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**LEAKS OF CLASSIFIED NATIONAL
DEFENSE INFORMATION—STEALTH
AIRCRAFT**

REPORT

OF THE

INVESTIGATIONS SUBCOMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES

HOUSE OF REPRESENTATIVES

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(II)

LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
ARMED SERVICES INVESTIGATIONS SUBCOMMITTEE,
Washington, D.C., February 3, 1981.

HON. MELVIN PRICE,
*Chairman, Committee on Armed Services,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Attached is a report of the Investigations Subcommittee 96th Congress, entitled, "Leaks of Classified National Defense Information—Stealth Aircraft." A quorum being present, the report was approved without objection by the Subcommittee Members on February 3. This report is based on hearings held by the Investigations Subcommittee on August 27, September 4 and 16, and October 1, 1980.

I shall appreciate your early approval of the report so that it may be printed.

Sincerely,

SAMUEL S. STRATTON,
Chairman, 96th Congress.

Approved for printing:
MELVIN PRICE, *Chairman*
Date: FEBRUARY 3, 1981.

(III)

LEAKS OF CLASSIFIED NATIONAL DEFENSE INFORMATION—STEALTH AIRCRAFT

On August 20, 1980, the Committee on Armed Services was briefed by the Under Secretary of Defense for Research and Development on a highly classified research program, the so-called "Stealth" technology or "ghost" aircraft. During that briefing the members of the committee were cautioned on the sensitivity of the information and reminded that absolute secrecy was essential for the protection and preservation of the program. That same evening a national television news program, ABC, devoted a segment several minutes in length to a discussion of the Stealth program, complete with charts, graphs, and drawings of the aircraft. In the words of one committee member, "The Nation's viewers were given clearer information than members of the House Armed Services Committee."

Two days later the Secretary of Defense, accompanied by the Under Secretary for Research and Development, held a press conference at which he officially exposed the existence of the Stealth program. He described it as "a major technological advance of great military significance. This so-called 'Stealth' technology enables the United States to build manned and unmanned aircraft that cannot be successfully intercepted with existing air defense systems," he said. The Secretary justified his disclosure of the program by referring to several leaks in the press and television news coverage. He said, "In the face of those leaks, I believe it is not appropriate or credible for us to deny the existence of this program."

The sudden shift of this program from a secrecy which prevented even the mention of its name, to a press conference in which it was unveiled to the whole world, caused committee members to question the Secretary's claimed basis for the decision to reveal the existence of the program. If the rationale for the disclosure, as suggested by the Secretary of Defense, was the leaks which had occurred early in August, we wondered how those leaks had occurred and what, if anything, had been done to determine their sources; and if not, why not?

While occasional leaks of defense information have always been a problem, several recent events have suggested that leaks are now approaching cascade proportions. Moreover, it appeared that little action was being taken within the Pentagon to identify the source of those leaks and take disciplinary action against the individuals responsible. These leaks thus raised serious questions concerning the effectiveness of the Government's program for protecting vital national defense information.

No modern state can survive unless it can protect its defense and national security plans, techniques, and other vital secrets. Therefore, in an effort to evaluate the effectiveness of American programs for protecting classified national defense information, the subcommittee

began a series of hearings on August 27, 1980. Those hearings concluded on October 1. As a result of those hearings, the subcommittee has made the following findings, conclusions, and recommendations:

SUBCOMMITTEE FINDINGS OF FACT

1. The Stealth program, advanced research and development of aircraft that would have minimum detectability by radar, was specifically designated as a "compartmentalized secret" program within the Pentagon in 1977. Without going into further classification details, that designation means that the program was of the highest security classification, required very special handling, and was regarded as so sensitive that very few, if any, Members of Congress were aware of it, and only a few congressional staff people with top security clearances.

2. From 1977 until the summer of 1980 the Stealth program received very little attention in the press—as should, of course, be the case with any such highly classified program. Much of the credit for no press disclosure during that period, however, rests with an outstanding act of press responsibility in the national security field by the editor of the Armed Forces Journal, Mr. Benjamin Schemmer, who, at the request of the Pentagon, withheld publication of a fairly detailed article on the Stealth program he had written in June 1978 from unclassified sources.

