

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
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Shuffling the Deck in Intelligence

"It is time to be bold," said Senator David Boren when he announced a proposal to reorganize the intelligence establishment. "The world has changed and the intelligence community must change with it." (Washington Post, 2/6/92, p.1)

Unfortunately, however, the complex new proposals by Sen. Boren and Rep. Dave McCurdy (in Senate bill S 2198 and House bill HR 4165) extend little beyond management issues, consolidating here and shifting responsibility there.

On a management level, the proposals have several desirable features and some highly problematic ones. But rather than tackling the fundamental why-and-wherefore questions facing intelligence after the Cold War, the proposed "overhaul" would mostly just shuffle the deck. Thus, for example:

- o A new National Intelligence Center would be established to replace the CIA's directorate of intelligence and its analytical counterparts in other agencies.
- o A new Director of National Intelligence would coordinate all U.S. intelligence activities and serve as the principal intelligence adviser to the President. According to the Post, Robert Gates would probably get the job.
- o The CIA would be limited to human intelligence collection, including covert operations.
- o The Intelligence Community Staff would be dissolved, and its functions transferred elsewhere.
- o A new National Imagery Agency would assume responsibility for satellite reconnaissance, and the existing National Reconnaissance Office would be abolished. (The new NIA would apparently have a disquieting monopoly on analysis, as well as collection, of photographic reconnaissance.)

These, and over a dozen other proposed changes (like finally "establishing" by law the forty year old National Security Agency), are offered as substantial and far-reaching revisions, but on closer examination they mainly seem to involve administrative power shifts within the intelligence bureaucracy. If these proposals define the parameters of the debate over the future of intelligence, then the debate is scarcely worthwhile.

The post-Cold War debate that is needed must go deeper, beginning with a zero-based review that asks, for example, the following sorts of questions:

- o What is the threat to national security today?
- o What intelligence requirements derive from that threat? The structural principles underlying the existing intelligence system are entirely based on the old Cold War realities in which the system was created.
- o Which, if any, of the existing (or proposed) intelligence agencies are genuinely suited to meet those requirements? Even if the Boren-McCurdy proposals were

implemented, it is doubtful that many of these agencies would be able to adapt well to qualitatively different threats, whether environmental, economic, or otherwise. It would likely be more effective to establish wholly new programs with new responsibilities and no Cold War baggage.

- o In post-Cold War intelligence, will openness be a policy or merely a slogan? A predominantly open intelligence program could be vigorously evaluated from many points of view yielding a higher quality product.
- o What is an appropriate level of funding to devote to intelligence, given the magnitude of the threat? Should it decline in proportion to the military budget or faster? Pentagon sources say that the most secret intelligence agencies in the Pentagon are also the most wasteful.

Waiting for NISP

A new Executive Order authorizing the National Industrial Security Program (NISP) will be issued within the next month. While "industrial security" is limited to the control of classified information within industry, the new Executive Order is expected to replace President Reagan's 1982 Executive Order 12356, which established the framework for the entire classification system.

For about a year and a half now, the Administration has been working hand in hand with defense industry executives on the new program. The NISP Task Force includes eleven working groups comprised of 260 individuals from industry, DOD, DOE, and CIA. The Task Force meetings, which have not been announced in the Federal Register, have effectively excluded public input. The final product, however, will be made available as a *fait accompli* for public "comment."

Back when E.O. 12356 was introduced in 1982, Congress expressed profound irritation at the "failure of the Reagan Administration to fully inform the Congress and the public about the proposals to change security classification rules or to solicit advice at a meaningful time during the revision process." (House Report 97-731, 1982, p.3). "The Committee finds that failure to fully inform the Congress and the public about proposals to change security classification rules increases mistrust for necessary government secrecy rules."

Given an identical failure ten years later, one may hope that concerned members of Congress will begin to take responsibility for the dismal state of government information policy and act to undo the damage that the classification system continues to inflict. Since the Executive Branch is unlikely to eliminate secrecy on its own initiative, Congressional action to dismantle the secrecy bureaucracy will be needed.

Some early NISP documentation is available from the FAS Secrecy Project.

Nuclear Rocket Declassified, Sort Of

On January 13, the Air Force finally acknowledged the existence of the "Space Nuclear Thermal Propulsion" (SNTTP) program, one of the successors of the Timberwind nuclear rocket program.

Air Force spokesmen wowed the local press with images of missions to Mars. No one thought to ask why the Air Force would be working on going to Mars, which of course they are not. NASA has its own separate (and unclassified) nuclear rocket program and SNTTP has been exclusively funded by the Defense Department.

