

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. 18
January 1993
ISSN 1061-0340

Classification Officials Warn Against Excessive Secrecy

"When we invoke national security as the basis for classification, we are asking for public trust that what is being done is in the best interest of the nation and its people. That trust has been violated too many times from all appearances."

So says the National Classification Management Society (NCMS) in a stunningly reasonable call for changes in government classification policy. NCMS is a national organization of classification officials and others in government and industry concerned with information security. They expressed their views in a 30 September 1992 letter solicited by the CIA task force on classification standards. Excerpts from the letter (which appeared in the Nov-Dec *NCMS Bulletin*) follow:

- "The special controls on intelligence information not only make it difficult to use, but they make working with it for those with access authorization more time-consuming and expensive.... With the redefinition of the threat, many of these rules need to be reconsidered with a view toward simplification."

- "[The classification label] 'Originator Controlled' (ORCON) is a special problem. We have experienced many instances in which intelligence estimates or products had to have essential information left out because some of the most vital reports were labeled ORCON. The final products were misleading because the information that would give the true situation was ORCON and not available for broader use in a timely fashion. Often, we are unable to see any reason why reports should have the ORCON label except for caprice."

- "We are not necessarily uncomfortable with the amount of material classified. It is better that something innocuous be classified than that something vital be released. But playing it safe in this way leads to excessive classification. The penalty for a mistake has always been [for releasing] something when it should have been protected. That needs to be counterbalanced by some penalty [when] clearly unclassified information is labeled as classified."

- "The amount of compartmentalization and number of compartments probably are excessive. Compartmentalizing leads to some very unintelligent intelligence activities."

- "The cost of handling and using intelligence information should be lowered by more realistic procedures for protection of the information."

- "The cost of classification should not be considered separately from the cost of security. The cost of classification *per se* is relatively small but the cost of security is driven by classification and both should be considered together. Because the classification decision is the driver, those who are authorized to make classification decisions need to be instructed in the process and

educated about the consequences of it, including the economic impact on the nation's ability to compete in the world marketplace. Classification by rote must be eliminated from the intelligence community and elsewhere."

A copy of the full text of the NCMS letter is available from our office.

The Greening of Military Reconnaissance?

In what may be a harbinger of increased environmental application of secret military technology, a classified aerial reconnaissance system was used by biologists to monitor the population of sandhill cranes roosting along the Platte River in Nebraska.

The AN/AAD-5 infrared reconnaissance sensor was used in a cooperative effort between the Nebraska Air National Guard and biologists from the University of Nebraska and the U.S. Fish and Wildlife Service. The Guard, which routinely trained with the sensor anyway, agreed to monitor the Platte River as a training exercise.

"Individual cranes roosting in the river at night were readily visible" with the then-classified sensor, which "had better resolution and other characteristics" than unclassified sensors could provide, according to a new report on the 1989 project in the journal *Remote Sensing and Environment* (vol. 43, 1992).

"We were very fortunate to have had the collaboration of the Nebraska Air National Guard," Fish and Wildlife biologist John G. Sidle told *S&GB*. "The Guard acquired their necessary training while we got a valuable product for our Platte River conservation and regulatory efforts. I would hope that [other] DOD technology could be used" in similar efforts.

Loose Russian Lips

Some former Soviet officials just don't seem to have proper respect for the demands of national security. This has created unanticipated problems in the control of classified information, according to DOE's Director of Security Affairs, George L. McFadden:

"Recently, there have been instances where CIS representatives have disseminated information at meetings in the US concerning the CIS nuclear weapons program that would be Restricted Data in the US nuclear weapons program.... In the event that classified information is provided by CIS representatives, it is the DOE's policy to adopt a 'No Comment' posture that will not lend any credence to the possibility that the information may or may not be classified. While we may listen and absorb any information from foreign representatives, it is important that we do not inadvertently reveal classified information through such discussions or exchanges." (DOE, *CommuniQue*, November 1992).

Security Clearance Background Investigations

At least one more hitherto secret National Security Directive (NSD) has trickled out into the public domain. The four-page NSD 63, dated 21 October 1991, established the "Single Scope Background Investigation" (SSBI) procedure for Top Secret (TS) and Sensitive Compartmented Information (SCI) clearances.

This procedure is intended to simplify the security clearance quagmire by creating a single background investigation for both TS and SCI clearances. Previously, separate investigations were required for each clearance.

"The adoption of the SSBI constitutes one of the most significant achievements in the history of the DOD personnel security program," said Deputy Ass't Secretary of Defense Nina J. Stewart. But that is faint praise, since personnel security is a conflict-ridden, confusing mess.

