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ADEQUATE CLASSIFICATION GUIDANCE - A SOLUTION AND A PROBLEM, (U)  
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# ADEQUATE CLASSIFICATION GUIDANCE — A SOLUTION AND A PROBLEM

Jack Robinson

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## ADEQUATE CLASSIFICATION GUIDANCE – A SOLUTION AND A PROBLEM

Jack Robinson

In 1971 I had the opportunity to present a paper entitled "Classification Management – Training and Operations" (Journal, Vol. VII, pp. 150-161, 1971). In it I dealt at some length with the foundation for classification since, as I said at the time, "... if classification management is to be good, the original classification must be good." I discussed then and have discussed many times since the hierarchical nature of classification determinations. A point at the time was to illustrate the effect that official issuances at a high level had on those who were at subordinate levels whether the decisions – as we now term them – were original or derivative. Then, as today, improper classification issuing from a high level will result almost unvaryingly in perpetuation of error – despite the many exhortations made since then by Mr. Van Cook and each of the services from whom we have heard over the years. Figures 1 and 2 humorously present the extremes.

A solution suggested was that classification guidance should become more complete; more pervasive, if you will, so that error compounded would disappear from the scene. We could then come to live happily with the Congress, the members of which surely would see the light of *truth*. Certainly, the whole procedure could be expected to make even the General Accounting Office almost enthusiastic! In that light I presented information on the status of guides and did what comparison one could as to the "trend." For a touch point, table 1 shows the figures I presented then. You will be reminded that some progress was evident then in comparison with an earlier time. Also reasonable to note that at that time various DD Forms 254 relating to specific items/projects were not included, and as you will note, Army and DoD figures were not available.

TABLE 1

	30 Jun 1963	30 Jun 1964	January 1971
NAVY	17	22	130
AIR FORCE	116	153	270

*This paper was presented at the 15th Annual Seminar of the National Classification Management Society, 15-17 May 1979*



Figure 1

What do you mean this is unclassified, Colonel?  
I just made it SECRET

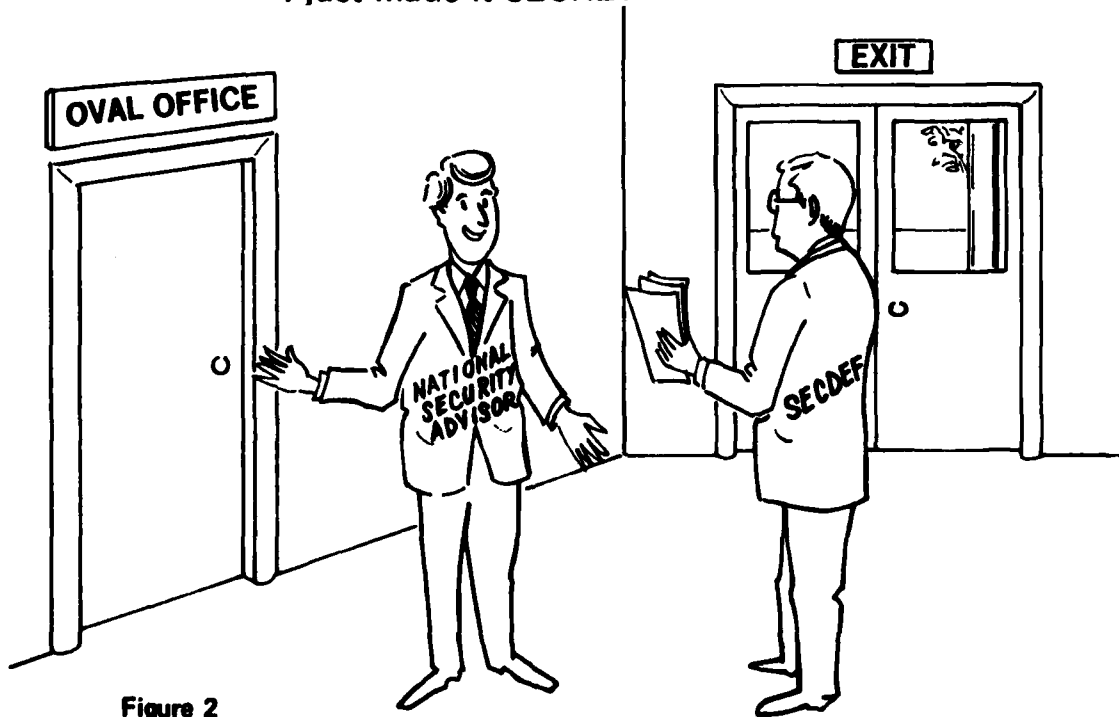


Figure 2

I'm sorry Mr. Secretary, but the President declassified Program X

Since this special point is particularly germane to this presentation, I would like to examine the intervening time and present comparisons with the relative present. For instance, it comes as no news to you members that the Society has "pushed" for more, and especially more *adequate* guidance.

