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## SECRECY & GOVERNMENT BULLETIN

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

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### The Classification Menagerie: LIMDIS

LIMDIS, for "limited dissemination," is yet another mutation in the zoo of classification categories, and yet another source of obfuscation blocking independent oversight.

Pentagon officials are at pains to point out that limited dissemination programs are not the same as special access programs. ("Limited Dissemination Controls Are Not Special Access Programs," *NCMS Viewpoints*, Vol. 1, 1992, pp. 29-34). But the distinction is a bit subtle. Both entail extraordinary restrictions on access, although they employ different types of formal security measures.

Anyway, LIMDIS programs in the Defense Department are proving as troublesome as special access programs have been for the last decade and more.

The Senate Defense Appropriations Committee "has attempted to obtain detailed identification of all LIMDIS programs, only to be informed by the Office of the Secretary of Defense that it did not know how many such activities exist and how much money is associated with these efforts. The armed services also have been reluctant to identify their LIMDIS enterprises." (S.Rep. 102-408, pp. 346-7).

The Senate Committee recommended a provision to prevent expenditure of any funds for LIMDIS programs until the Committee receives certain basic information about the programs that it is funding.

### New DOD Secrecy Policy?

Curiously, there are a handful of senior Pentagon officials who are more alert to the failures of the present secrecy system than are most members of Congress.

*Defense News* (Sept 14-20, 1992, p. 6) reports the existence of a new "Counter-Intelligence and Security Countermeasures Strategic Plan" that, among other things, acknowledges the need to revamp the secrecy system by prioritizing what really needs to be protected.

"Focusing on information that truly needs protection not only is good management but also is a way to curb excessive secrecy.... [Currently] too much is classified at too high a level," according to a Pentagon statement.

The plan, prepared by Deputy Assistant Secretary (C3I) Nina Stewart, was approved June 4 by Assistant Secretary Duane Andrews. It is, of course, classified.

### Blacker Than Black: Waived

Of all the secret programs conducted by the Executive Branch, among the most secret are those known as "waived" programs.

In the hierarchy of secret government spending, there is first of all a "regular" classified section of the

budget, to which any member of Congress may have access, if he or she cares to. Then there are more tightly restricted budget data on special access programs, including both acknowledged programs and unacknowledged programs. Access to this information seems to be limited to cleared members of the defense and intelligence committees and their staffs.

"Waived" programs are a subset of special access programs (SAPs) and are even more secret. They are distinguished from other SAPs by the fact that the Secretary of Defense "waives" the requirement to notify the Congressional defense committees about their existence. Instead, the Secretary is required to inform only the chairman and ranking minority member of the two Armed Services Committees and the two Defense Appropriations Committees. The basis for conducting a program on a waived basis is that to do otherwise-- i.e. to inform any other members of Congress-- "would adversely affect the national security."

This remarkable abdication of Congressional authority is actually written into law in 10 United States Code section 119(e).

### NRO Declassified

On September 18, the Defense Department "announced the declassification of the existence of the National Reconnaissance Office." (*Washington Post*, 9/19/92, p.A4). The NRO "is the single, national program to meet U.S. Government intelligence needs through spaceborne and assigned airborne reconnaissance." It is also apparently the nation's largest single intelligence agency, judging by the size of its budget.

The following public information was not declassified: the NRO's current annual budget (around \$5 billion); the date the NRO was established (1960); the NRO's current location in the Pentagon (Room 4C958); the reason for declassifying the NRO's name now rather than ten or twenty years ago (bureaucratic imperatives-- the charade was becoming too difficult to maintain).

*The DOD announcement of declassification of the NRO is available from our office.*

### SDI Classification Policy: No Idea

At a April 9 hearing on defense appropriations, Senator Alfonse D'Amato asked SDIO Director Henry F. Cooper about the basis for classification of the Strategic Defense Initiative budget request breakdown.

**Sen. D'Amato:** When one looks at the material relating to SDI in the fiscal year 1993 RDT&E defense agencies budget justification book, it is classified, totally classified. In fact, even the page explaining the unusual rules of classification is stamped secret. Let me ask you, Dr. Cooper, why?

**Director Cooper:** I have no idea why all that should be classified.

Upon further investigation, SDIO reported for the record that the full set of SDI program element descriptive summaries had been classified Secret on the basis of "compilation," i.e. the notion that a compilation of unclassified information taken as a whole might somehow constitute classified information. (See *S&GB 9*).

Nevertheless, since the whole classification process has become highly subjective and susceptible to political pressure in one direction or another, SDIO indicated that beginning next year it will submit an unclassified compilation of budget justification documents. (See Senate DOD Appropriations for FY 93, pt. 2, pp. 782-3.)

#### Secret Presidential Directives

The Bush campaign awkwardly asks, Who do you trust? When it comes to secret policy making, the nation has little choice but to trust the Bush Administration because it refuses to disclose the secret Presidential directives known as National Security Directives, or NSDs.

