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## SECRECY & GOVERNMENT BULLETIN

To Challenge Excessive Government Secrecy and  
To Promote Public Oversight and Free Exchange  
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### Glickman to Introduce Bill on Classification

Rep. Dan Glickman, chairman of the House Intelligence Committee, has announced that he will introduce legislation to overhaul the classification of national security information. Glickman outlined his proposal in a speech before the American Bar Association's Committee on Law and National Security on January 27. (*Los Angeles Times*, 1/28/94; *New York Times*, 1/31/94, p.A16).

The elements of the Glickman proposal include:

- A balancing test to weigh the public interest in disclosure against the potential harm to national security, with a presumption in favor of disclosure.
- The establishment of two classification levels, for information that would cause "serious" or "exceptionally grave" damage.
- Specification of exactly who is authorized to classify.
- Maximum classification lifetimes in most cases of six and ten years for the two proposed classification levels.
- Establishment of a procedure for review of classification decisions and the extension of classification if warranted.

Rep. Glickman's proposal is framed as an amendment to the National Security Act of 1947. It would give a statutory foundation to the classification system, which is now based on executive order.

"I have personally examined countless documents marked Secret and Top Secret that have no bearing whatsoever on our country's national security interests," Glickman stated. "Hundreds of thousands, if not millions, of documents remain classified to this day-- some over five decades old-- simply because there are no procedures in place to declassify them."

"It is time we reduce this nonsense, not only because it is a wasteful spending of government resources, but also from the standpoint of openness in government."

"The bill I will be introducing will subject the issue of classification to the public debate, which because of the Cold War and associated concerns, it never had," Glickman said.

Actually, of course, the classification system has been publicly debated almost non-stop. There are literally tens of thousands of pages of Congressional hearing records on the subject dating back to the 1950s. The most recent Congressional hearing devoted exclusively to classification was "Government Secrecy After the Cold War," a hearing before the House Subcommittee on Legislation and National Security on March 18, 1992.

By now, almost everything has been said, and almost everyone has said it. What has been lacking is the Congressional resolve to take practical measures to address the decadence of the classification system.

Given the record of Congressional passivity, it is

hard to be sanguine about the chances for successful legislative action in this area. Nevertheless, Rep. Glickman's proposal represents a hopeful sign.

### CIA: Secrets Become More Sensitive with Age?

Tertullian, a church father given to paradoxical utterances, said of a particular church doctrine: "It must be true, because it's impossible!" (*certum est quia impossibile est*).

This could serve as the preamble to the CIA's classification policy, which likewise defies ordinary comprehension.

In most other government agencies, it is accepted that the sensitivity of classified information decreases with time. This is the basis for all declassification activity, limited as it is. But lately, the CIA has challenged this fundamental notion of decreasing sensitivity over time and has even suggested that the opposite might be true.

In the course of a pending lawsuit alleging that CIA administered LSD and electroshock treatments to an unsuspecting subject in Paris in 1952, government attorneys attempted to restrict the plaintiff's access to old CIA documents, advising the court as follows:

"Plaintiff will undoubtedly argue that given the fact that the documents relate to activities which took place forty years ago, any risk of serious harm to the national security is diminished by the passage of time. This argument is meritless [!]."

"The passage of time often makes it more difficult for U.S. government personnel to know with certainty what the effect of a particular disclosure will be upon a foreign government or populace.... Under these circumstances, where all the facts and innuendoes are no longer known by the government, caution is imperative and sensitive information should not lightly be revealed."

"Due to the passage of time, ...it is impossible to predict the potential harm which exposure... could engender," the government argued, and the information must therefore be withheld. (*Kronisch v. U.S.A.*, Sidney Gottlieb and Richard Helms, Defendants' Memorandum of Law, 11/24/93, pp. 12, 23).

In contrast, mainstream thinking holds that, at least in theory, "There should be a definite, identifiable reason or rationale for classifying information or materials. If a reason is definite, then it should be expressible. If a reason cannot be expressed or can only be given in vague terms, then the information or material probably should not be classified." (Arvin S. Quist, *Security Classification of Information*, vol. 2, p. 15).

In the January/February 1994 issue of *Foreign Affairs*-- the gray arbiter of conventional wisdom-- Rep. Dave McCurdy observes that "Much of U.S. Cold War policy was aimed at promoting reform in the former Soviet Union, but ironically, what the U.S. intelligence

community may need more than anything today is a little glasnost of its own." (p. 127).

### Intelligence Budget Follies

Congress is still struggling to decide whether or not publicly acknowledging the intelligence budget total of \$28 billion (or so) would threaten the future of the United States as a sovereign, independent entity. If the experience of the last twenty years is any guide, Congress will again determine that there is no such threat and will then proceed to-- do nothing.

Stymied by Congressional inaction, citizens who presume to have an interest in intelligence spending are driven perforce to alternate sources of information. For example, detailed budget estimates for the National Security Agency and the Defense Intelligence Agency, prepared by John Pike, are presented in an FAS Secrecy Project statement on budget disclosure, submitted for an upcoming Senate Intelligence Committee hearing. A copy is available on request.