In 1971 a happenstancely complementary — as it turned out — effort was shortly underway and resulted in EO 11652. It did not — as EO 12065 in 1978 does — require "portion" marking. However paragraph marking had been underway in the DoD since 1966; so some 12 years worth of experience there and some 11 in industry (Those under the Industrial Security Program) were available prior to the new *requirement* in EO 12065 (that is not to say that all of the experience was *good*; it wasn't). Portion or paragraph marking requires more guidance and particularly more detailed guidance than does overall classification, as one could easily imagine.

So, in comparison with other Departments and Agencies who have not wrestled with the problem, DoD *has* made substantial progress — possibly in part because of the "thorn in the side" effect that this Society has had. While there is yet some distance to travel in the coverage by guidance, table 2 will give some idea of where we are now as compared with the statistics I presented in 1971.

As you can see, the improvement is dramatic — not complete but dramatic. I might explain something about the figures. Navy's, for instance, are declining. Not because there is less guidance

**TABLE 2**  
**NUMBER OF GUIDES SHOWN IN JULY 1978 DOD**  
**INDEX OF CLASSIFICATION GUIDES**

DEPARTMENT OF DEFENSE	136
ARMY	270
NAVY	141
AIR FORCE	254
OTHER	14
<b>TOTAL</b>	<b>815</b>

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because it is being topically consolidated. I will discuss the point further later but to illustrate, the guide on air warfare matters shows as one item but it contains some 90 guides. One logically expects further extensions of information coverage by guides, with the also logical expectation that coverage will be from "conception to interment."

And then what? Who will use the guidance? Who will determine the application? Who will defend a determination/application? On the latter point, you will remember that the ground rules established by the Attorney General under the FOIA, as amended, require that any pursuit of suit is contingent upon there being a case to pursue — a not unreasonable consideration, of course. Consequently, it is not useful to gnash one's teeth at the incompetence of the protectors of our system and law unless one has provided them with necessary facts — not perceptions or hypotheses or *a posteriori* determinations.

So, we must recognize that if the "ball game" is to go as it ought, each of us in this Society must help it go that way. If we are to improve classification guidance, it is *critical* for the members of the Society to be in the forefront of contributions and sound recommendations. It is reasonable to say that we have achieved some notice among those who are concerned — be they the Congress or the Executive Branch. One cannot comment about the Courts since about all one can say in this regard as respects the courts is that the status of the field is in limbo.

Then, since I have presented a case for the fact of improvement and the expectation of continued improvement in classification guidance, what is it I mean when I say "Adequate Classification Guidance — A Solution and a Problem?"

Let us turn to another aspect of the foundation paper. In 1971, I said that the group of which I am a part had decided that the way to do "the job" was to have a small sub-group that would, in fact, determine the application of various guidances available. This was done for two reasons:

- Cost effectiveness, and
- Developing an expert approach.

Aren't the reasons inherently dichotomous? How could one be more expert than the scientist or engineer whose work was being classified? Wouldn't it also be much faster since he or she could establish the classification so much more easily and wouldn't it, therefore, be less expensive? Perfectly logical questions and in some cases the respective answers would be yes, one couldn't and yes. Note, however, that I said *in some cases*.

So one might well ask, how could we have come to such a conclusion — being an analytic group such as we are, among whose responsibilities are included analyses on cost effectiveness? Especially at such an early time as 1971 or earlier when demonstrably there were many fewer guides than there are today; was it prescience, or stupidity, or was it practicality? Let's take the cost aspect first and leave the "expertise bit" until later — along with an aside of consequence concerning "nature of beasts" and such. At that time, as now, CNA was involved in many and extremely diverse fields. To not bore you with details not germane, suffice it to say that it could be characterized as "everybody's business is our business." It follows, of course, that everybody's guidance is our guidance — when there is some. You may be relaxed at the moment thinking, well

"that's not *our* problem." My question is, how sure are you? Do you really know? In that connection, I might comment that I have had occasion to examine information prepared by organizations representative of a major number of those in this audience — which may surprise some of you — and many others as well. The comment is made only to establish that my points are not hypothetical.

