

Secrecy Runs Amok

Glenn T. Seaborg

Publishing information on scientific projects related to national security requires resolution of the conflicts between the "right of the public to know" and the "right of the nation to protect itself." A recent experience of mine in regard to the declassification of historical material may illuminate the problems that can arise.

During my years as chairman of the Atomic Energy Commission (AEC) (1961 to 1971), I maintained a daily journal. The core of the journal was a diary, much of which I wrote at home each evening. (This continued a habit I had started at the age of 14.) The diary was supplemented by copies of correspondence, announcements, minutes of meetings, and other relevant documents that crossed my desk each day. Both in the diary and the supporting documents rigorous attention was given to excluding any subject matter that could be considered classified information under standards of the day. My purpose was to provide for historians and other scholars a record that might not be available elsewhere of what occurred at high levels of government regarding the AEC's important areas of activity.

Illustrative of the general recognition that my journal was unclassified was the fact that in 1965 the AEC historian microfilmed for public access in the John F. Kennedy and Lyndon B. Johnson libraries portions that correspond to those presidencies. To assure myself further that the journal contained no classified material I had it checked by the AEC Division of Classification during the summer and fall of 1971, just before my departure from the AEC. It was cleared, virtually without deletions. (Unfortunately, I received no written confirmation of this action which is perhaps understandable because of the obvious unclassified origin of the material.) A copy, which I will refer to as copy #1, was then transmitted by the AEC to my office at the University of California in Berkeley. Also, at about this time, the AEC transferred another copy of the journal, referred to hereinafter as copy #2, first to my Berkeley office, then to the Livermore laboratory, and, soon thereafter, to my home in Lafayette, California. It was known that neither my Berkeley office nor my home had any provision for the protection of classified material, and the fact that the AEC saw fit

to ship the journal to those places is a clear indication that the AEC regarded the journal as an unclassified document.

The office and home copies of the journal remained accessible to scholars for the ensuing 12 years. Then the problems began. In July 1983 the chief historian of the Department of Energy (DOE) asked to borrow a copy for use in the next phase of the History Division's long-term project, the writing of *A History of the United States Atomic Energy Commission*. Volume IV of the *History* was to be devoted largely to the years of my chairmanship. The historian promised to return the journal within 3 weeks as soon as copies had been made. I sent him copy #1, the one in my Berkeley office. When the University of California historian, John Heilbron, learned of this transaction, he warned me that the DOE was likely to find classified material in the journal and to hold it indefinitely pending a complete classification review. Relying on past history during which the journal had been treated by the AEC as a wholly unclassified document, I told him I was not worried that this would happen. But, as Heilbron may have been aware from his own experience, times had changed. With the beginning of the Reagan administration, the government had begun to take a new, much more severe and rigid position with regard to secrecy.

Despite my repeated entreaties, the historian's office did not return the journal in 3 weeks, nor in 3 months, nor in a year-and-a-half. Nor was any explanation ever offered to me for the delay. Finally, just as Heilbron had predicted, I was informed in February 1985 that the journal had indeed been found to contain classified information. Accordingly, DOE ordered its San Francisco Area Office to pick up copy #2, the one that I kept at home, so that it also could be subjected to a classification review. At first I said I would not allow this. But then I was told that, legally, the journal could be seized and that I could be subject to arrest if I resisted. Faced with this disagreeable prospect, I acceded to a compromise plan (the best of several unsatisfactory alternatives) whereby DOE provided me with a locked storage safe, complete with burglar alarm, so that I could continue to have access to the journal, which I was at that time preparing for publication. It was no longer, however, to be available for use by scholars.

Then in May 1985 I was contacted by

DOE's San Francisco Area Manager. He said that he had been instructed by DOE headquarters to institute a classification review of copy #2 at my home. He added that the consequence of my not agreeing to this would be that the FBI would seize the papers under court order. He said that the weakness of my case, if I chose to resist, was that there was no record of the journal ever having been declassified by the AEC. Thus, I could be accused of having illegally removed classified material when I left the AEC. He noted that if legal proceedings were instituted, I could, of course, hire a lawyer to defend myself, but that he knew of no case like this where the government, with all its resources, had lost.

Under this ultimatum, I agreed to the classification review with the understanding that it would be completed within 10 days. The reviewer started work in my home on 9 May 1985, kept at it for several weeks (not the promised 10 days), and came up with 162 deletions of words, phrases, sentences, or paragraphs, affecting 137 documents.

Then in May 1986 I learned that copy #1, the one borrowed by the DOE historian, was also undergoing a classification review. This review was complete in October 1986 and led to deletions from 327 documents. In addition, 530 documents were removed from the journal entirely pending further review by DOE or by other government agencies.

At the same time as reviews of my complete journal were being undertaken in DOE and in my home, a further review was taking place in the Bethesda, Maryland, home of Benjamin S. Loeb, who was then collaborating with me in preparation of the book, *Stemming the Tide: Arms Control in the Johnson Years*, which was to be published in 1987 (1). Copies had been sent to Loeb of just those portions of the journal that related to arms control. Beginning 10 July 1986, as many as six DOE Division of Classification staff members sat around his dining room table for a few days, selecting a large number of documents which they then took with them back to DOE headquarters in Germantown, Maryland. In due course, most of these were returned with deletions, except that a number of documents that required review by U.S. government agencies other than DOE, or by the United Kingdom, were not returned until August 1990.

