligible for classification should be limited to topics that could pose a direct, identifiable threat to national security (Halperin 1977):

- Weapons systems: details of advanced weapons system design and operational characteristics.
- Details of plans for military operations.
- Details of ongoing diplomatic negotiations.
- Intelligence methods: codes, technology, and identity of spies.

The current system based on Executive Order 12356 contains a broad list of classifiable topics (along with a giant loophole for "other categories of information"), but in practice the Administration classifies whatever it wants.

Enforcing reasonable limits on the types of potentially classifiable information would allow for the protection of any information that could truly jeopardize national security. It would not allow for secret budgets, secret intelligence agencies, an entirely secret policy-making apparatus based on Presidential directives, secret historical documents, secret environmental impact statements, and so forth.

### 2. Automatic Downgrading and Declassification

"Whenever a document is classified, a time limit should be set for its automatic declassification. This time limit should be adapted to the specific topic involved. As a general guideline, one may set a period between one and five years for complete declassification." (Defense Science Board, 1970)

Automatic downgrading and declassification is perhaps the single most important measure that should be adopted. It would significantly limit the habitual abuse of classification authority by reducing its duration to a certain period. And it would vastly simplify the daunting task of reviewing and declassifying the innumerable secret documents that have accumulated over the years.

Previous classification systems authorized by Presidents Nixon and Carter prescribed timetables ranging from 6 to 10 years for automatic declassification, with limited exceptions in specific categories. The present system eliminated automatic declassification.

In President Nixon's system (E.O. 11652), Top Secret information was to be downgraded to Secret after 2 years, to Confidential after 2 more years, and declassified after a total of 10 years.

In the Nixon system, exceptions to automatic declassification could be granted only by an official with Top Secret classification authority, who had to indicate in writing which of the specifically defined exemptions (foreign government information, intelligence sources and methods, etc) applied. Even so, such an official still had to specify when declassification would occur.

### 3. Reduce the Number of Authorized Classifiers

Consistent with the reduced scope of classifiable

information, the number of individuals authorized to classify information should also be reduced. Arguably the number should be reduced even more sharply to limit the generation of new classified documents.

The principle was spelled out by President Nixon (who by today's standards seems like an apostle of openness): "It is anticipated that by reducing the number of agencies with classification powers as well as the number of people within those agencies who have personal classification authority, we can sharply reduce the quantity of material which enters the Government's classified files."

Today, there are about 6,500 individuals in the Executive Branch who are authorized to classify information. At a rate of 19,000 classification actions per day, nobody even pretends to review a significant fraction of their decisions. A reduction of perhaps 90% in the number of classifiers would go a long way towards imposing discipline on the classification system.

### 4. Eliminate Confidential, Special Access Classifications

One way of simplifying the enormously complicated implementation of the classification system would be to eliminate both the lowest classification level (Confidential) and what is in effect the highest, the multifarious special access system of classification.

As it is sometimes stated, the proposal to eliminate the Confidential level begs the question of what would be done with all of the documents that are currently classified Confidential. The assumption seems to be that they would all be released. But when the old "Restricted" category was disestablished in the 1960s, 90% of Restricted material was bumped up to Confidential, which was then the next highest level of classification. If much of the huge volume of currently Confidential material were to be reclassified as Secret, then eliminating the Confidential classification would obviously serve no useful purpose in the near term.

One way to proceed would be to eliminate Confidential by attrition. Thus, no new Confidential documents would be created, and all currently Confidential material would be declassified over no more than a few years through automatic downgrading procedures.

As for special access, it has been tainted by fraud and abuse, as in the case of the A-12 aircraft. More generally, there is persuasive evidence that Congress is unable to effectively oversee special access programs, even when it has been notified of their existence.

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For further reading:

Morton H. Halperin and Daniel N. Hoffman, *Top Secret: National Security and the Right to Know*, New Republic Books, 1977; see also testimony of Halperin and Leslie Harris before the Subcommittee on Legislation and National Security, House Government Operations Committee, March 18, 1992.

Frederick M. Kaiser, "The Amount of Classified Information: Causes, Consequences, and Correctives of a Growing Concern," *Government Information Quarterly*, vol. 6, no. 3, pp. 247-266, 1989.

Report of the Defense Science Board Task Force on Secrecy, Office of the Director of Defense Research and Engineering, 1 July 1970 (*available from S&GB*).

President Richard M. Nixon, "Classification and Declassification of National Security Information and Material," Executive Order 11652, March 8, 1972.

President Jimmy Carter, "National Security Information," Executive Order 12065, June 28, 1978.

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