3. During the week of August 10, 1980, a magazine (Aviation Week), a newspaper (The Washington Post), and a national television news report (ABC) all contained items relating to Stealth, and particularly to a "Stealth bomber" being developed by the United States. At least one of these press references also suggested that the Carter administration was deliberately planning to make public the existence of this new program in an effort to combat the impact, in a Presidential election campaign, of Mr. Carter's 1977 decision to terminate production of the B-1 bomber at a time when the Soviets were already heavily engaged in series production of their own slightly smaller Backfire bomber.

4. On August 18, 1980, Mr. Schemmer was contacted by the Under Secretary of Defense for Research and Development, Dr. William Perry, who advised him that since he had withheld the earlier article on Stealth, the Secretary was prepared to give him a personal update on the progress of that program which would include some, but not all, of the information contained in Schemmer's earlier article. Dr. Perry told Mr. Schemmer that this information was to be for publication and, in fact, he seemed anxious, Mr. Schemmer testified, that it be in print and out for distribution no later than August 21. The information was thereupon provided to Mr. Schemmer and he was urged to print it, although Mr. Schemmer told Secretary Perry that it was his "strong conviction that it was irresponsible to let this information out at this time."

5. On August 22, Secretary Brown and Under Secretary Perry held a formal press conference at the Pentagon at which they officially confirmed the existence of the Stealth technology, and in fact hailed it as a major technological advance of great military significance, with a direct bearing on the military balance between the Soviets and our-

selves. Throughout the press conference Secretary Brown's comments referred repeatedly to a Stealth "bomber."

Moreover, in his press conference, Secretary Brown justified his decision to make this hitherto highly classified information public because of certain "leaks." Secretary Brown claimed that these "leaks" had made it "not appropriate or credible for us to deny the existence of the program." And in his subsequent testimony before the subcommittee on this point both he and Secretary Perry described their decision to confirm publicly the existence of Stealth as solely motivated by a desire to "limit the damage" caused by the earlier press "leaks" and the press speculation which was certain to result from them.

6. When Adm. Daniel Murphy, USN, the top Defense official charged with protecting highly classified security material within the Department of Defense—including the "compartmentalized" secret program known as Stealth—testified before the subcommittee, his apparently indifferent reaction to those leaks which had allegedly triggered the public disclosure by the Secretary of Defense of one of the most highly guarded secrets of the Defense Department, proved most difficult for the subcommittee to understand.

For example, no investigation of the source of these leaks to Aviation Week and to the Washington Post had been requested, either by Admiral Murphy, or by the Department, until August 26, well after the subcommittee inquiry had been announced, and only 1 day before our actual hearings began. Moreover, the procedures existing within the Department for insuring the protection of classified material, the primary mission with which Admiral Murphy is formally charged, appear—at least on the basis of his sworn testimony before the subcommittee—to be casual in the extreme. In fact the admiral testified that he did not really have control over such information. The responsibility for safeguarding it and declassifying it was really up to the individuals who had classified the material in the first place, or who were currently handling it, he said, and he had no direct coordination over these matters. In fact, he did not even have a list of which matters were classified and which were not. Moreover, the first person to be notified, under current DOD rules, in the case of the leak of classified information, the subcommittee was advised, is not the Deputy Under Secretary for Policy Review, Admiral Murphy, but the Assistant Secretary for Public Affairs, Mr. Thomas Ross. And he, we are advised, handles these sensitive matters by referring to his files to see what has and what hasn't been publicly announced.

Admiral Murphy testified his only function was to set policy relating to security. But it was quite impossible, either from the admiral's own sworn testimony or the documents he later provided to the subcommittee, to fathom precisely what that policy was.

Based on his own testimony, a reasonable person could conclude that the top Defense Department official charged with protecting Americans against damaging military security leaks was clearly not devastated by the fact that such a highly prized item within his jurisdiction should have somehow slipped out into the public domain, and was thus made available to any potential enemy of the United States; nor did he appear to be even curious about how this tragedy might have occurred.