The Air Force said that a Federation of American Scientists assertion that about \$200 million had been secretly spent on the program was "false"-- only \$130 million has been spent. The Air Force further denied that any planning has begun for a flight test of a nuclear rocket. SNTTP program documents obtained by FAS, however, identify the Western Space & Missile Center at Vandenberg AFB as responsible for "flight test planning."

The SNTTP program manager, Lt. Col. Roger X. Lenard, gave a presentation to a large audience, including a full contingent of Russian reactor designers. He didn't mind going into detail about the exact composition, layer by layer, of the fuel particles, which constitute the major technical innovation of the SNTTP concept. But he refused to disclose the candidate locations of the ground test site (in Nevada or Idaho) --that's classified.

To add further insult, the Air Force indicated that it has completed an Environmental Impact Statement for the program, but that's classified too. Rep. Wayne Owens of Utah wrote a stinging letter (24 January 92) to the Secretary of the Air Force demanding that the EIS be released. An eviscerated version of the EIS will probably be released shortly (for public comment?).

S&GB has learned that a recent SNTTP Nuclear Element Test (NET-0) failed, in a significant setback to the program, when graphite particles came loose and blocked propellant flow. Flow blockage has emerged as a important design problem in the SNTTP particle bed reactor concept.

The Information Security Oversight Office has suspended its investigation into FAS allegations that Timberwind was overclassified, because the DOD Inspector General (IG) has begun an investigation, also at our behest, into the same matter. The IG's office wrote that "if our review should confirm the existence of [such] a program, the report will remain within classified channels."

And, in fact, according to one cynical insider, "The DOD IG was at Kirtland Air Force Base the week of the Symposium [on space nuclear power, January 13] investigating your allegations.... While the result will be a whitewash, as are all government investigations, it is just one more nail in this coffin of secrecy."

An internal Air Force briefing package on SNTTP and Rep. Wayne Owens' letter are available from our office.

Archives Update

In a memorandum prepared for Dr. Page Putnam Miller of the American Historical Association, the National Archives estimated that, as of November 1991, it possessed over 80,000 cubic feet of military documents that require declassification review.

If one assumes that there are 2500 pages in a cubic foot, then there are 200 million pages of military documents in the National Archives awaiting declassification review. Even if the Archives were to achieve its goal of reviewing 10 million pages per year (it's currently at about 7 million), declassification review of the documents held as of 1991 would not be completed for at least 20 years.

And of course the 80,000 cubic feet of military documents do not even include classified military documents on microfilm, untold quantities of non-military classified documents, or classified military documents that have not yet been forwarded to the National Archives.

As discussed in the last issue of S&GB, one interim step to make this discouraging situation more tractable is to eliminate the Confidential classification, the lowest of the three classification categories.

In an excellent article entitled "The Amount of Classified Information: Causes, Consequences, and Correctives of a Growing Concern" (Government Information Quarterly, vol. 6, no. 3, 1989), Frederick M. Kaiser identifies a range of options for combating overclassification and enforcing declassification, any of which would be a signal step forward. These options include earmarking of funds for declassification; establishment of an active declassification program by law; and enhanced independent review powers.

DOE is Petitioned to... Obey the Law

Some two dozen historians, scientists, and scholars have written to DOE Secretary Watkins to urge that review and disclosure of historical documents in the possession of DOE be expedited. The writers specifically call for the Department to make a commitment to systematic document declassification review (this is currently voluntary, thanks to President Reagan) and to abide by the law which requires agency records that are 30 years old to be forwarded to the National Archives.

The letter is being circulated for additional signatures by Priscilla McMillan of the Russian Research Center at Harvard, and Daniel Grossman of the Center for Science and International Affairs also at Harvard.

CIA "Openness" Initiative

A task force established by CIA Director Robert Gates to increase CIA "openness" has come up with several recommendations (New York Times, 1/12/92, p.1) which have since been approved by Gates. But the CIA, which is invulnerable to irony, has thus far declined to release the task force report.

The primary recommendations reportedly involve a somewhat more forthcoming declassification policy and increased public availability of senior CIA officials. So far, there is no evidence at all of relaxed classification criteria. The major change is that Director Gates is on TV a lot more, and has testified at several open Congressional hearings.

A senior Administration security policy official told S&GB he has concluded that the entire initiative is little more than "media puffery." The CIA got the favorable coverage it wanted, people got the vague impression that the CIA is opening up, and yet essentially nothing has changed.

Boggled by the Intelligence Budget

Senator Pat Moynihan stated recently on the Senate floor, "I believe I can say that the American people would be baffled if they knew the true size and extent of the intelligence budget. Boggled." (Congressional Record, 2/4/92, p. S908)

But a fair share of this bafflement and bogglement must be directed towards Congress, which has allowed this information to be withheld from the public. Last year, under threat of Presidential veto, Congress again abandoned legislation requiring disclosure of the intelligence budget.