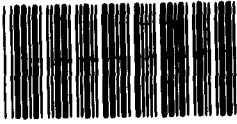


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STATEMENT OF
J. DEXTER PEACH, DIRECTOR
ENERGY AND MINERALS DIVISION
BEFORE THE
SUBCOMMITTEE ON ENERGY, NUCLEAR
PROLIFERATION, AND FEDERAL SERVICES
SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS
ON
ERRONEOUS DECLASSIFICATION OF NUCLEAR WEAPONS INFORMATION

See 06602

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss our report on the Department of Energy's erroneous declassification of nuclear weapons design documents. In July of this year, you requested that our Office investigate (the events surrounding the erroneous declassification of documents obtained from a Department/library in Los Alamos, New Mexico. We found that the declassification errors at the Los Alamos library occurred as part of a large-scale program which declassified nearly 1.5 million documents from 1971 to 1976. This program used many short cuts to expedite declassification and resulted in many other declassification mistakes.)

Some of the erroneously declassified documents contained information of a very sensitive nature. Moreover, the opportunity existed for public access to this information. Records are not available to determine the number of occasions aside from the publicized Los Alamos incidents, that such

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documents were obtained by members of the public. Thus, such access by others cannot be ruled out. The most sensitive of these documents have been acknowledged by experts as being potentially helpful to a country developing nuclear weapons.

Since 1978, the Department of Energy has been reviewing all declassified material to determine whether any other mistakes were made. Although the Department does not know how long this rechecking will take, it has set up interim controls to prevent the release of any more erroneously declassified documents.

Let me briefly describe in more detail what happened at Los Alamos and why it happened.

ERRORS IN AND MISMANAGEMENT OF
THE DECLASSIFICATION PROGRAM

On July 19, 1971, the Department began a comprehensive program to review all of the classified documents in its inactive files. (The program was not a continuous effort by a single group of individuals. Rather the Department would call together a review team at a particular location, hold a short training session and then begin its review. By 1976 when the large-scale program ended, about 2.8 million documents had been reviewed and about 1.5 million had been declassified.

To expedite the reviews, the Department deviated from normal declassification policies and procedures. For example, the Department normally requires two reviews

before a document can be declassified. During the comprehensive review program, however, there was no second review.

Also, the Department used reviewers who lacked classification expertise. In addition, some of them reviewed reports on matters outside of their areas of technical expertise.) In some cases the final decision to declassify a report rested with a review team member who was neither a classification specialist nor technically competent in the subject matter of the report.

It is also clear that the Department was very interested in getting a large number of documents declassified in a short time. For example, the review held at Los Alamos Scientific Laboratory from January 15, 1973, to February 16, 1973--a period of 33 days--included 388,092 documents and declassified 234,215 of them. Some of the reviewers felt the thrust of the informal instruction at this review was "whenever in doubt, declassify."

As the following examples show, these reviews resulted in documents being erroneously declassified.

Los Alamos library--May 1978

In May 1978, an individual entered a section of a Department library in Los Alamos, New Mexico designed for public use. He found a document containing weapons information that had been erroneously declassified. After this individual brought the mistake to the attention of Los Alamos

officials, the Department decided it had better recheck the declassified documents.

To recheck its work, the Department reviewed lists of report titles to determine which were nuclear weapons related. It found about 2,000 such reports. The Department's review of these found that 104 of them--about 5 percent--had been erroneously declassified.

Los Alamos library--a year later

On May 7, 1979, the same individual again went to the Department's Los Alamos library. This time he found a highly sensitive report containing weapons design information in the public access section of the library. This report had escaped the Department's rechecking begun a year earlier because of several simple clerical errors made when the lists of titles were made. These errors involved mistitling the report and failing to word the list to show that only an excerpt of the report should have been declassified.

Since May 1979, a document-by-document search of the library shelves has been made at Los Alamos. It has resulted in finding 14 reports clearly marked "classified" in the public access section. These reports were apparently put on the shelves through clerical error.

Los Alamos Scientific laboratory-- a few years before

After the 1973 Los Alamos Scientific laboratory's review, about 30 boxes of declassified documents were prepared

for shipment to the National Archives. A private historian, researching past events at Los Alamos, requested and received permission to review the documents. He became concerned about the contents of some of the documents and brought them to the attention of a Los Alamos official, who felt the documents should never have been declassified. This official said that one or two documents contained so much classified information that it was difficult to understand how they could have been declassified.

Since this incident, Los Alamos officials have reviewed about two-thirds of these documents and found that approximately 6 percent of them had been erroneously declassified. In May 1975, a Los Alamos official wrote headquarter's officials about this matter and stated that "the Division of Classification must recognize that these crash reviews always lead to such problems."

