

Dancing in the Dark

The Pentagon's record levels of secret "black" spending requests are seen by many in Congress as a way of dodging the oversight process. Some are calling for sunshine.

BY DAVID C. MORRISON

Rep. John R. Kasich, R-Ohio: *I don't like blind dates, [yet] I am being asked to sign up for all these 'blind dates' with these black programs; and by the time we ever get a chance to really debate it . . . , we are spending billions and billions of dollars [that] we don't get a chance to really review.*

Air Force Secretary Russell A. Rourke: *I have to disagree with your premise about blind dates, Mr. Kasich. My wife was one of my blind dates; it worked out fairly well for the last 23 years. Some of these programs have gotten gray or gotten black. I can only assure you that, to the degree that you have trust in your [ranking] colleagues [and] your appointed officials . . . , that [oversight is] being carried out. If you got into the black world, you would understand totally and completely the reasons why those programs are so classified.*

"I've changed my view of these programs," House Armed Services Committee member Kasich said in an interview a year after his February 1986 exchange with then top Air Force civilian Rourke. "In light of leaks that occur, I don't object anymore to just a handful of people being aware of them. I don't want to eliminate black programs and think we should treat them like we do our most secret secrets."

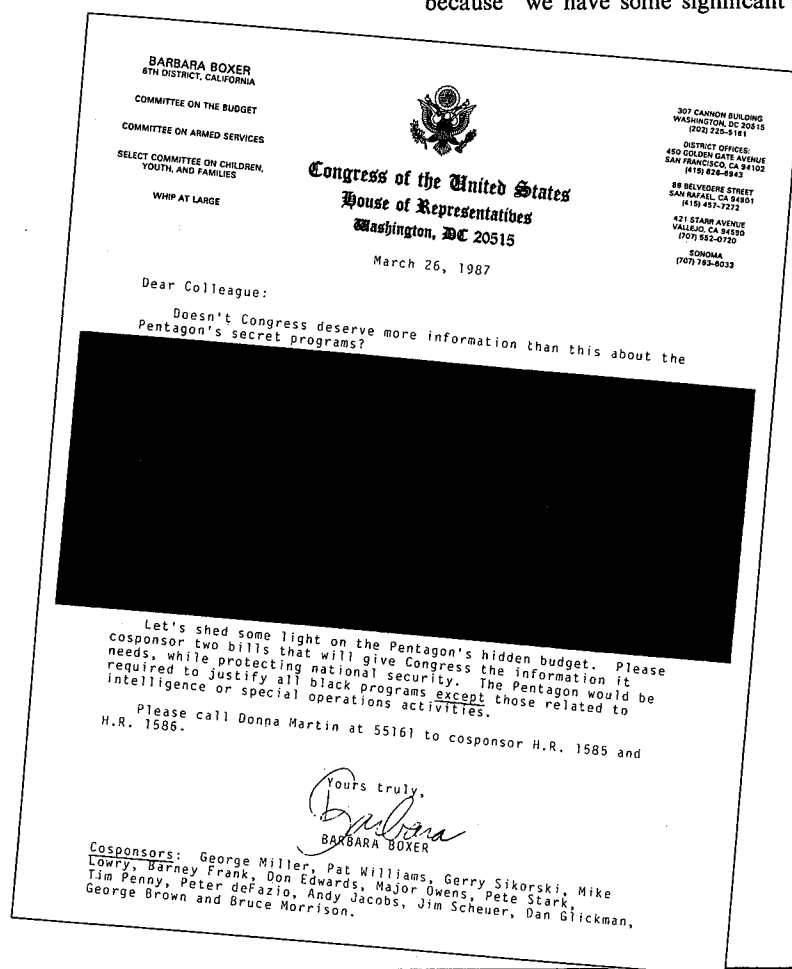
Kasich's sanguine view of the Pentagon's burgeoning black budget, however, is by no means shared by all his colleagues. While there is no congressional sentiment for completely breaking off their blind budgetary date with the Pentagon, a host of Members of Congress are pressing to learn more about the secret defense programs they increasingly are being asked to finance. This legislative

concern seems to have mounted in direct proportion to the dramatic quintupling of secret spending in recent years, from an estimated \$5.5 billion in fiscal 1981 to \$24.3 billion in the fiscal 1988 request. (For more on defining the black budget, see box, p. 872.)

