01 March 1981

TO: (b)(1).5c, (b)(3)

FROM: 

SUBJECT: Contingency Planning for Declassification

Introduction

The rather lengthy article on page 10 of today's New York Times again raised the issue of NRO declassification, and the prospect that the new Administration will review the problem and make a decision to go ahead in this direction. The article also raises the issue, implicitly at several points and explicitly at several others, that the strict secrecy surrounding the NRO has and is being used to hide mismanagement and significant cost overruns on NRO programs.

Faced with increasing allegations of this sort, and diminished ability to defend complete NRO secrecy in the face of information currently in the public domain, the Administration may ultimately be forced to decide in favor of some declassification action. This memorandum suggests that some contingency planning be undertaken should such a review or decision be taken.

Forcing a Declassification Review

Apart from the report that the new Administration was reviewing the NRO secrecy issue, there is the empirical fact that virtually every administration in the last two decades has done so at one time or another, and there is some likelihood that this one will do so as well. If and when such a review is done, two critical factors mitigate rather heavily in favor of declassification:

1. Increasing amounts of information about the NRO's existence and operations are currently available in the public domain. Note here the recent study AAC did in support of DUSD(PR) on this issue.

2. Allegations in the Times article and elsewhere that the "total" secrecy shield is being used as a cover for program mismanagement and malfeasance.
Although such claims are most likely without substance, and
the evidence is quite to the contrary, it is almost impossible to
make such arguments on the basis of what is in the public domain.
An administration who's major emphasis has been on elimination of
waste, mismanagement, etc., may feel compelled to address such al-
legations seriously and make information available that it might
not otherwise wish to release.

One fact is clear from the article. That is, an increasing
number of people with at least some knowledge of the programs are
talking to the press, and it is unlikely that the flow of "leaks" can be totally stemmed. Indeed, my guess would be that this flow
will tend to increase as more and more appears in the press. In
the face of such a flow, the NRO may be hard pressed to maintain
its position.

Contingency Planning

I believe that there is a compelling reason to undertake a
two-phased approach to the declassification problem as currently
presented:

(1) Analysis of Declassification Alternatives: For its
own part, the NRO should review and update its analysis of the
issues involved in declassification, particularly in light of
existing revelations, security requirements and other factors
so that the best possible input can be made to any Administra-
tion review. My suggestion is that this be worked both inter-
ally as well as externally, possibly taking the issues listed
in my 15 April 1980 "devils advocate" paper as one shopping list
of problems to be addressed. Getting started with this before
an actual review is tasked may give the needed time to provide a
comprehensive and well-developed response to what may otherwise be
a very short response item.

(2) Declassification Contingency Plan: Taking the hypo-
thetical assumption that a decision is taken to declassify the
NRO existence, and some minimal institutional information, a con-
tingency plan should be developed for dealing most effectively
with such a reality. At a minimum, this should include an analysis
of security policy, legal and FOIA implications, public affairs
policy, and a review of governmental interfaces. One approach
might be to outline a set of alternative options, and have several
parallel analyses of each option undertaken. Again, it might be
useful if this were undertaken both internally and externally as
a check.

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