

# The Secrets

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## Washington

EVERY day they sit in the Pentagon, thousands of workers with rubber stamps marked "Confidential" and "Secret" and "Top Secret," stamp this paper and that, with little regard for what they are doing. It is a mass exercise in wish-fulfillment, a giant attempt to keep secret what is already public knowledge, what is bound to become widely known, or what is so trivial that it cannot possibly be of use to anyone.

In the process, the buying of toilet paper for some military men becomes a national secret. Purchases of paper clips and paint and long winter underwear may turn into guarded statistics. The purpose and dimensions of a new aircraft, long trumpeted in congressional hearings, remain to the Pentagon's way of thinking, "Top Secret" matters.

Literally millions of documents are needlessly classified alongside the relatively few — I would estimate from 1 to 5 per cent in the Pentagon — which must legitimately be guarded in the national interest.

All this would be rather humorous if it did not have serious consequences. But the fact is that the widespread abuse of secrecy provisions wastes staggering sums of money, undermines the integrity of our security system, and, as with the Pentagon Papers, conceals information which the public has a right to know.

This is not to suggest that

there is a Pentagon conspiracy to hide embarrassing documents by stamping "Secret" on them. While that is sometimes the result, the secret-stampers rarely take the trouble to distinguish between what may or may not be embarrassing. Indeed, they rarely make distinctions about much else in the documents either. Which is precisely the trouble. They simply stamp away.

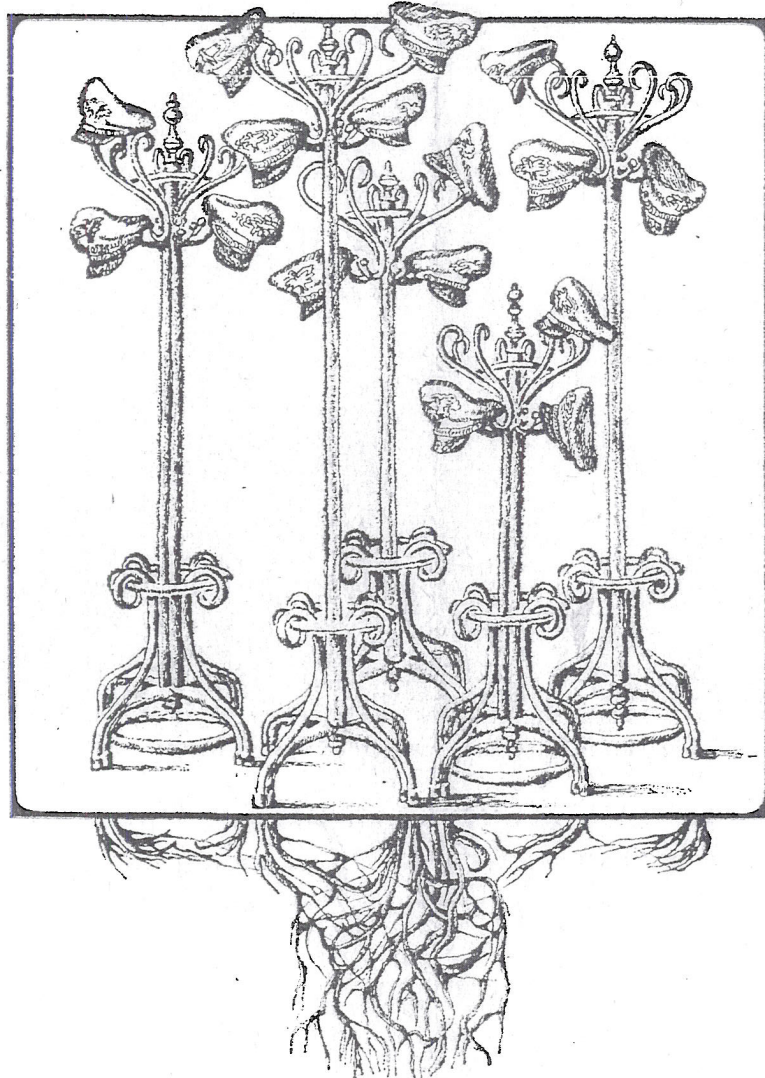
Tracing the causes and effects of this classification craze can be an exercise in the bizarre, one which I went through many times during my years at Air Force headquarters in the Pentagon.

Guarding information that is already well known is something of a habit with many defense men. One officer at the Air Force's aeronautical systems division in Ohio, for example, decided one day in late 1969 that the nation should keep a close watch on information about the new B-1 manned bomber. Mainly, he wanted to keep secret such details as the plane's purpose, its length and wing span, its take-off weight, how high it can fly, and what it looks like in a photograph.

I suppose this all would have been nice, except that it was absurd — these details had all been proclaimed for the world to hear while the Pentagon was pleading with Congress to authorize the bomber in the first place. The information had to be disclosed before a dime was approved.

But this did not deter the aeronautics systems officer. He insisted that the nation should guard the information. So he stamped the instruction to the

# Everybody



plane's contractor, North American Aviation, as "Secret," advising the company to keep these details under wraps.

North American, in July of 1970, forwarded some advice of its own. The initial cost for remodeling facilities and taking numerous other steps in order to comply with the "Secret"

classification, it said, would be about \$1.2 million.

Luckily, this nonsense was halted before it went too far.

I would estimate, however, that at least \$50 million a year still is spent on storing, protecting and inspecting unnecessarily classified defense information.

# Knows

WHILE many defense planners do not like to admit it, relatively little of what they do can be kept secret very long. This is particularly true in the scientific and technical area.

In early 1970, for example, a group called the Task Force on Secrecy, set up by the Pentagon and including such leading scientists as nuclear physicist Edward Teller, reported:

"Security has a limited effectiveness. One may guess that tightly controlled information will remain secret — on the average — perhaps five years. But on vital information, one should not rely on effective secrecy for more than a year. The Task Force believes that classification is sometimes more effective in withholding information from our friends than from potential enemies."

The Task Force, finding that secrecy hampers the flow of scientifically useful information here and abroad, estimated the "amount of scientific and technical information which is classified could profitably be decreased perhaps as much as 90 per cent." Little has become of that report. It does not agree with the Pentagon way of thinking.

Security-stamping is done entirely on the initiative of the executive branch, governed by its own Executive Order 10501. No law specifies what the government must keep secret. The espionage laws do make it a crime to disclose defense information in some cases — but only if it can be proved, first, that disclosure would damage the nation or help an adver-

sary, and, second, that the intention was to cause this damage. Otherwise, there is no crime in giving out information marked "Top Secret."

Indeed, millions of now-"Secret" documents could be read on television and broadcast to all of our potential enemies without any crime being committed, except perhaps to bore everyone to death.

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THE point is that the indiscriminately applied security markings in themselves do not make anything subject to the espionage laws. That would be absurd. The legal tests are damage and intent to damage. It was on the damage test that the Supreme Court upheld the right of newspapers to publish from the Pentagon Papers, regardless of the "Top Secret" stamped on that vast study of U.S. decision-making on the Vietnam war.

We need to define, legally, what critical information may be classified — legislation perhaps similar to the 1954 Atomic Energy Act's provision for protecting "restricted data" — and who may do the classifying. Only then could we begin to have secrets that are worth keeping and tear down the current classification madhouse.

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*The author is a security expert who retired in June as deputy assistant for security and trade affairs in Air Force headquarters. Also a former Air Force major, he is now a security consultant to government contractors and to defense attorneys in the Daniel Ellsberg case.*