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SECRECY & GOVERNMENT BULLETIN

To Challenge Excessive Government Secrecy and
To Promote Public Oversight and Free Exchange
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Get Smarter: Demystifying the NRO

The disclosure of a secret \$310 million headquarters building for the National Reconnaissance Office (NRO) provides a textbook example of how unnecessary secrecy blocks responsible oversight and ultimately damages the very activity which it is intended to protect.

The spectacle of Congressional outrage over the 1 million square foot NRO complex in Chantilly, Virginia served two important purposes: It helped to demystify the hyperclassified NRO, and it revealed the profound limitations of Congressional oversight.

At an August 8 press conference, members of the Senate Intelligence Committee disclosed the existence of the secret project, and lashed out at the intelligence community for failing to properly inform them of the size and cost of the new site.

At a Senate hearing two days later, DCI James Woolsey was able to produce enough of a paper trail to show that no deliberate attempt had been made to conceal the project from Congress. But since the new site was buried in the "base" budget and not broken out as a separate line item, the total magnitude of the project was not discovered by the Senate until recently. Members of the House Intelligence Committee, in contrast, indicated that they felt they had been fully informed of the project.

The whole episode was a major humiliation for the NRO, which until 1992 was so secret that its existence was not officially acknowledged. In its very first appearance in an open public hearing, the NRO was obliged to grovel. "We have been negligent, clearly negligent, for not showing the budget breakout for this project," said Roger Marsh, director of the NRO headquarters project.

The disclosure of the secret facility also served as a lightning rod for the wrath and ridicule of Senators and Congressmen. "This is not the first time such a thing has happened," said Senator Daniel P. Moynihan, "nor will it be, I fear, the last.... This is an agency which has lied to Congress before. Egregiously."

"The intelligence community of this government, the CIA in particular," said Rep. Robert Torricelli, "is a government within a government. We are not controlling it, we are not monitoring it, we are not controlling its spending. We are not functioning in our constitutional responsibilities."

"This is the big lie," said Rep. James Traficant, "el supremo fibbo.... I say we should convert that [new NRO building] to a prison and start by locking up these lying, thieving, stealing CIA nincompoops."

In World War I, the chief of German intelligence could still say that "Intelligence is inherently a noble profession." (*Der Nachrichtendienst ist immer ein Herrendienst.*) But today, the public face of intelligence

is represented by bureaucratic bunglers, knaves and fools. In popular culture, every half-wit "action" movie now seems to feature a corrupt or sadistic intelligence official. The New York Times (8/14/94) even illustrated one its stories on the NRO with a photograph of Maxwell Smart speaking on his shoe-telephone.

To the extent that national security does in fact depend on intelligence, the mounting public contempt for U.S. intelligence agencies is a serious problem. And to a considerable degree, this contempt is attributable to the excessive and indiscriminate secrecy practiced by the intelligence community.

"The larger issue here," said Sen. Bob Kerrey, "is the fundamental question of what should be classified in order to protect our country from the real enemies that threaten us, and what information should be declassified so the public can know how their money is spent."

But a principal lesson of the NRO building controversy is that even the most benign information will not be declassified by the intelligence community without a scandal. (Senator Kerrey mistakenly commended DCI Woolsey and DepSecDef John Deutch for declassifying the NRO building. They only did so under pressure and after White House intervention. DCI Woolsey had advocated continued classification for an additional 18 months.)

Even the NRO's unimaginative logo (below) was considered classified information prior to the allegations of NRO misconduct. In order to achieve a responsible classification policy, it appears that further scandals will be necessary, even if they have to be manufactured.



The NRO building controversy also brought to the fore the inadequacy of Congressional oversight of intelligence.

According to Senator Malcolm Wallop, "The Senate intelligence committee has been aware of this

construction project since its inception. Indeed it was largely responsible for the consolidation of the NRO which made this project necessary. At any time over the last several years, the committee could have examined this project in detail. Only recently did the committee bother to take such a look."

One reason the project was overlooked (rather than overseen) is that it was presented in the "base" part of the budget, instead of being identified as a "new initiative." And according to Senate Intelligence staffer Mary Sturtevant, "The great majority of continuing, or 'base,' programs go unscrutinized" by the Senate committee. (*American Intelligence Journal*, Summer 1992, page 19).

Another reason is that the Committee lacks the resources to thoroughly and responsibly review the massive intelligence budget, of which the NRO share alone is currently \$6.5 billion. According to Senator John Warner, the NRO has 25 persons involved in budget matters. On the other hand, he noted, the Senate committee has only one single staff person assigned to the task. (*Cong Rec*, 8/10/94, p. S11142)

Senator Wallop, a Committee member, further complained that "the [intelligence] budget hearings in which I participated this year were designed more to titillate than to inform, to show us the most amazing of the most amazing. They were too short and they simply did not inform us."