And this rising tide of criticism is coming from some unexpected sources. The House Armed Services Committee's ranking Republican, William L. Dickin-

son of Alabama, for instance, complained that "there is a tendency on the part of [the Defense Department] to put things into the black unnecessarily or to prolong them in the black world unnecessarily, probably because it is easiest to do work without somebody looking over your shoulder."

Even the Senate Armed Services Committee's Dan Quayle, R-Ind.—who generally favors black spending procedures because "we have some significant pro-



grams in there" and who contended that "we don't need to have 535 [Members] looking over our shoulders on this"—worries that the Pentagon might be pursuing too many black projects. "I have argued internally [with defense officials] that we should get some of them out of there," he said. "The reaction is lukewarm; there's a presumption not to do it. As more people begin to ask some questions, there may be some flexibility and we may see some results."

Members are doing more than just asking questions, however. They are also preparing legislation in hopes of opening at least a narrow window into the Pentagon's black world. Already in the hopper are two bills introduced on March 12 by House Budget Committee and Armed Services Committee member Barbara Boxer, D-Calif., and 15 co-sponsors.

One, the Hidden Budget Accountability Act (HR 1585), would require that each executive branch department make public for its first budget submitted after passage of the act the aggregate costs for that year and the previous five fiscal years of "programs that are included in that budget in a manner designed to conceal their existence or scope."

The other, the Defense Black Budget Oversight Act (HR 1788), would compel the Pentagon to provide in writing to the chairmen and ranking minority members of the four defense oversight committees notification of all such programs, the justification for making them black and an enumeration of all "white" programs that are similar in mission or technology. Other members of those committees would then be able to read—but not copy—this information after submitting a request in writing to their chairman.

Current procedures dictate that Members desiring such data go to the chairman and ask for a briefing from specially cleared committee aides or Pentagon officials. "Which to me is a very haphazard way to govern, because it puts the burden on me," Boxer said. "The burden should be on the people who want the money from us to have some justification and criteria. There ought to be a way that key Members of Congress that deal with this issue on a daily basis are informed as to why programs are going into the black . . . so that we can get to the heart of the problem."

CREEPING SUNSHINE

One of first bills to directly affect black programs was introduced last year



Rep. William L. Dickinson, R-Ala.
Most black funds could go public harmlessly.

on the investigative service if it were charged with securing all black programs, Hartig said, because "I have no idea how many special-access programs are out there. We have been carved out of it, and this [review] is the first time we have really been in it."

Wyden last year had also discussed with House Armed Services Committee chairman Les Aspin, D-Wis., the possibility of introducing a "creeping sunshine" bill, dictating that the Pentagon drag into the glare of the white world each year an incremental percentage of its black spending. "It was clear that we could not get something like that on the defense authorization [bill] last year," Wyden said, "but I'm going to look at something like that again this session." In a statement last May, Aspin and Dickinson, decrying what they described as an eightfold increase in black defense spending since 1981, contended that "fully 70 per cent of all the funds that are now obscured under the 'black' umbrella could be listed publicly in the budget without causing any harm to national security."

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by Rep. Ron Wyden, D-Ore., a member of the Energy and Commerce Subcommittee on Investigations and Oversight, which has been delving into the Pentagon's black world more vigorously than has any other panel—at least of those in open session.

