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Dear George,

When I wrote you earlier this early morning it^{was} as so I could mail it when I left for my early morning walking. That is when I got the paper and read your story on the new executive order on secrecy. The more things change the more they remain the same!

That requirement of a concise reason for classification and identification of the classifier is not new at all. Those "concise" reasons have always been conclusory and to my knowledge false but the requester is hardly in a position to prove it. If this is a change in form, it is not in substance. I'm sure Jim can give you countless examples if you want it.

With Steven Garfinkel^{kol} heading the Oversight office that experience^{fox} is again guarding chicken houses.

When he was GSA general counsel he was in charge of my suits against the Archives and handled one himself. Even^{defended} the Top Secret classifications applied by the Commission - which did not even have authority^{to} classify anything. In the end I got all the executive session transcripts. There is not a single classifiable page in any and all were initially withheld. They even had "Top Secret" on the testimony they were to publish until the Printing Office said they could not set type on anything Top Secret.

In every instance the classification was to prevent embarrassment, several times to our first unelected President.

In one suit they withheld the 5/19/64 executive session transcript, claiming the need to protect Norman Redlich's privacy. It has since been released and it was Ford, not Redlich they were protecting. He^{find} was the running dog for the far-right racists who wanted "Redlich fire". I got about 300 pages of the ugliest, nastiest stuff about him, not claim to protect privacy. Only the slightest representation of that, already public, in the transcript. There was no privacy to protect other than Ford's.

When the Archives refused to take a couple of clear pictures of unbloody parts of JFK's clothing, no end of color pictures, full of blood already disclosed by the Archives, Archives, and I believe that Garfinkel handled that one himself, I invoked the relevant Archives regulation in force, that in lieu of personal examination of the documents it would take and give us photos. The only possibility for almost all Americans in places like Alaska or Hawaii. But they did not want the evidence I was seeking out so they rewrote the regulations and Garfinkel personally¹⁴ lied to Gesell in invoking the replacement regulation, giving Gesell a copy, and saying it was the applicable one at the time I applied.

In General, I've finally gotten a great volume of formerly "national security" documents, Can't remember one that ever qualified for classification. Best, *Frank*

CWP

Draft of Secrets Disclosure Order Draws

By George Lardner Jr.
Washington Post Staff Writer

An initial draft of an executive order on national security information would trigger the disclosure of millions of aging government secrets and require explicit justification for the classification of new records.

Critics who have studied the proposal, however, say it represents less of a change than it might seem at first and would still permit more government secrecy than orders issued in the 1970s by presidents Richard M. Nixon and Jimmy Carter at the height of the Cold War.

The proposal calls for the automatic declassification, with certain exceptions, of all classified information that is 40 years old. The Nixon

order called for automatic declassification after 30 years, and the Carter order, after 20 years. The order now in effect, issued by President Ronald Reagan in 1982, does not provide for automatic declassification.

The Clinton administration draft would eliminate the "Confidential" stamp commonly applied to the least sensitive documents and permit only two levels of classification: Secret and Top Secret, according to a copy of the draft obtained by The Washington Post.

But the proposed definition for the new "Secret" classification is the same as the current definition for "Confidential," information whose disclosure "reasonably could be ex-

pected to cause damage to the national security."

Under the proposal, all documents now legitimately classified as "Confidential" could retain that status for six years and then be upgraded to "Secret." The only difference would be that under the proposed new order, government censors would have to place their names or some other identifying label on a document stamped secret and write down "a concise reason" for the secrecy.

Documents could be stamped "Top Secret" under the proposal if disclosure could reasonably be expected to cause "grave damage to the national security." That is less rigorous than the Reagan order now in effect, which limits "Top Secret" to infor-

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mation whose disclosure would cause "exceptionally grave damage."

The 54-page proposal was drawn up after interagency consultations by the director of the governmentwide Information Security and Oversight Office, Steven Garfinkel, and has been distributed to U.S. intelligence agencies and other affected departments for comment. It is scheduled to be submitted to President Clinton and the National Security Council by Nov. 30.

"The predicate here is greater openness," asserted a White House official who asked not to be identified. The official emphasized that the draft is likely to undergo several revisions and will be reviewed in some fashion by interested members of Congress and perhaps the public.

Longtime critics of government secrecy said they were not impressed, although they conceded the proposal was "better" in many respects than the 1982 Reagan order.

"It would be hard to make the current system much worse than it is," said Steve Aftergood, director of the Federation of American Scientists' project on government secrecy. "The question is, are we moving to a post-Cold War system or not. The answer seems to be not."

Aftergood said he also feared that "this draft is as good as it's going to get," adding, "The only pressure on this draft [from the intelligence agencies and other government offices] will be to make it even weaker."

Tom Blanton, director of the non-profit National Security Archive, criticized provisions that would allow information classified as Top Secret to retain that status for 15 years. "Nixon said 10 years, and Carter said

six," Blanton observed. "So it's worse than Nixon and Carter again."

According to a recent report by the General Accounting Office, there are an estimated 304,248,500 pages of documents awaiting declassification review at the National Archives dated prior to 1960, including at least 23,500 prior to World War II. Many documents have remained classified not because of White House rules but because the sheer number of items has overwhelmed available staff.

A congressional expert said that "as an absolutist, I would give the draft a C-minus, but as a realist, an A-minus." He said positive steps in the plan include creation of a governmentwide database of declassified information and a "public interest" test that can be applied in determining whether a document should be declassified even if it meets the standards for continued secrecy.