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The Honorable John Glenn H.
Chairman, Subcommittee on Energy,
Nuclear Proliferation, and
Federal Services
Committee on Governmental Affairs
United States Senate

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RELEASED

Dear Mr. Chairman:

Subject: ^[DOE's] The Department of Energy's Erroneous
Declassification of Nuclear Weapons
Design Documents] (EMD-79-109)

From 1971 to 1976 the Atomic Energy Commission conducted a large-scale program to review the old classified documents in its inactive files, declassify as many as possible, and make them available to the public and the scientific community. Two recent incidents raised doubts about the conduct of the program. In May 1978 and again in May 1979 an individual entered a publicly accessible library in Los Alamos, New Mexico, and obtained weapons design documents which had been erroneously declassified. This report responds to your July 12, 1979, request for an investigation of the events surrounding these erroneous declassifications, and for our assessment of the damage which may have resulted to U.S. efforts to curb the spread of nuclear weapons.

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The specific declassification mistakes which you mentioned and which have attained notoriety are the result of simple administrative and clerical errors. But these errors are indicative of how the large-scale program which declassified nearly 1.5 million documents from 1971 to 1976 was conducted.

Some of the erroneously declassified documents contained information which was of a very sensitive nature. Also, the opportunity existed for the public to get access to this information. Records are not available to determine if these documents were ever sought by members of the public, except during the two Los Alamos incidents; nevertheless, such attempts cannot be ruled out. The most sensitive documents erroneously declassified are acknowledged as having the potential to be very helpful to a country developing nuclear weapons.



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Since 1978, the Department of Energy--the successor agency to the Atomic Energy Commission ^{1/}--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.

The rest of the report discusses

- the errors in and mismanagement of the declassification program,
- the sensitivity of the erroneously declassified documents and the possibility of their dissemination,
- Department efforts to correct mistakes, and
- our conclusions.

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 team of reviewers at a particular location, hold a short training session and then proceed to review classified documents. By 1976 when the large-scale program ended, about 2.8 million documents had been reviewed and about 1.5 million had been declassified.

In an effort to expedite the reviews, the Department deviated from normal declassification policies and procedures. For example, the Department normally requires two levels of review before a document can be declassified. During the comprehensive review program, however, there was no second-level review. Also, the Department and its contractor classification specialists normally review documents

^{1/}In 1975 the Atomic Energy Commission became part of the Energy Research and Development Administration, which became part of the Department of Energy in 1977. Many of the statements and actions attributed to the Department were actually those of the Atomic Energy Commission and the Energy Research and Development Administration. For simplicity, however, the Department is usually referred to in this report.

to determine whether they can be declassified. These individuals have either scientific or technical degrees and expertise in the area of classification. During the comprehensive review program, the Department used personnel who had scientific or technical backgrounds but lacked classification expertise. In addition, some of them reviewed reports on matters outside of their areas of technical expertise.

For example, one review team at Los Alamos Scientific Laboratory consisted of about 25 members. Only eight of the members were Department or Los Alamos classification specialists. The others were from other Department contractors. 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. 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 and 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.

Of the nearly 1.5 million documents that the Department declassified, lists had been made of only about 19,000. These were primarily technical reports that had been distributed to various Department offices and contractors. The remaining documents were memorandums, letters, notes, and other informal correspondence, which were either destroyed or simply retained in files. To recheck its work, the Department reviewed the lists of the titles of the approximately 19,000 reports to determine which were nuclear weapons related. It found about 2,000 such reports. The Department's first level review of these found that 244 of them

should be reclassified until its final review. About 215 have received final review and 91 are classified.

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 the approximately 19,000 report 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 and since their discovery some have been declassified.

Los Alamos Scientific Laboratory--
a few years before

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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 (1) lists of declassified reports and (2) Department libraries or those of Department contractors.

Lists of declassified reports

As technical reports were declassified during the review program, lists containing report titles were made and 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.

The fact that the Department was engaged in a large-scale declassification program was well publicized. The Department issued a press release in 1973 describing its efforts to declassify information for public availability. This effort to inform the public was successful, as evidenced by a request in early 1974 by the Swedish National Defense for information on the declassified reports.

Availability through Department
libraries

Many Department field offices and contractor offices maintain libraries. The Department's 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. A librarian at Germantown told us that once documents are declassified they are treated like any other unclassified documents.

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. 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.

Controlling and rechecking all
declassified documents

In May 1979, following the second incident at the Los Alamos library, the Department issued a directive to all holders of declassified documents instructing that all such documents should not be released, including the 1.5 million declassified from 1971-1976, unless it is first reviewed and cleared by a classification specialist. Also, the Department is in the process of rechecking all of the 19,000 reports declassified during 1971-1976. The Department has not set a time for completing this work.

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

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

CONCLUSIONS

It is clear that the manner in which the classification review program was conducted from 1971 through 1976 permitted

several documents to be erroneously declassified. Some of the usual declassification policies and procedures were not used, and some of those who did the reviews were not trained classification specialists. These shortcomings coupled with a desire to declassify large numbers of documents quickly, produced a situation in which mistakes should have been predicted.

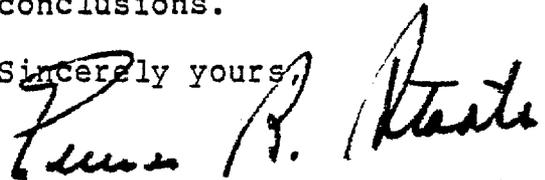
Department officials agree that some of the erroneously declassified documents would help a nation develop nuclear weapons. The damage to U.S. efforts to prevent the spread of nuclear weapon technology is not clear. The opportunity certainly existed to obtain documents containing classified weapons information. But because libraries and facilities which maintained these documents kept no records on their dissemination, 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. However, it seems reasonable that an interested party could have obtained the lists of declassified documents and the actual documents.

Concerning the May 1979 event at Los Alamos, we believe that the Department failed to act decisively, thus permitting a highly sensitive weapons report to be distributed. As a result, it cannot be determined whether the report is now in the possession of unauthorized persons.

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On September 12, 1979, we met with Department officials to obtain their comments on our draft report. These officials--cautioning that they did not formally represent the Department's views--found the report to be factually correct and could not disagree with its conclusions.

Sincerely yours,



Comptroller General
of the United States