7. Highly instructive in these circumstances is the basic philosophy which this uniformed keeper of the Defense Department's highest and most valuable military secrets espoused to the committee in connection with the capability of the U.S. Department of Defense to prevent leaks of vital classified material. Admiral Murphy told us that he believes such leaks are "not unexpected" and "sometimes could be very important to our country." He believes they will develop because of "the current state of our law, our regard for the rights of the press to freely gather information without harassment and without curtailment by the Government," and "*the human propensity in all branches of Government to share tidbits of information with inquisitive reporters and influence public opinion on certain national security initiatives*" (italic added).

As for how to deal with this problem, Admiral Murphy had this further observation:

I don't think the solution is prosecution or a more repressive climate of probes and checks and harassment of the news media * * * What I am trying to point out to you is that there are certain limitations that you face in a democracy like we have in the United States that make it very difficult to track down leaks of the kind we are talking about.

8. Retired Adm. Elmo Zumwalt, a former Chief of Naval Operations and member of the JCS and now a syndicated columnist, testified under oath that sources within the Pentagon and the White House had told him that a decision had, in fact, been made by the President to leak certain information about Stealth so there would be an excuse for a fuller, official disclosure about the existence of Stealth, ostensibly as a "damage-limiting" operation, but in reality to enhance the image of the Defense Department, under political attack for having done too little to strengthen our military defenses.

Admiral Zumwalt further testified that, according to two officials in the White House to whom he had spoken, Mr. David Aaron, Deputy Assistant to the President for National Security Affairs, was the person who passed along the information that served as a basis for the article that appeared in the Washington Post on August 14. Mr. Aaron filed an affidavit with the subcommittee denying that he was the source of any information contained in the Post article. Efforts by the committee to get Mr. Aaron to testify in person and under oath before the subcommittee were frustrated, however, by a dispute with the White House over the matter of executive privilege, prior to the recess of Congress for the 1980 election on October 3.

As for the President's own participation in this process, in response to a written inquiry by the subcommittee, the President denied that he, or anyone on his staff, had disclosed classified information to unauthorized sources: and he also said he had not initiated, but had approved, Secretary Brown's decision to go public with Stealth in an effort at "damage-limiting" of the previous "leaks" on the subject.

9. Ultimately, of course, it is the Secretary of Defense who has the responsibility for protecting the Nation's top military secrets within the Department of Defense. It is, therefore, instructive to have the rationale of the Secretary of Defense in going public with

Stealth in a formal press conference, thereby lending official confirmation, plus some additional details, in response to the limited and unconfirmed information that had appeared earlier in the press, as he testified before the subcommittee:

We had three options in dealing with this problem. The first was to say nothing. In the context of our overriding objective to stop the flow of further leaks, this was a totally unworkable option. A no comment in the face of a spectacular news story by a reputable reporter in a major newspaper is tantamount to confirmation, and this would have been an implicit confirmation, with no new line of restraint imposed. It would have resulted in a rash of competitive reporting and a cascade of new leaks, some of them containing much more damaging information about the technical details of the program.

A second suggested option was to try to discredit the story. But I rejected any effort to deceive the press and the public as both wrong and not feasible.

As the Nation learned to its bitter regret in the Watergate era, a policy of deceiving the public undermines the basic link of trust between the Government and the people. Moreover, as the members of this committee well know, Aviation Week and the Washington Post are read closely in the Soviet Embassy and are viewed as authoritative publications.

In those circumstances, I decided that the only truthful and effective course of action would be to acknowledge what has already been disclosed to the Soviets in the leaks and to lay down strict new security guidelines to prevent any further disclosures. By so doing we have, in effect, created a "firebreak" to prevent the spread of the technical details which, because they are at the heart of operational effectiveness, may remain highly classified.

10. Secretary Perry also testified in a somewhat similar vein on the rationale behind the decision to hold a formal press conference on Stealth:

The first published security break in the program occurred on June 28, 1980, in a Washington Post article which described a new secret bomber under development which was "invisible to enemy radar." I discussed this article with Admiral Murphy to determine whether we should request an investigation of the source of the information. We both agreed that it would be better to ignore the article in hopes that the story would not be picked up.