Reacting to a scandal last July over the Lockheed Corp.'s having mislaid 1,460 classified documents apparently related to an ultrasecret stealth fighter project, Wyden introduced, and the House approved, an amendment to the fiscal 1987 defense authorization bill calling on the Defense Investigative Service (DIS) to conduct twice-yearly investigations of the document control procedures at all contractor facilities working on special-access, or black, programs. "I felt that was a small change that was needed," Wyden said. Most black programs are governed by "carve out" contracts whereby the DIS is relieved of its usual security duties, which then devolve to the Pentagon office actually running the program. (*See NJ, 6/28/86, p. 1610.*)

In conference with the Senate, however, Wyden's bill was turned into a requirement simply that the Defense Department review its security procedures at black facilities and report to Congress with suggested improvements by this May 1. "What will come out of that, we have yet to see," said DIS spokesman Dale L. Hartig. It is hard to gauge the additional burden that would be imposed

Among the concerns raised by Members and defense officials about bills along the lines of Boxer's is that they could expose to dangerous scrutiny the intelligence activities and covert operations of the CIA and the National Security Agency, whose funds are appropriated through the defense budget and have always been black. "When you have a gray program, where there is acknowledgment that such a program exists, then it is all right to talk about the costs," said Kasich, citing the stealthy multi-billion-dollar Advanced Technology Bomber (ATB). "But there are black programs that nobody acknowledges even exist, so it would be a mistake to start putting numbers in the budget that would tip people off."

Boxer stressed that her hidden-budget bill calls only for the release of aggregate black budget numbers by each department, in which case all secret intelligence money would be subsumed in the Pentagon's over-all black budget total. Her other bill's requirement for the submission of justifications and criteria for black programs, she said, does not pertain "to special operations or intelligence because we knew that would be a problem."

"That's one of the things that's appealing about the creeping sunshine concept," Wyden said, "because you could do that while drawing the line carefully respecting the legitimate national security concerns that need to be kept black

You say, 'This is the creeping sunshine target; you get there.'"

CIRCUMVENTING CONGRESS?

Capitol Hill's concerns about black programs revolve overwhelmingly around the issue of oversight: Can so many projects that are so secret be subjected to adequate oversight by either the Pentagon or Congress? Some Members not sitting on the defense oversight committees, for instance, fret that black programs may be getting a free ride on those panels. A *National Journal* analysis of the fiscal 1987 black budget's passage through the six markup hurdles of the authorization and appropriation process last year shows that \$22.6 billion worth of identifiable black programs were, in the end, trimmed back by only 2.5 per cent to \$22.1 billion. The Pentagon's over-all \$311.6 billion fiscal 1987 request, by contrast, was slashed by 9 per cent.

Because black programs are, presumably, all high-priority projects, this disparity in legislative treatment does not necessarily signify that they are scrutinized any less rigorously than white programs by those Members who do have access. But the difference between the \$3.3 billion initially gouged out of the black budget by the House Armed Services Committee and the \$564 million cut finally imposed by the defense appropriations conferees is nonetheless striking. (See box, pp. 870-71.)



Sen. Dan Quayle, R-Ind.
Black programs may be our most efficient.

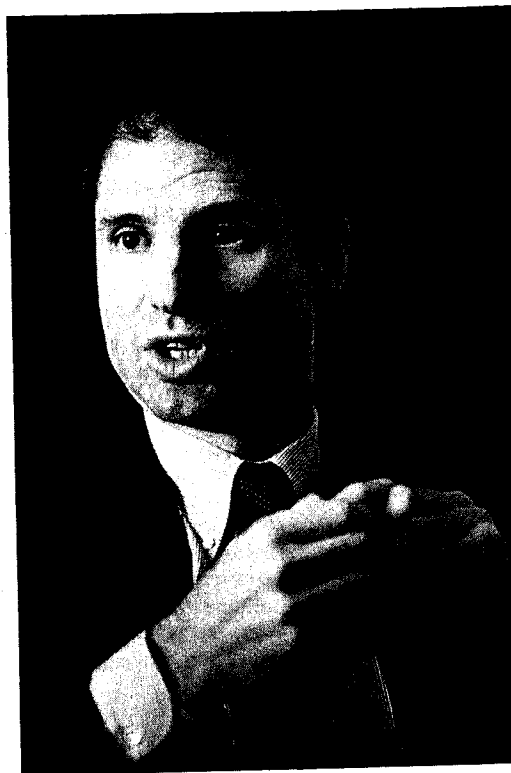
In a "talking paper" on the black budget issue prepared for *National Journal* in lieu of an interview, the Pentagon noted that "various reasons have been postulated for the apparent recent increase in the number of special-access programs." The real reason, it said, was that "the nature and magnitude of [Defense Department] operations often necessitates a less-than-rigorous application of the [standard] need-to-know principle [to classified programs]. Thus, because of the importance/criticality of certain programs and the real espionage threat against them, it is sometimes decided to enhance the security of the program security by designating it as a special-access program."