### File an FOIA Request and Meet the FBI

Most Freedom of Information Act (FOIA) horror stories involve arbitrary classification, erratic declassification, and, of course, delays of Soviet proportions. But it is hard to match the experience of Chuck Hansen, who won a free FBI investigation because of his research efforts.

Mr. Hansen, an independent historian, prolific FOIA requester, and author of *U.S. Nuclear Weapons: The Secret History* (Aerofax, Inc., 1988), last year requested declassification review under the FOIA of two old nuclear weapons histories from the Defense Nuclear Agency (DNA).

In order to save time and reduce processing costs, Mr. Hansen specified exactly which pages of the documents he wanted to be reviewed. Like any footnote fetishist, he was merely pursuing references that he had found in a previously declassified document. But DNA, alarmed by Hansen's specific identification of page numbers, somehow assumed that he already had unauthorized access to the classified documents and promptly alerted the FBI.

Last summer, the FBI swung into action, questioning Hansen and his attorney about how he knew which page numbers he wanted.

Hansen dashed off an angry letter to DNA calling their behavior "reprehensible and extremely offensive" and asked for an apology. Colonel Robert P. Summers of DNA wrote back to inform him that "If any apology is in order, it would be from you...."

Eventually, everyone apologized to everyone else. Hansen told *S&GB* that DNA officials have resumed "their previous open and professional demeanor" and they "are still slowly processing my many outstanding requests."

A bewildered FBI agent explained that as a rule "the FBI does not investigate citizens just because they file requests under the Freedom of Information Act." (*San Jose Mercury News*, 8/15/93, p.1BF).

### Non-Lethal Weirdness

The emerging field of so-called "non-lethal weapons" (*S&GB* 28) has gained new visibility with a feature story in *Newsweek* (2/7/94, pp.24-26) and a cover story in *New Scientist* (12/11/93). *Aviation Week & Space Technology* (1/24/94) even awarded its annual "laurels" to Dr. John B. Alexander, director of non-lethal weapons programs at Los Alamos National Laboratory, for his leadership role in advancing research in this area.

What *Aviation Week* didn't report is that John Alexander brings a distinctly unusual background to his work on non-lethal weapons and that he has a pronounced interest in topics and technologies that, uh, transcend conventional understanding.

In 1980, Alexander wrote that "there are weapons systems that operate on the power of the mind and whose lethal capacity has already been demonstrated." ("The New Mental Battlefield," *Military Review*, December 1980, pp. 47-54). In that article, Alexander addressed out-of-body-experiences, psychokinesis, and telepathic behavior modification. "There is sufficient concern about psychic intrusion to cause work to begin on countermeasures such as bioenergy detectors," he advised. He noted that "The information presented here will be considered by some to be ridiculous since it does not conform to their view of reality, but some people still believe the world is flat."

In *The Warrior's Edge* (Avon Books, NY, 1990), a human potentials handbook for would-be corporate samurai that he co-authored, Alexander described himself as having "evolved from hard-core mercenary to thanatologist, obtaining his doctorate under the direction of Dr. Elisabeth Kubler-Ross.... As a Special Forces A-Team commander in Thailand and Vietnam, he led hundreds of mercenaries [?] into battle. At the same time, he studied meditation in Buddhist monasteries...."

According to the *Albuquerque Journal* (3/10/93, p.1) Alexander organized a national conference in Santa Fe last year "devoted to researching reports of ritual abuse, near-death experiences, human contacts with extraterrestrial aliens and other so-called 'anomalous experiences'." "Something's happening that's impacting on the psyche of America," Alexander told the *Journal*. "That's for sure."

Rounding out the picture, an Australian "new age" publication called *Nexus* reported that "In 1971, while a Captain in the infantry at Schofield Barracks, Honolulu, [Alexander] was diving in the Bimini Islands looking for the lost continent of Atlantis. He was an official representative for the Silva mind control organization and a lecturer on precataclysmic civilizations.... [Alexander also helped] perform ESP experiments with dolphins." (October-November 1993, pp.12-15).

Alexander took some umbrage when *New Scientist* mentioned his preoccupation with paranormal phenomena. In a letter to the editor, he wrote that "As for my 'unorthodox views,' I believe Jim Marrs, in a forthcoming book, will produce the necessary evidence to prove they were not so far out." Jim Marrs, it might be noted, is author of the feverish JFK assassination conspiracy book *Crossfire*.

So what? If Alexander wants to practice astral projection in his spare time, there is not a single thing wrong with that. If anything, it reveals a refreshing freedom of imagination.

On the other hand, it also reinforces the urgent need for oversight of the still highly secretive non-lethal weapons program. If only for quality control.

But since many non-lethal programs are conducted on a "black," special access basis, Congressional oversight is effectively nullified. One consequence is that resources are wasted and duplication of effort is rampant. According to David Boyd of the National Institute of Justice, some non-lethal weapons technologies are being developed in as many as six independent offices, each with no knowledge of the work going on in the others. "We've been startled at the number of times we've run into this," Boyd said. (*Aerospace Daily*, 11/19/93, p.299).

### Still Waiting

At press time, neither the report of the Joint Security Commission nor the latest draft executive order on classification had been released yet.

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