Shortly thereafter, I met with the Secretary of Defense to discuss security aspects of the Stealth program. I advised him that we should not respond to the June 28 leak, but that I did not believe that we would be able to conceal the existence of the program much longer. I told him of the necessary increase in the number of people we had briefed in the Defense Department, in the Congress, and among the contractors, and noted

that further increases were in store. I summarized by saying that I believed program existence already was starting to leak out and that I believed that a controlled announcement would be better than a series of leaks. I was concerned that if the program started to leak, a flood might ensue, and that some of the really sensitive information might be disclosed along with the program's existence. I recommended that we continue to classify program existence but that we should be prepared to respond quickly to more leaks. He accepted that recommendation and asked me to begin the preparation of revised security guidelines to be used if necessary * * *.

The major security break occurred on August 14 in the Washington Post article, and irretrievably compromised the existence of the program. But this only accelerated by a few months what I had already considered to be inevitable; my major concern was that there was an imminent danger of having really damaging information come out, particularly in view of the details that already had been obtained (in 1978) by Armed Forces Journal. On August 14 I sent the Secretary of Defense proposed new security guidelines which declassified program existence but drew a new line protecting sensitive technical and operational details. I recommended to him that we should implement the new security guidelines immediately as a damage-limiting tactic. He accepted that recommendation in principle, asked me to prepare implementing plans and meet with him on August 16 for his final review. (At the same time he asked the Secretary of the Air Force, Dr. Mark, for his recommendations.) * * *.

Everyone advising the Secretary of Defense agreed that the Washington Post article was a serious matter that could not be ignored. General Ellis, SAC Commander, cabled General Allen that he believed that this leak threatened the viability of the program and that the story should be discredited. My advice, and that of Dr. Mark, was that the damage could not be undone; to deny the story would be infeasible as well as improper and a "no comment" would not stop the inquiries but rather stimulate them. However, we did believe that what had been revealed in no way threatened the very great value of the program to our national security. Our real concern was centered on the potential revelation of technical details which could facilitate Soviet countermeasures. No such information had been released at that time, but there was a risk that it might. Both Dr. Mark and I recommended implementing the new security guidelines as the best way of minimizing this risk.

11. The fact is, however, that the so-called "damage-limiting" press conference did not in any way abate the interest of the news media in Stealth. It only focused attention on it; and it is hard to see how any greater attention could have been paid to the subject, or any greater damage done to the national security, had the Secretary merely replied "no comment."

12. There appears to be a very sharp divergence of opinion within the Pentagon on how to handle these security leaks, as well as the relative seriousness of them. Generally most, if not all of the top uniformed officials do not share the casual, live-and-let-live attitude toward vital security leaks exemplified by Secretary Brown, Secretary Perry, and (on the record at least) Admiral Murphy.

But only one uniformed officer had the courage to express a sharp open dissent with the Pentagon when he learned what Secretary Brown and Secretary Perry were up to—Gen. Richard H. Ellis, the Commander of the Strategic Air Command, which would, presumably, be using any Stealth bombers that might eventually be produced.

Here is the message which General Ellis sent, through proper military channels, to Gen. Lew Allen, Chief of Staff of the Air Force, when he learned of the Washington Post leak of August 14th:

Today's Washington Post story on the possible development of an advanced technology bomber brought the hair up on the back of my neck. I don't have to tell addressees that giving the Soviets [] years advanced warning of a new technology system they must counter is to sound the death knell of that system. As the current Commander of the combatant command that would eventually operate such a system, I ask that you take immediate action at the necessary levels to discredit the story and otherwise defuse the situation.

General Ellis testified to the subcommittee that General Allen shared the view expressed in this message. "Very much so," as General Ellis put it.

13. The Assistant Secretary of Defense for Public Affairs is the officer who determines initially whether there has been a breach of security in the release of classified information. Incredibly, his determination is based upon whether the classified information has already been released, rather than by checking into which matters are currently under security classification.

CONCLUSIONS OF THE SUBCOMMITTEE

1. It is the conclusion of the subcommittee that the release of information about Stealth in the formal press conference was done to make the Defense Department and the administration look good in an election year, and not, as claimed, for purposes of damage-limitation.