Turn now to a case typical of one that I described as being not cost effective for a "classification management team." I will use as an illustration an hypothetical technical manual on the operation of an imagined antiballistic missile System X. In this case, there is a comprehensive guide covering the system. It addresses all of the details of the classification of the various pieces of hardware as a function of what state of the art and capabilities could be deduced about the system from capturing or gaining knowledge about the specifics of a given piece. The manual must describe how to remove and repair/replace various modules, and the functions to be tested relating to the operation of the software systems. On target for the engineer who designed the system to determine instantly what the classification is, or for the manual writer to make the determination from the guide. Who needs a CM group? However, suppose that emphasis is added to the need for especial care in ensuring that sub-system Z be "on line" without fail since it is the link to the NCA (translate, whoever is operating for the President) and the response must meet "Y time" constraints. This is an added attraction not covered in the guide for the system, but which has been passed orally by the manager. To what does one turn then? That's an example, oversimplified perhaps, where usually the onscene expert can do the job better and faster than an "outsider." The point in question is the amplifying comment for emphasis. An unusual circumstance perhaps? Perhaps! I can attest, however, to the fact that "comments", sometimes unnecessary, are found hither and thither among otherwise straightforward (*i.e.*, covered unambiguously by guidance) papers regularly.

When one moves to a different scene — where one is presenting information about the performance of a system in comparison with others, or states of art and/or their long range implications on future capabilities — the potential for comment is much higher. I would think, having examined some not small number of such, that such a circumstance would be relatively common. And what has one used for guidance? Has one obtained all of the information from existing documents? If so, have they been (as they *should* be) paragraph classified or are they "working papers"? Have they even been marked at all? If so is there any downgrading and — if so — is it in consonance with known published guidance? Do you notice?

The questions may seem intrusive — they were meant to be. In the best of all possible worlds of exhaustive narrative guidance accompanying the new DD Form 254, industry should be able to answer all questions relating to classification. That is not to say the task will be easy or inexpensive. Consider again the numbers we noted as the beginning. In DoD alone — admittedly, with its industrial participants, the largest generator of classified information — as of last July there were as you saw 815 guides. Many programs and activities are not yet covered by guides. Further, new developments and programs are being generated constantly and will require guidance, but old continuing programs will remain along with their changing guidance. Further still, one may comment that agencies like CIA and departments like State, are only beginning to face the problem of guidance, since the *requirement* for guidance is new. One can imagine that the number of guides even within DoD stands to increase substantially; half again is a not unreasonable guess. The numbers from departments and agencies not issuing guides will add some further to the total. Parenthetically, you in the industrial community may ask yourself whether you *ever* would have a



need for a Department of State Guide. A question to consider is, do sales of military and surveillance equipment items, say, have anything to do with "foreign policy?"

Returning to the point of numbers of guides, an additional factor to be remembered is the mushrooming effect of "adequacy." Adequacy may be translated "greater specificity." In the 815 guides shown for DoD in July 1978, 141 were attributed to Navy. I must note that the number may not be precise but it isn't important. From Navy's capability with its computer-assisted system, one can obtain additional information not available from other systems. For example, represented in this number were some 26 thousand line items of information. That number, by the way, is down from a 31 thousand number in 1977 because of the consolidation of diverse guides into topical areas. Now, if one takes the proportion of the 141 to the total of guides and extrapolates a line-item count, one finds a possibility of some 75 thousand line items existing in 1978. Stick that one in your pipe. Who needs to know "all that jazz?" My answer is — lot's of you.

Now turning to the implications of these numbers. The number of guides first: one could, of course, duplicate in whatever numbers were necessary, and distribute among the population of those whom you have charged with determining and applying guidance. One must face, then, the point that those providing the most adequate guidance to assist in distinguishing among cats, dogs and shellfish frequently are classified. The "whatever" costs regarding the preparation, handling, and care of classified information must also be cranked into the equation.

