

Presidential Secrecy Order Gets No Defense

Congress takes a hard look at the Administration's proposal to greatly expand powers of classification

"There is way too much classification" of government documents, said presidential adviser Edwin Meese in a July 1981 newspaper interview. "You really should only classify something if its revelation would actually harm the national security."

Despite Meese's past position, the Reagan Administration in February proposed a sweeping expansion of its powers to classify information, including some areas of basic research. The proposal was recently assailed at a congressional hearing called by Representative Glenn English (D-Okla.), chairman of the House government information and individual rights subcommittee. "It gives the Administration a blank check," said English. "The basic message to bureaucrats would be: When in doubt, classify."

To the chagrin of the committee, no one was present to represent the Administration's point of view. Such witnesses had been invited, but the day before the hearing the Department of Justice and the National Security Council told the committee that no representatives would be coming. English proceeded to cut the hearing length in half, from 2 days to 1. "I'm sorry that we will be unable to hear both sides of the issue discussed. I have questions that will remain unanswered."

Noting that the proposed order could be read to permit the classification of basic scientific research, private technology, and even interstate highway maps, English said: "It appears no one in the Administration is willing to defend the draft order in public." The hearing, held on 11 March, focused on the general effect of the order. English noted that other hearings would examine in detail the order's effect on the flow of scientific and technical information.

In outline, the proposed Executive Order on Classification would lower the present standard, adopted by the Carter Administration in 1978, because the harm to the national security would no longer have to be "identifiable." Moreover, in departure from all past practices, information already published or declassified could be reclassified. Time limits on the duration of classification

would also be eliminated, and mandatory declassification reviews weakened.

Witness after witness said the order would reverse a 30-year trend, begun in the Eisenhower Administration, to slow the massive growth of classified information in government files.

The message behind the order is already being implemented by some segments of the executive bureaucracy, according to one witness. Anna Nelson, a historian at George Washington University who represented the American Historical Association, said the proposed order has slowed the release of FBI documents. The FBI had been releasing wartime records of Nazi operations in Latin America, but recently, according to Nelson, it has become "unwilling" to declassify the rest.

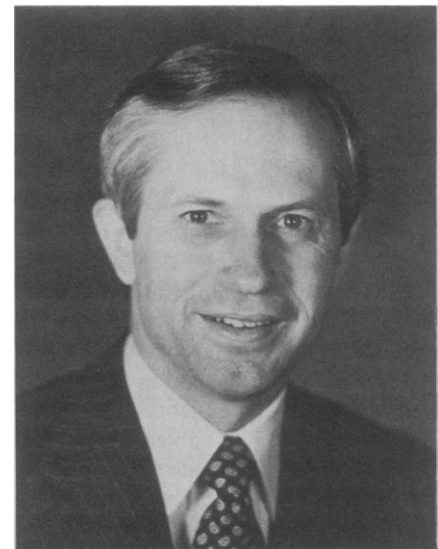
Bob Schieffer of CBS News, who represented the Society of Professional Journalists, said the proposed order "seeks to accomplish by executive fiat what the Administration has thus far been unable to accomplish through legislation," the amendment of the Freedom of Information Act.

Morton H. Halperin, director of the Center for National Security Studies and former deputy assistant secretary for defense and staff member of the National Security Council, said the proposed order would eliminate key provisions which currently are intended to prevent national security concerns from encroaching upon scientific research. One such provision, enacted by the Carter Administration, reads: "Basic scientific research information not clearly related to the national security may not be classified."

The current laws and presidential orders already provide sufficient protection of national secrets, according to Mary M. Cheh, a teacher of constitutional law at George Washington University. The various laws include the Invention Secrecy Act (1951), the Atomic Energy Act (1954), the Arms Control Act (1976), and the Export Administration Act (1979). She also noted the protective effect of "voluntary" censorship programs such as the one recently agreed to between the National Security

Agency and some cryptology researchers, in addition to the executive orders already on the books. "Taken together," said Cheh, "they present a breathtaking array of authority to control a broad range of government- and non-government-generated information."