"People tend to look at the SSBI like it's a big deal, like we've really accomplished a whole lot," says Steve Garfinkel of the Information Security Oversight Office. "What we've accomplished is a beginning for making sense of the personnel security system. But it's a very small beginning. How is it that we can have an SSBI for Top Secret and SCI, but we don't have one for Confidential and Secret, which account for 80% of the clearances? And now we have the anomaly that in some cases the requirements for a Secret clearance are harder than for a TS/SCI clearance in terms of the investigations. So we've made a beginning. But I hate to see us point to the SSBI and pat ourselves on the back. That's a tremendous mistake."

National Security Directive 63 could not be obtained under the Freedom of Information Act, since the National Security Council holds that releasing even the titles, numbers, and dates of the NSDs could cause "serious damage to national security."

Rather, it emerged in the course of an ongoing lawsuit filed by Joshua Bowers, representing the National Federation of Federal Employees, challenging the intrusiveness of security clearance procedures. Clearance applicants are typically required to list every "organization" they have ever been affiliated with, each instance of illicit drug use, etc. Judging by the historical record of espionage, such information generally has little or no bearing on any security risk that an applicant might pose.

A copy of NSD 63 is available from our office.

More Mystery Aircraft

The persistent reports of a classified hypersonic reconnaissance aircraft are raising renewed questions about the integrity of U.S. government information policy.

A secret spyplane, sometimes called "Aurora," has been repeatedly described in the trade press, especially *Aviation Week & Space Technology*, and recently in an article by Bill Sweetman in *Jane's Defense Weekly* (12/12/92, pp. 14-16). The *Jane's* article prompted further coverage in the *Washington Post* (12/12/92) and elsewhere.

The evidence supporting the existence of something like Aurora, a classified follow-on to the SR-71 "Blackbird," is surprisingly diverse, though hardly conclusive. At the same time, the evidence against its existence, derived from budget data, official pronouncements, and related policy decisions can not easily be dismissed. (This evidence is compiled and evaluated in an updated, August 1992 version of the FAS report "Mystery Aircraft.") Most recently, Air Force Secretary Donald B. Rice insisted vigorously that no such secret program exists within the Air Force or anywhere else (*Washington Post*, 12/27/92, p. C6).

If it were true, as reported, that a classified hypersonic aircraft is in operational service, the deepest significance of this fact would not be the existence of the aircraft, but rather the magnitude and audacity of the deception that had been perpetrated to conceal it.

But even if it turns out that the press reports are

exaggerated, incomplete, or incorrect, the whole mystery aircraft story nonetheless reveals the disintegration of government credibility concerning classified programs. Official denials of the existence of an Aurora-type aircraft are discounted or ridiculed, even by reputable journalists and expert observers. And not entirely without reason.

When Secretary Rice denies that the Air Force has "created or released cover stories" to conceal Aurora, he is in a semantically unstable position resembling that of the Cretan who says all Cretans are liars. Because the Pentagon does in fact use cover stories to conceal certain secret programs (see *S&GB* 13), it is possible to ask whether Rice's denial itself may be a cover story.

And though Rice gives every indication of telling the truth, even he recognizes that his categorical denial of Aurora's existence "will not stop the speculation."

Thus, if nothing else, the mystery aircraft saga provides a measure of how far secrecy in the classified "black" budget has polluted political discourse.

Intelligence Budget: The Worst Kept Secret?

When Deputy Director for Central Intelligence William Studeman was asked at his confirmation hearing last spring whether he supported making public the overall intelligence budget, he responded:

"My view is that it probably has already been made public, at least by allusion if nothing else. It certainly seems to be the approximately worst kept secret in town." (Senate Hearing 102-850, pp. 49-50).

"If what was to be disclosed was some very high level kind of construct about budget and also about structure, that may be acceptable. But if this is ultimately intended to what I call pull the string out to get to ultimately finer and finer levels of detailed discussions about programs that are in fact highly sensitive,... I think there would be some definite concern about that."

Senator John Chafee, an opponent of publishing the intelligence budget, replied that a slippery slope toward ever-increasing disclosure would be inevitable. "If we are spending so much [altogether], well then, how much are we spending on imagery, for example, and how much for covert action or Humint?"

In fact, there is arguably a strong public interest in disclosing funding levels for various categories of intelligence activity. But disclosing the total budget might instead reduce pressures for more detailed disclosures, because it would finally bring the intelligence budget into formal compliance with the Constitutional requirement to publish an account of all expenditures of public money.

Into the Whirlwind

In *The First Dissident*, his quirky meditation on the Book of Job, columnist William Safire deduces some lessons about challenging official or divine secrecy.

"Demanding to know the unknowable is right in the eyes of the ultimate Authority, even when 'Top Secret, NoDis, Eyes of God Only' is engraven [sic] on the tablets." (p. 199)

"'You are not cleared for that' or 'some things are better left alone' and other evasions should be invitations to relentless probing, even when the possibility exists that genuine national secrets are concerned. [Whenever] a door has been slammed shut because 'you have no need to know,' I have developed an abiding need to know. Authority always errs on the side of concealment, requiring subjects to strike a balance by erring on the side of revelation. The tension is good for the country." (205)

* * *

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