There is a pervasive, sneaking suspicion on Capitol Hill, however, that not all programs are taken black solely because of the threat that loose lips might sink secret ships. During a surprise appearance at Boxer's March 12 press conference to endorse her two bills, Anthony R. Battista, the top aide to the House Armed Services Subcommittee on Research and Development, contended that weapon systems had been draped in the black shroud "not because of national security, but to circumvent congressional review procedures."

Precisely because there are fewer overseers, Quayle argued, "black programs are the most efficient programs we probably have: They are usually ahead of schedule, many times under cost. And that's why there is a strong desire beyond the national security implication, but just from a program management point of view, to put them in the black world."

That rule, apparently, does not apply across the board. "We looked into that issue rather extensively," David Packard, chairman of the President's Blue Ribbon Commission on Defense Management, told *National Journal* last summer. "The interesting thing we found is that not all of those programs are well managed, either. So our investigation didn't quite support the theory that if you classify a program, it's automatically managed better."

"With what I know about



Richard A. Bloom

Rep. Ron Wyden, D-Ore.
He favors "creeping sunshine" targets.

procurement, I have to believe that what is going on in the white world is going on in the black world," Boxer charged. "And that is a desire to hide illegitimate costs and pricing data from us, to hide waste and fraud and mismanagement. I have to believe that a portion of the black budget is responsive directly to that desire."

To ferret out such hanky-panky in the white world, Congress relies on its General Accounting Office (GAO), which audits all federal spending. But some Members wonder how deeply the GAO can delve into the details of closely held black programs. Thus, in a March 12 letter to Comptroller General Charles A. Bowsher asking the GAO to review the Pentagon's black projects to determine how many had been compartmentalized for legitimate national security reasons, Boxer also inquired whether the GAO had enough auditors and investigators cleared for highly classified programs.

Rep. John Edward Porter, R-Ill., a member of the Appropriations Legislative Subcommittee, also has been pursuing this line of inquiry. The black budget, he said, "has grown so large that in a certain sense, the Appropriations Committee is not able to make any of the judgments [required] regarding about \$22 billion in the Defense Department's budget." While there are good reasons for having special-access programs, they should also be reviewed to make sure that "what is under the black budget is neces-

The Black Budget's Legislative Trip . . .

Contrary to common perception, the Pentagon's black budget does not escape the congressional budget knife unscathed. A *National Journal* analysis of the fiscal 1987 black budget's fate in Congress shows, however, that, last year at least, black programs emerged considerably less scathed than their white counterparts.

Of all of the defense oversight committees, the House Armed Services Committee took by far the biggest whack—\$3.3 billion—out of the Pentagon's \$22.6 billion black request for procurement, research and development and construction. Some of those funds were excised in huge slices. The committee voted, for example, to delete \$561.8 million from the Air Force's black request for the procurement of the stealthy Advanced Cruise Missile (ACM) in order, it said, to force the service to choose between the ACM and its planned new Short-Range Attack Missile II. In conference, however, the House agreed to restore the money.

In other instances, the House committee sought to sweeten the pot for black programs, recommending among other measures a \$185 million enhancement for an Air Force re-

search program code-named Seek Spinner (a flying drone designed to attack enemy radar emitters that is the successor to an earlier project, Pave Tiger). In this case, the House committee argued successfully with its Senate counterpart, which had recommended only the requested spending level, and the authorization conference agreed on an \$80 million increase for Seek Spinner. The House committee was entirely successful in arguing that an intelligence research line item called Defense Reconnaissance Support Activities should be bumped up by \$128.8 million, to a total of \$275.9 million.