The Senate's immediate response to the whole issue was to pass an amendment requiring that any intelligence construction project that costs \$300 million or more must be identified in a specific budget line item (within the classified budget request). But of course this does not even begin to get to the root of the matter, which is excessive and inappropriate secrecy.

Senator DeConcini, the intelligence committee chairman, said "People ask me today how many more buildings are out there? I hope there are none, and I do not want to leave any inferences that there are. But frankly,... it makes me wonder."

NAS Asked to Affirm DOE Openness

The National Academy of Sciences (NAS) is being urged to recognize the need for a thorough declassification review of Energy Department records. Early this year, the NAS began a review of DOE classification and declassification policies. The NAS Committee on Declassification has nearly completed its work and is expected to release its report in October.

Rumors have circulated that some NAS Committee members are unenthusiastic about Energy Secretary Hazel O'Leary's openness initiative and have concluded that the benefits of reviewing DOE's enormous backlog of classified files for declassification are not worth the cost involved.

Robert S. Andrews, the study director for the NAS Committee, declined to confirm or deny the rumors.

In any case, several luminary figures have written to NAS Committee Chairman Richard Meserve to emphasize the importance of proceeding with a vigorous declassification program. According to an August 10 letter, a thorough declassification effort is essential to a sound environmental remediation effort, and is indispensable for the conduct of health assessments, as well as the progress of nuclear arms reduction initiatives.

The letter was signed by the eminent physicist Hans Bethe, former Los Alamos Theoretical Division leader J. Carson Mark, Manhattan Project veteran (and the first FAS chairman) William Higinbotham, and historian Adam Ulam, among others.

"We recognize that the resources needed to review and release the vast inventory of classified documents may be substantial," the letter stated. "However, we believe that the costs of failing to do so may be even greater."

The letter was circulated by the Institute for Science and International Security, a Washington, DC public interest group. A copy is available from S&GB.

Secrecy Threatens the Historical Record

A State Department Advisory Group is warning that continuing government secrecy threatens the integrity of the official record of U.S. foreign policy, the publication entitled *Foreign Relations of the United States* (FRUS). This official series is intended to document the major foreign policy actions of the U.S. Each successive volume is supposed to be published no more than 30 years after the events it describes.

"The refusal of the State Department and other agencies, most often the Central Intelligence Agency, to declassify thirty-year old documents needed for FRUS remains the greatest barrier to meeting the Congressional mandate that the FRUS series be accurate and comprehensive," the Historical Advisory Committee stated in its recent annual report to Secretary Warren Christopher.

Refusal to declassify "will, in our unanimous opinion, seriously distort the record of American foreign policy during the Kennedy presidency-- over thirty years ago," the Committee report said. Moreover, "in the cases currently under consideration, the Committee has concluded that the refusal to declassify material derives from fear of embarrassment rather than national security," wrote Committee Chair Prof. Warren F. Kimball of Rutgers University.

The Committee "hopes to avoid having to make the embarrassing recommendation not to publish a volume of FRUS to prevent a distortion of the historical record. But such a recommendation remains a distinct possibility," the report stated.

A copy of the report is available from S&GB.

Groom Lake Lawsuits Filed

In a legal challenge to the Cold War secrecy system, two lawsuits were filed in August alleging that environmental crimes have been concealed by secrecy at the unacknowledged military facility at Groom Lake, Nevada ("Area 51") and that workers' health and safety have been compromised as a result.

The lawsuits were filed by Prof. Jonathan Turley of the National Law Center at George Washington University, based on field research performed by the Project on Government Oversight, a Washington, DC watchdog group.

The suits charge that illegal disposal of toxic wastes caused serious injuries to employees at the secret base, and at least one death. Six of the plaintiffs, who are former employees at Groom Lake, requested and received permission from a U.S. District Court Judge to use pseudonyms on grounds that "there is a substantial danger here that the Plaintiffs will be subject to retaliation by the government or possible physical attack and harassment from third parties in Nevada."

The named defendants include the Air Force, DOD, NSC and EPA. The CIA, which maintains a presence at nearby Area 58, is not named in the suits.

Among the lawsuits' objectives, according to the Project on Government Oversight, is "to expose the government's efforts to use the camouflage of secrecy, in the name of 'national security,' to hide illegal activity."

Further information may be requested from the Project on Government Oversight at (202)466-5539.

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