An even more important point exists, however. I alluded in the beginning to "nature of beasts" and such. I should like to examine that briefly. Those in the scientist/engineer group who are tasked with resolving some defense problem and presenting a solution are, of course, concerned about the validity of the outcome. It must be supported with whatever information is pertinent — that function is not and should not be constrained by classification. However, it is reasonable to say that most do not view information in terms of classification; that's an interruption to their thought process. Indeed, many will not even remember *exactly* where they got certain information. Face such a person with the task and then add "by the way, there probably are 5 thousand line items of guidance that may apply to this question; please apply them. We'll send you the box next week." The likely outcome can be imagined. The cost, were he or she to do that part of the job correctly, could hardly remain unnoticed. Members of my group said that the task even of keeping track of how much time — therefore cost — it would take would be not cost effective to establish.

There we have the *problem* of adequate classification guidance. The better and more encompassing it is the more time and care will be required to use it — no matter whose responsibility it is to apply, when we are describing derivative classification. As we all know and have discussed for years, derivative classification is the principal activity in protecting information. The "adequate classification guidance" is a solution to not having to be ridiculous in classifying extracts and necessary pieces of information to use in some study or plan. The complementary requirement for portion marking aids in isolating only that which needs protection and at which level. So one can say that the goal of achieving proper classification — of classifying only that information truly requiring protection — may be in view. But the view can be considerably dimmed by a fog of misapplication.

Let us not imagine that misapplications are a one-way street where all are regularly moving in the direction of overclassification — they are not. What does seem clear is that all too frequently the

application has been done without adequate thought. A point to be made here is that the practice of assuming that the secretary, by some magical means, will be able to deduce what classifications are to be applied to what paragraphs *must* disappear. The comment, of course, applies equally to the Yeoman, Airman, or Sergeant or whomever one has doing principally clerical tasks. The day when that could be done – if it ever existed – has long since passed. So what does one do?

One will have to spend more money than one has been spending to do the job correctly. More training will be required. More man hours will be needed. More information will have to be considered in a broader spectrum as to its potential applicability. One will have to plan on how to accomplish the requirements in some logical and organized fashion. There are no easy, short-cut ways to do all of it but there are different approaches. The purpose of my paper was not to provide solutions, as such, but rather to focus attention on a problem which has been developing and does not seem to have been recognized fully. The further goal of the effort may be characterized in borrowing from a presentation made several years ago by Jack Griffin, DoE's then Director of Classification and shown as figure 3.

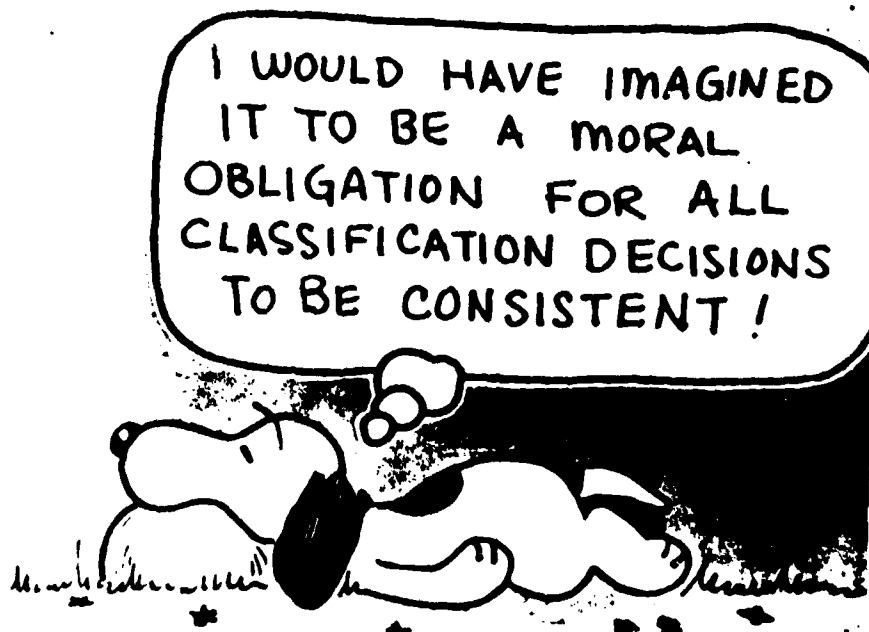


FIGURE 3

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