As noted in a January General Accounting Office report (GAO/NSIAD-92-72), the Bush Administration does not ordinarily notify Congress when it issues an NSD, even though some of these essential documents establish national policies and commit government resources. In fact, the Administration has gone so far as to claim that even the number of NSDs issued to date (probably around one hundred) is classified information.

Under pressure, two partially declassified NSDs have been released this year. After months of wrangling, Congress forced the release in May of NSD-26 on "U.S. Policy Toward the Persian Gulf." In April, the Administration released a declassified version of NSD-42 (7/5/90) on "National Policy for the Security of National Security Telecommunications and Information Systems." The latter document was released to Computer Professionals for Social Responsibility only after CPSR initiated litigation to compel its disclosure.

*Copies of the redacted NSD-26 and NSD-42 may be obtained from our office.*

#### Intelligence in the Public Interest

Imagine that the intelligence bureaucracy was designed to serve the public interest. That's what R.D. Steele does in an eccentric but provocative article in *Whole Earth Review* (No. 76, Fall 1992, pp. 74-79). Along the way he asks some basic questions that have been totally neglected in the recent flurry of "intelligence reorganization" initiatives.

"Who is the customer for national intelligence? Is it the president, who has little time to digest or consider the distilled product of a multibillion dollar global network of human and technical capabilities? Is it the top one hundred government officials? Is it Congress? Is it a combination of congressional staffers and executive branch action officers? Or could "the customer" include the media, the academy, and the private sector?"

Steele answers that it could and should. "If the nation is defined as the citizenry and its commonwealth, rather than as the political apex of the government bureaucracy, then a radical new interpretation of the mission, sources, and methods of the national intelligence apparatus is required... to make national intelligence more relevant to what should be ... national priorities." He urges an expeditious move towards an "open system architecture" for national intelligence dissemination.

This is not an altogether new argument. The 1991 book *Silent Warfare: Understanding the World of Intelligence* by Abram N. Shulsky, though neither eccentric nor provocative, offers some perspective by distinguishing between "two views of intelligence." The "traditional" view sees intelligence as an instrument of military conflict and "emphasizes obtaining, protecting, and exploiting secret information relevant to the struggle among nations."

Secrecy is essential and the consumer is primarily, if not exclusively, the head of state.

The "new view," which Shulsky identifies with former DCIs Colby and Turner, emphasizes the importance of analysis and the benefits of the free flow and exchange of information. Secrecy is deprecated, and liberal dissemination is a virtue, not a threat.

Theoretical schemes aside, however, today's intelligence bureaucracy remains firmly rooted in the Cold War. The only real "debate" that is underway is whether the various existing functions should be consolidated into one or more offices, whether new names should be assigned, and similar distractions. If and when military conflict ceases to be a predominant organizing principle, and a new definition of national security is recognized, then intelligence might come to serve a broader public interest.

#### Nuclear Rocket Update

The DOD Inspector General has completed a review of charges that the Timberwind nuclear rocket program was improperly classified. The audit, currently in draft form, is undergoing "coordination" within DOD prior to release. A whitewash may be fairly anticipated since IG investigators did not see any need to collect evidence from critics of the program. On the plus side, Pentagon officials decided that the codename "Timberwind" could be declassified, according to an IG spokeswoman.

A closely held ("official use only") Defense Science Board (DSB) review of Timberwind's successor, the Air Force Space Nuclear Thermal Propulsion (SNTTP) program, presents a decidedly mixed picture of the program's potential. (The document was requested under the FOIA.)

The DSB transmittal letter is enthusiastically supportive and rather unctuous: "The Air Force is to be commended for keeping this program alive." The technical substance of the report, however, buried in Appendix D, is damning. Several potential show-stoppers are itemized. Furthermore, other nuclear rocket concepts "are at a more advanced state of development" than the SNTTP concept and "they are adequate to realize almost all the gains of nuclear propulsion" for space exploration.

In contrast, the Air Force mistakenly claimed in an August 1992 Draft Environmental Impact Statement (p. 1-2) that the SNTTP concept "enables a substantial number of missions not possible with either conventional propulsion systems or other nuclear rocket engine concepts." We asked them to name one such mission.

After the House Armed Services Committee zeroed out the SNTTP program (*S&GB 12*), the House Defense Appropriations bill, driven by a couple of self-interested Congressman and one zealous staffer, tripled the Air Force 1993 budget request to \$125 million. Illustrating the difficulties Congress sometimes has with advanced (not to mention secret) military technologies, the House Appropriations report ordered the Navy to utilize the Air Force nuclear engine for electric drive on future naval vessels. The Navy was obliged to explain the obvious fact that the Air Force concept is not suitable for naval applications. (*Inside the Pentagon*, 8/20/92, p. 16).

The Senate Defense Appropriators, somewhat more soberly, recommended \$13.8 million, a sizable cut in the Air Force request, and noted that the Air Force itself "has recommended against any funding in its future budget plans."

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

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