All in all, however, the House authorizers ceded the farm to the Senate, which came into conference having cut only \$280.1 million from the black budget. The conference report shows only \$995.3 million being trimmed from the requested black budget. This lopsided pattern was repeated in the appropriations conference. The House Appropriations Defense Subcommittee came in recommending a \$1.6 billion reduction in black programs, which the Senate Appropriations Defense Subcommittee would have cut by only \$536.5

| | 1987 request | House Armed Services changes | Senate Armed Services changes | Conference changes | House Appropriations changes |
|--------------------------|-------------------|------------------------------------|-------------------------------------|-----------------------|------------------------------------|
| R & D | | | | | |
| Army | \$926.1 | -\$189.6 | -\$30.0 | -\$135.0 | -\$208.0 |
| Navy | 1,154.4 | -273.2 | -40.0 | -91.0 | -208.5 |
| Air Force | 5,662.2 | -351.5 | +4.4 | -113.7 | -23.8 |
| Defense agencies | 1,715.3 | -13.6 | -3.7 | +26.4 | -56.5 |
| Total R & D | \$9,458.0 | -\$827.9 | -\$69.3 | -\$313.3 | -\$496.8 |
| Procurement | | | | | |
| Army | \$351.0 | -\$117.1 | -\$12.2 | -\$67.7 | -\$93.4 |
| Navy | 26.1 | 0 | 0 | 0 | -1.3 |
| Air Force | 11,386.6 | -2,079.2 | -269.0 | -493.7 | -936.1 |
| Defense agencies | 1,145.2 | -123.2 | +56.9 | -37.5 | +34.8 |
| Total procurement | \$12,908.9 | -\$2,319.5 | -\$224.3 | -\$598.9 | -\$996.0 |
| Construction | \$92.4 | -\$10.0 | 0 | -\$3.3 | -8.0 |
| Operations* | \$160.2 | -\$160.2 | +\$13.5 | -\$79.8 | -\$143.8 |
| Total | \$22,619.5 | -\$3,317.6 | -\$280.1 | -\$995.3 | -\$1,644.6 |

*total identifiable operations monies only

sary to be there and is not just put there as a matter of convenience," Porter said. "So what we're worried about is that GAO and other organizations have enough access."

Frank C. Conahan, director of the GAO's national security and international affairs division, said, "We have obtained access to just about every black program that we've asked to take a look at . . . and have reported to the appropriate committees up on the Hill." On March 30, for example, Conahan gave a detailed briefing on the cost and performance status of the ATB stealth bomber to a closed session of the House Armed Services Committee, similar to another briefing he provided last year. Besides the ATB, he said, the GAO has reviewed "perhaps another three or four major black programs."

The mushrooming of such projects has forced the GAO to increase dramatically the size of its specially cleared staff, which currently numbers about a dozen auditors. It was "in the fiscal 1986 budget year, when we saw substantial sums [of black funds] going into the defense budget . . . that I began to get from the CIA, where we get our clearances, increased numbers of people cleared," Conahan said. At that time, the GAO had only "a small handful, two or three, maybe," of auditors who had been subjected to the CIA's extensive background checks, he said, "and that was up from zero from before that."

AUDITING CONTRACTORS

The impact of black programs on another oversight realm is being explored by Rep. John D. Dingell, D-Mich., the

combative chairman of the Energy and Commerce Committee and its Oversight and Investigations panel, who has locked horns on numerous occasions with defense officials over the propriety of black program procedures.

"The number of black programs being contracted for now by the Defense Department have increased to an all-time high," Dingell said in an interview. "The problem we have now is how these programs can be audited, how the accounting can be conducted to assure shareholders and management that the laws are being faithfully carried out with regard to securities [regulations], with regard to [financial] disclosure and with regard to possible shareholder exposure to [unexpectedly] reduced earnings."

