

No end in sight to top-secret paper trail

Despite end of the Cold War, U.S. hesitates on declassifying data

By John Aloysius Farrell
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WASHINGTON — The U.S. government decided last month that the American public could be safely entrusted with the secrets contained in classified document WCD-9944-X-1.

A treatise on European troop movements in World War I recounting the clandestine exploits of Gustav Wertheim van Heuke- lom and other U.S. agents, the document was drafted by the War Department on April 15, 1917.

"If its confidential classification were to be taken seriously, one would have to infer that disclosure of the document 'reasonably could be expected to cause damage to the national security,'" says Steven Aftergood, an analyst for the Federation of American Scientists, outlining the legal rationale under which the document was kept secret for 75 years.

"Such an inference, if words like 'national security' have any meaning, is patently absurd," says Aftergood, who embarrassed the government into declassifying the document after he discovered its existence through a Freedom of Information Act request.

The saga of WCD-9944-X-1 may sound like an extreme case, but it is not atypical. Despite the relaxation in global tensions that followed the end of the Cold War, despite the example of Russian and Eastern European governments that opened secret files to their

citizens and despite the first stirring of protest in Congress, the tide of government secrecy shows few signs of ebbing in the United States.

Each working day, U.S. government employees stamp 26,000 public records — 7 million classification decisions a year, each covering up to thousands of pages — with the words CONFIDENTIAL, SECRET or TOP SECRET. There are classifications higher than TOP SECRET, but their very code names and numbers are, of course, classified.

To protect the secrecy of the 1 trillion classified documents, these employees face background checks and questions about their sex lives, marital infidelities, friends, emotional health, use of alcohol or drugs, and finances.

"I think it is fair to say that we have not changed things radically since the end of the Cold War," says Steven Garfinkel, the remarkably candid secrecy czar for the U.S. government. "We have classified information — a mountain of it — built up."

Even if the White House issued the orders, says Garfinkel, he and the Information Security Oversight Office he directs could not make much progress with the resources at hand at declassifying the monstrous paper trail.

'Legacy of secrecy'

The final warehouse scene in "Raiders of the Lost Ark" is an accurate representation of the U.S. government's locked closets.

Though the loyalty oaths, blacklists and other features of McCarthyism have faded with time, U.S. democracy still bears the scars of the days of nuclear terror and superpower confrontations.

"While the most flagrant abuses



Morton Halperin, ACLU director: "We have been left behind with a legacy of secrecy."

of the rights of Americans associated with the Cold War are thankfully gone from the scene, we have been left behind with a legacy of secrecy that continues to undermine democratic principles," says Morton Halperin, director of the Washington office of the American Civil Liberties Union.

Examples are as fresh as this year's headlines.

In a move that sparked the outrage of assassination researchers, the National Archives successfully lobbied the House Judiciary Committee to build a giant loophole into the proposed legislation to open the government's secret files on the assassination of President John F. Kennedy.

The loophole would exempt the White House papers of Presidents Kennedy, Lyndon Johnson and Gerald Ford from the bill.

Those papers include files left behind by the Rockefeller Commission, which Ford appointed to investigate the CIA's involvement in domestic affairs in 1975 and which probed allegations that linked Lee Harvey Oswald and Jack Ruby to the CIA and documented the CIA's attempts to assassinate Fidel Castro.

Reagan tightened secrecy policy

Governments have always guarded their military secrets, yet the current excessive urge to classify is clearly a Cold War legacy.

President Harry S Truman issued Executive Order 10290 in

1951, setting up the current classification system throughout the federal government.

Successive presidents have modified the policy. A slight liberalization begun by President Richard Nixon, whose administration was confronted by a mass of documents in need of declassification from World War II, was ended by President Ronald Reagan with the now-infamous Executive Order 12356 in 1982.

Reagan "abruptly reversed a 30-year trend toward less classification," says Robert Park, spokesman for the American Physical Society, the nation's leading organization of physicists. "The new policy could be paraphrased as 'When in doubt, classify.'"

The order suited Reagan's views of a Cold War struggle with the Evil Empire. But a House of Representatives study found that Reagan's classification process was also used "to protect diplomatic relations, hide bargaining positions... protect politically embarrassing information... hide government misconduct... (and) avoid disclosures under the Freedom of Information Act."

A U.S. ambassador even classified the menu for a dinner party to make sure his guests would be surprised by the food, says Rep. Lee Hamilton, D-Ind., ex-chairman of the Intelligence Committee.

Dismantling of system urged

What's to be done? A change of attitude at the top is needed, says Sen. Daniel Patrick Moynihan, D-N.Y., or a Cold War hangover will afflict U.S. policy in the same way that numbing secrecy and intellectual conformity prevented U.S. analysts from predicting the collapse of communism.

But an American "glasslet" remains a hard sell in Washington.

Spurred by Congress, CIA Director Robert Gates has been the administration's most vocal proponent for a new spirit of openness in government.

He has taken several steps to make the agency more responsive to requests from Capitol Hill, historians and the public. Gates even ordered a task force report on Greater CIA Openness.

Old habits are hard to break, however. "Invulnerable to irony," as Aftergood put it, the CIA censors at first stamped the Openness Report CONFIDENTIAL.