SENSITIVITY OF ERRONEOUSLY
DECLASSIFIED DOCUMENTS AND THE
POSSIBILITY THAT THEY WERE
OBTAINED BY INTERESTED PARTIES

All of the erroneously declassified information in the documents are sensitive, and some of it is highly sensitive, especially the report found in the public section of the Los Alamos library in May 1979. An expert who reviewed this report testified at congressional hearings in May 1979 that "the erroneous declassification is the most serious breach of security since World War II." Department officials told

us that the report contained a lot of detailed information on how to design a thermonuclear weapon. Some officials said this report would save time for a country developing nuclear weapons, but they could not estimate how much time would be saved.

In addition to the sensitivity of the documents, the potential existed for interested parties to obtain them. The information could have been obtained through the use of lists of declassified reports that were sent to Department facilities--or those of Department contractors--that might have the reports. These lists notified the facilities that the reports were declassified and could be released to the public. Since these lists were not classified, there was no need for them to be controlled or safeguarded. Although there is no documentation concerning the lists' availability and use, it is reasonable to assume that an interested party could have obtained these lists relatively easily. In fact, one of the lists, which named at least two erroneously declassified reports, was available in the public section of the Los Alamos library.

Erroneously declassified information was also available through libraries. Many Department field offices and contractor offices maintain libraries but its library at Los Alamos is the only one which has a public access area. Access to the rest of these libraries is permitted only to personnel who have been given security clearances. However,

a request for unclassified documents from another library or outside individual would be accommodated. Department officials said they did not know whether any declassified documents have been requested because records of requests, other than those under the Freedom of Information Act, are not maintained. However, a recent memorandum from the Department's library at Germantown, Maryland, indicates that declassified documents have been requested from and sent out by the library.

The most sensitive document--the report found in May 1979--was available to the public, either by request or through the public access section of the Los Alamos library, from July 1975 until it was found. No records were kept as to whether or how many persons had read or copied this document.)

DEPARTMENT EFFORTS TO
CORRECT ITS MISTAKES

The Department is taking measures to restrict access to documents that are potentially erroneously declassified. For example, the Department issued a directive in May 1979, to all holders of declassified documents instructing that such documents not be released, including the 1.5 million declassified from 1971-1976, unless first reviewed and cleared by a classification specialist. Also, it is rechecking some of these documents to determine whether they should be classified. But the Department's actions to retrieve

copies of the highly sensitive document found in May 1979 did not seem to be aimed at getting it back quickly.

Retrieving the report found in the
Los Alamos library in May 1979

When the individual went to the library in May 1979, library personnel recognized him as the finder of erroneously declassified material a year earlier. A curious Los Alamos employee examined the documents the individual was working with soon after he left the library for the day. The employee recognized immediately that the individual had found another classification mistake and removed the document from the individual's work area.

When the individual returned the next day, he inquired about the whereabouts of the document he had been working with. Library personnel claimed to know nothing about it.

At this point, the Los Alamos officials seem to have been trapped by their interpretation of existing classification rules. These officials did not know whether the individual had made and taken with him a copy of the document. According to Department officials, had they assumed so and informed the individual that the document was classified, from that time on, any disclosure or dissemination of the contents would have been a criminal act under the Atomic Energy Act of 1954. But, according to Los Alamos officials, to so inform him would in itself have been a security violation. Only after the individual made copies of the report and sent them to various

parties did it become clear to Los Alamos and Department officials that he had indeed made a copy and had taken it with him.

Even after Department officials learned that the report was being held by this individual they still made no effort to contact him. The individual stated at congressional hearings that he made several dozen copies. Since then many of these copies have been destroyed, returned to the Department, or found to be in the possession of authorized persons. But our discussions with the individual, Department officials, and others involved in this matter led us to conclude that it cannot be determined whether the report is in the possession of unauthorized persons because (1) the number of copies made by the individual is unknown, (2) all the parties that were sent copies may not be known, and (3) it is not known whether these parties made any additional copies.

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In conclusion, it is clear that the manner in which the classification review program was conducted from 1971 through 1976 produced a situation in which mistakes should have been predicted. Further, Department officials agree that some of the erroneously declassified documents would help a nation develop nuclear weapons. However, the damage to U.S. efforts to prevent the spread of nuclear weapon technology is not clear. While the opportunity certainly existed to obtain documents containing classified weapons information, we

could not determine whether the documents in fact were ever used or sought by any parties other than the individual involved in the Los Alamos incidents because libraries and facilities which maintained these documents kept no records on their dissemination. However, it seems reasonable that an interested party could have obtained the lists of declassified documents and the actual documents.

Mr. Chairman, this concludes my statement and I would be glad to answer any questions the Subcommittee may have.