A point troubling many of the witnesses was that the broad secrecy order might be used as a political tool.



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"Whether or not the Administration is relying on the national security rationale in good faith," said Cheh, "it is a fact that secrecy also permits the government to manage and manipulate news. It is common knowledge that secret information is leaked when convenient." Halperin, to illustrate the selective and politically expedient declassification of secrets, noted the recent release of U.S. reconnaissance photos taken over Nicaragua that purported to show Soviet-style bases—a high card in the Reagan Administration's attempts to prove that Nicaragua, with Soviet and Cuban assistance, is assembling the largest military force in Central America. The other side of the secrecy coin, the cover-up of politically unpalatable information, is also taking place, Halperin alleged. The State Department, he said, has not

moved to declassify a recent cable stating that body counts in El Salvador are unreliable and probably much higher than publicly acknowledged. Expanding on the issue, Schieffer of CBS News wondered whether the vulnerabilities of the Pentagon's "enormously expensive" M-1 tank would have been revealed if the new secrecy order had been in effect.

More than one witness also noted that the proposed order would probably be counterproductive because bureaucrats would more often leak classified information they felt was vital to informed public debate.

Criticism of the proposed order was recently noted by Meese, who told a meeting of the National Newspaper Association that the proposal was the result

David Dickson to Join *Science News Staff*

David Dickson, Washington editor of *Nature* since 1978, has left that post and in June will become European correspondent for *Science*, based in Paris. In the interim, Dickson will be a science policy fellow at the University of Linköping, Sweden.

of an "overzealous bureaucracy" and that the Administration's actual position "is to decrease the number of classified

documents." The current draft, he said, "is being corrected." His sincerity on this point is open to doubt, however. A 23 December draft of the order was signed by Meese himself.

It has been said, perhaps most eloquently by Victor Marchetti in *The CIA and the Cult of Intelligence*, that "among the dangers faced by a democratic society in fighting totalitarian systems, such as fascism and communism, is that the democratic government runs the risk of imitating its enemies' methods and, thereby, destroying the very democracy that it is seeking to defend." Perhaps the Reagan Administration, with its proposal to greatly expand powers of secrecy, is falling into just that trap.—WILLIAM J. BROAD

Spotlight on Pest Reflects on Pesticide

Use of ethylene dibromide in Medfly quarantine has impact on regulatory process, other side effects

The Reagan Administration entered the regulatory arena a year ago with the emphatically stated purpose of ensuring that the costs of regulation were fully weighed against its benefits. One of the decisions facing it involved a chemical called ethylene dibromide (EDB), which has been at the center of a regulatory battle since the mid-1970's and gained

special notice last year during the Medfly crisis in California. EDB is the kind of compound offering both high risks and high benefits that can render such decisions hard to make.

EDB is one of the most effective and widely used pesticidal fumigants for fruits and vegetables. It is also highly controversial because animal tests have

indicated that EDB is a carcinogen and mutagen and causes reproductive problems. Both the federal Environmental Protection Agency (EPA) and the Occupational Health and Safety Administration (OSHA) have proposed stricter regulation of EDB. The EPA, in fact, in 1980 proposed suspending the use of EDB as a fumigant for grain immediately and for citrus fruit in mid-1983.

A major difficulty in dealing with EDB is that no ready alternative is available. EPA's proposal to ban EDB in 1983 as a fumigant for citrus fruit is based on the assumption that irradiation of produce with gamma rays will be scientifically and commercially feasible by then. However, despite recent developments that appear to markedly improve prospects for wider use of gamma irradiation in the United States, EPA's upbeat view on timing has been widely questioned.

Although the regulatory tussle over EDB began in the mid-1970's, it received little public attention until last year, when EDB was used as a citrus fumigant in California to counter the Mediterranean fruit fly. That action, which was taken to comply with federal Medfly quarantine restrictions, raised the economic and political stakes in the EDB case, prompted an interstate wrangle over shipments of fumigated fruit, and dealt a serious setback to the lucrative export of



USDA

Still life with Medflies