

# America's Official Secrets Act

Elaine Mittleman

Presidents and executive branch officials of every recent administration have complained about leaks, particularly of what they call "classified" information. The Reagan administration, in its ever-increasing attempts to stop these leaks, has created government secrecy agreements, which about two million government employees with access to classified information, have been forced to sign. The employees must sign these forms, typically called Standard Form 189, to maintain their security clearances. The agreements allegedly create a contract between the government and the employee, and put a number of restrictions on workers, including a lifetime commitment not to divulge classified information without prior approval. Since many employee's jobs require security clearances, if the employees refuse to sign, they could easily be transferred to a lesser position or fired.

Although employees started having to sign these forms in 1983, the real uproar about them began last year, when some employees, including noted whistleblower Ernest Fitzgerald, questioned the language in Form 189 and refused to sign. As the controversy escalated, those refusing to sign were threatened with termination. U.S. District Court Judge Oliver Gasch has ruled that the forms' use of the word "classifiable" to describe information which may not be divulged was not properly defined, and so, unconstitutional. The government office in charge of these forms, the Information Security Oversight Office, will soon issue new ones avoiding the term "classifiable." In spite of the litigation, the forms have not been struck down and the two million employees who signed the old forms will still be bound, presumably, unless Gasch's ruling is overturned.

One of the most troubling aspects of these forms is that they can be used to get whistleblowers through selective enforcement. A time-honored practice has been to label as "classified" any information which an administration does not want revealed. These secrecy pledges are being used to restrict the flow of valid information about the functioning of the executive branch rather than to stop dangerous leaks to spies. There has been no indication that leaks have diminished since these forms were created (Oliver North and Fawn Hall, among others, signed them). Indeed, it is not clear how they would be used to fire someone suspected of leaking. For some time there have been on the books criminal prohibitions against leaking classified material, so these new agreements are, at best, superfluous. Of course, the administration argues that civil punishment for leakers is easier to obtain than criminal. But that punishment for leaking

is not what the forms are about - they are designed to catch suspected whistleblowers, among them, those who have expressed grave concerns about signing in the first place. Surely, the last group to quibble over wording of a form would be actual spies.

A further problem with the forms is that they are wholly a product of the executive branch. The authority to require these secrecy agreements came through a National Security Decision Directive, which is an executive edict issued without authorization or review by Congress. It is important to understand that Congress has passed no legislation permitting or requiring these secrecy pledges. Indeed, after they became controversial last fall, Congress included a provision in the December spending resolution prohibiting expenditures to carry out the pledges. That prohibition was struck down by Judge Gasch and is the issue which may go to the Supreme Court. Congressional members were unhappy with the forms, particularly because they thought requiring federal employees to sign them was a maneuver by the administration to keep certain employees from telling Congress what was really going on - all in the name of national security. Many on the Hill remember Watergate, and do not want bureaucrats silenced under the pretense of classified information.

The sad truth at this time is that the forms still exist and are binding. The litigation so far has not invalidated them, and Congress' prohibition in the spending resolution has been ineffective because it was struck down by the court. Many, particularly those whistleblowers and others who want freedom of speech for government employees, strongly believe Congress must take a much firmer stand in banning these secrecy pledges.

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# Who got the spread?

Consumers get no benefit from 15% drop in farm beef prices



## Keeping Cities Cool Jonathan Marshall

As cities grow, so does the average gap between their summertime temperature and that of surrounding rural areas. A metropolis of five million people will show an average heat difference of four degrees in summer, and often much higher.

"The largest reported temperature difference that I've seen was 15 degrees Celsius (27 degree Fahrenheit) at Fairbanks, Alaska," says Thomas Karl, a research meteorologist at the National Climatic Data Center in North Carolina. "New York City has heat islands as high as 10 degrees Celsius (18 degrees Fahrenheit)."

The reasons for this hot-box effect aren't mysterious. Cities "are heated by exhaust from air-conditioning plants, furnaces, engines and the built-up heat in asphalt and concrete surfaces," notes Kenneth Watt, a professor of environmental studies at the University of California at Davis.

Dark roofs and streets soak up heat and shimmer in the sun. As much as 40 percent of the entire city of Los Angeles, for instance, is paved for cars, a vast expanse that absorbs heat during midday and radiates it back as the sun goes down.

Tall buildings block the wind and trap heat that would otherwise escape skyward.

When trees and grass give way to concrete and

asphalt, water runs off in storm drains rather than carrying away heat through evaporation.

Crowded cars, industry and even human bodies raise temperatures as well.

The result, Karl explains, is "a heat island that can grow and even escape outside the city. A nice park can be caught up because the warmth overtakes the whole area."

The good news is that nothing so formidable or expensive as global climate change may be needed to cool things off for the sweltering masses. In fact, the answers are as cheap and low-tech as they come.

A team of scientists at Lawrence Livermore Berkeley Laboratory, led by physicist Art Rosenfeld, argue that planting urban trees and switching to light-colored surfaces on roofs, streets and parking lots would "effectively reduce building cooling loads and peak power" requirements and "are the cheapest way we know of saving energy and money, and reducing carbon dioxide emissions."

In a recent paper, they cite studies indicating that properly located trees, and shrubs reduce the daily air-conditioning electricity use by as much as 50 percent.

The plants shade buildings from the sun and use up heat to evaporate water. A survey of neighborhoods in