2. The release of this information in a formal press conference was a serious mistake and did serious damage, as General Ellis has charged, to the security of the United States and our ability to deter or to contain a potential Soviet threat. The press conference gave the Soviets information of far more value than was contained in the earlier leaks. It amounted to official confirmation, which is far more helpful to the Soviets in making their own decisions about where to make their responses than are unconfirmed rumors. Since a Stealth bomber is still at least a decade away, the Soviets have, as General Ellis pointed out, been given a long lead, not only in duplicating what we have

done, as they did with the atom bomb, but also in developing counter-measures before the projected new aircraft would be operational.

3. Not enough evidence was presented to the subcommittee to enable it to determine the truth or falsity of the reports to which Admiral Zumwalt testified, viz, that the preliminary leaks of Stealth information was actually orchestrated by the administration in order to justify a formal press conference which would acknowledge the existence of Stealth under the guise of damage-limitation. However, the only alternative explanation is equally damaging, namely, that the world's greatest military power is powerless to protect its most vital military secrets while the ability to utilize these secret technologies operationally is still years away.

Further evidence tending to support the Zumwalt report has surfaced subsequent to the subcommittee's hearings in the Government's own investigation of the Stealth leaks, which the subcommittee had prodded the administration into undertaking. In its January 1981 issue, the Armed Forces Journal reports that 2½ months after the Justice Department began its investigation it is still only in "the preliminary stages," because, "we're still trying to resolve whether this was an authorized or an unauthorized leak." In other words, even the FBI has been unable to determine positively that the information which appeared in Aviation Week and the Washington Post before the Brown press release was not given to these publications deliberately by official administration sources, acting pursuant to competent authority.

4. The status of the machinery for protecting secrets in the Pentagon is in deplorable shape and desperately needs a total overhaul. The idea that a democracy is constitutionally inhibited in protecting those secrets vital to its defense as well as its survival is utterly false and totally unacceptable.

COMMITTEE RECOMMENDATIONS

1. A total revamping of Defense Department procedures for the protection of classified security information must be undertaken at once. This revamping should involve the establishment of a clear-cut procedure in which some one official has a complete record of those programs, papers, and issues regarded as being of the highest security classification. This official should also be fully informed as to which persons are privy to this kind of information; and he must maintain a clear documentary record of when, under what circumstances, for what reasons, and by whose authority whenever such information is declassified.

Secretary Brown pointed out to the subcommittee that since he had originally designated Stealth as a compartmentalized secret project he had, under existing DOD security rules, exclusive authority to declassify that project at any time he choose—as in effect he did when he held his press conference. There is, however, no document that the subcommittee has been provided which indicates at what time and date this declassification took place, who directed it, for what reasons it was directed, and what alternate security procedures, if any, were substituted for the original classification.

2. Before any effective security system can be established, the Pentagon must totally disabuse itself of the philosophy which its top officials repeatedly testified to before the subcommittee, that in a democracy there is really nothing the Department can do to prevent security leaks, or track them down when they occur.

3. In order to prevent any repetition of the unfortunate and costly decision of Secretary Brown to declassify existence of the Stealth program, it is recommended that the new security program recommended by this subcommittee include a provision that no declassification of the Nation's most vital military secrets can be made by any single official—even the Secretary of Defense. Rather, procedures should be devised to insure that any such decision must be made only after a thorough review by a special panel, which would include top Department intelligence officials, the Department's top security official, and the full membership of the Joint Chiefs of Staff.

4. It is further recommended that henceforth Pentagon security officials proceed on the assumption that any damage caused by the leak of vital security information can never be "limited" by the release of still more information on that particular subject. The best response in such circumstances should be "no comment." As Speaker Rayburn used to say, "Nobody can ever blame you for something you didn't say."

5. The office of the Assistant Secretary of Defense for Public Affairs should be taken entirely out of the process for protecting classified matter, or initiating Pentagon investigations into security leaks. In other words, in determining whether there has been any "authorized" release, or declassification of classified matter, that should not involve any action by the public affairs office.

6. The appropriate committees of Congress should begin at once, with the assistance of Defense and internal security officials, to develop and enact legislation to provide for: (1) the designation, by appropriate authorities, of those military secrets regarded as being the most important and vital to the security of the Nation; and (2) along lines similar to those set forth in the Official Secrets Act of the United Kingdom, prevent, by the establishment of appropriate penalties, the publication of such secrets; or, in the alternative, require that any publication of such information by the media be accompanied by the name of the source of such information.