But there was more. In October 1986 I was informed that the DOE classification people wanted to perform another review of copy #2, the one in my home, in order to "sanitize" it, a euphemism for a further classification review of the already reviewed journal. I was informed that the sanitization procedure would take place at Livermore, that it would last 3 to 6 weeks, and that it would involve from 8 to 12 people. Copy #2

The author is at the Lawrence Berkeley Laboratory and Department of Chemistry, University of California, Berkeley, CA 94720, USA.

was duly picked up at my home and delivered to Livermore on 22 October 1986. When the sanitized version was returned almost 2 months later, it had been subjected, including the prior review, to about 1000 classification actions. These included the entire removal of about 500 documents for review by other U.S. agencies or, in a few cases, by the British. Over my objection, an unsightly declassification stamp was placed on every surviving document.

Finally, the DOE sent to the Lawrence Berkeley Laboratory a team of about 12 people to begin a "catalog," that is, an itemized listing, of all the personal correspondence I had brought from the AEC and of the contents of my journal and files for the prior 25 years of my working life before I became AEC chairman. Beginning on 29 April 1987, the team spent about 2 weeks at this task. In March 1988 another DOE group visited me for about a month in order to complete the catalog. The motives of DOE in undertaking this task were not clear. They may well have intended to be helpful to me. Before they finished, however, the two groups uncovered some additional "secret" material.

My grammar and high school and university student papers stored in another part of my home, overlooked by the DOE classification teams, have so far escaped a security review.

My journal was finally reproduced in January 1989 (2) in 25 volumes, averaging about 700 pages each, many of them defaced with classification markings and containing large gaps where deletions had been made. In June 1992 a 26th volume was added. It contained a batch of documents initially taken away for classification review and subsequently returned to me, with many deletions, after the production of the other 25 volumes in January 1989. (Many other removed documents have still not been returned.) All 26 volumes are now publicly available in the expurgated form in the Manuscript Division of the Library of Congress.

This, then, is a summary narrative of the rocky voyage of my daily journal amid the shoals of multiple classification reviews. Those interested in a more detailed account can find it among the daily entries in my journal for the period after I left the AEC. This is available in the Manuscript Division of the Library of Congress, and has fortunately not yet been subjected to classification review.

What is to be concluded about this sorry tale? One conclusion I have reached is that the security classification of information became in the 1980s an arbitrary, capricious, and frivolous process, almost devoid of objective criteria. Witness the fact that the successive reviews of my journal at different places and by different people resulted in widely varying results in the types and number of deletions made or documents removed. Furthermore, some of the individual classification actions seem utterly ludicrous. These include my description of one of the occasions when I accompanied my children on a "trick or treat" outing on a Halloween evening, and my account of my wife Helen's visit to the Lake Country in England. One would have to ask how publication of these bits of family lore would adversely affect the security of the United States. A particular specialty of the reviewers was to delete from the journal many items that were already part of the public record. These included material published in my 1981 book (with Benjamin S. Loeb), *Kennedy, Khrushchev, and the Test Ban* (3). Another example concerned the code names of previously conducted nuclear weapons tests. These were deleted almost everywhere they appeared regardless of the fact that in January 1985 the DOE had issued a report listing, with their code names, all "Announced United States Nuclear Tests, July 1945 through December 1984" (4). A third category of deletions concerned entries that might have been politically or personally embarrassing to individuals or groups but whose publication would not in any way threaten U.S. national security. In fact, I would go so far as to contend that hardly any of the approximately 1000 classification actions (removals of documents or deletions within document) taken so randomly by the various reviewers could be justified on legitimate national security grounds.

Consistent with this belief, I have requested repeatedly throughout this difficult time that a copy of my journal as originally prepared, that is, before all the classification reviews, be kept on file somewhere. I had in mind that there might come a day when a more rational approach to secrecy might prevail and permit wider access, especially to historians, of the complete record. There are indications that, especially with the end of the Cold War, such an era may be at hand or rapidly approaching. While the DOE has made no commitment

to honor my request, I am informed that DOE's History Division does maintain an unexpurgated copy for its own use. Perforce, it is handled as a classified document.

I would like to emphasize that I received fine and sympathetic treatment from many in the DOE who made it clear to me that they were not in agreement with the treatment accorded me and my journal during the process recounted above. In fact, more than one person in DOE has told me informally that evidence does indeed exist verifying that my journal did indeed receive a clearance before my departure from the AEC in 1971.

The problems posed by classification and declassification of sensitive materials are major ones and require wise people who must make sophisticated decisions. It requires a range of individuals who, on the one hand, have vision in regard to the whole range of scientific and national security policies, and on the other hand, have the time to read pages of detailed descriptions in a wide range of areas. Sometimes this complex goal gets derailed by those who see the trees and not the forest. Those in charge of classification should have an appreciation of the need, in our open society, to publish all scientific and political information that has no adverse national security effect (realistically defined).

Although I have in general received sympathetic treatment, I cannot help but note that this treatment has produced quite different conclusions at different periods in the country's history. Actually, the AEC, from its beginning in 1947, initiated and executed an excellent progressive program of declassification with an enlightened regard for the need of such information in an open, increasingly scientific society. By the 1960s, this program was serving our country well. Unfortunately, during the 1980s, the program had retrogressed to the extent of reversing many earlier declassification actions. Fortunately, the present situation is very much improved so we can look forward to the future with considerable optimism.

REFERENCES

1. G. T. Seaborg and B. S. Loeb, *Stemming the Tide: Arms Control in the Johnson Years* (Free Press, New York, 1987).
2. G. T. Seaborg, *Lawr. Berk. Lab. Tech. Inf. Dep. Publ. PUB-625* (1989).
3. G. T. Seaborg and B. S. Loeb, *Kennedy, Khrushchev, and the Test Ban* (Univ. of California Press, Berkeley, 1981).
4. *U.S. Dep. Energy Rep. NVO-209* (revision 5) (1985).