For example, while 20 per cent, or about \$1 billion, of TRW Inc.'s annual

... Leaves Many of Its Programs Intact

million. In the end, the final conference cut was only about \$20 million deeper than the Senate had recommended. As a result, black programs were trimmed by only 2.5 per cent, compared with the 9 per cent cut levied against the over-all fiscal 1987 Defense Department budget submission.

Two somewhat contradictory columns below sum up the results of the 99th Congress's perusal of the fiscal 1987 black budget. One, labeled "final Congress," simply shows the results of subtracting the final appropriations conference cuts from the original black budget requests. The other, labeled "final Pentagon," reflects how the fiscal 1987 black budget is displayed in the Defense Department's fiscal 1988 budget books. Discrepancies between the two, totaling about \$370 million, largely reflect the Pentagon's practice of declassifying the budget numbers of some programs for the budget year just passed while keeping in the black those for the year in which funds are now being requested.

The numbers below by no means delineate the entire black budget. The \$160.2 million shown for black operations and maintenance, for instance, is only that portion of that budget

category definitely known to be black—and that is only because the House Armed Services Committee identified it as such in cutting that sum from the budget request. The actual figure could well be as much as \$5 billion out of a total fiscal 1987 defense operations and maintenance request of \$86.4 billion. Likewise, the black portion of the \$76.8 billion fiscal 1987 personnel budget request is also almost impossible to derive from public documents, although that, too, could amount to billions of dollars. Even though the National Security Agency (NSA) is estimated to have from 50,000-60,000 employees, the Senate Armed Services Committee noted in its report authorizing military personnel levels that "employees of the [NSA] are excluded because employment statistics are classified information."

In the table, the defense agencies listed as receiving black money are the NSA, the Defense Intelligence Agency and the Defense Mapping Agency. The CIA's budget—estimated as somewhere in the \$1.5 billion range—is likely concealed in the Air Force's black budget. All dollars are in millions, by fiscal year.

| Senate Appropriations changes | Conference changes | 1987 final Congress | 1987 final Pentagon | 1988 request |
|-------------------------------|--------------------|---------------------|---------------------|-------------------|
| -\$52.3 | -\$145.6 | \$780.5 | \$514.9 | \$918.3 |
| -76.2 | -65.6 | 1,088.8 | 1,054.1 | 2,109.3 |
| +7.4 | +29.2 | 5,691.4 | 6,129.4 | 6,400.9 |
| -26.2 | +30.0 | 1,745.3 | 1,598.4 | 1,750.6 |
| -\$147.3 | -\$152.0 | \$9,306.0 | \$9,296.8 | \$11,179.1 |
| -\$14.8 | -\$72.5 | \$278.5 | \$8.8 | \$146.6 |
| 0 | 0 | \$26.1 | 25.6 | 27.8 |
| -402.0 | -294.9 | 11,091.7 | 10,991.4 | 11,733.0 |
| +48.0 | +63.8 | 1,209.0 | 1,192.7 | 969.8 |
| -\$368.8 | -\$303.6 | \$12,605.3 | \$12,218.5 | \$12,877.2 |
| 0 | -\$3.3 | \$89.1 | \$89.1 | \$253.7 |
| -\$20.4 | -\$105.2 | \$55.0 | NA | NA |
| -\$536.5 | -\$564.1 | \$22,055.4 | \$21,659.4 | \$24,310.0 |



business lies in producing black defense material, Dingell said, there is "only one outside auditor cleared to deal with the whole thing." In a March 23 letter to Securities and Exchange Commission (SEC) chairman John S.R. Shad, Dingell complained that when the Pentagon last August held up progress payments to Lockheed on the black program for which it had misplaced documents, "the committee was told that Lockheed would not file a disclosure statement with the SEC regardless of whether the amount withheld is considered material." Dingell asked Shad for the committee's views on how these problems can be resolved both to protect investor confidence in our securities market and to protect the national security." The committee also plans to hold hearings on the program financial disclosure issue

in late summer. "Right now, we're asking questions, we're not coming forward with solutions," Dingell said. "We assume there is a solution: quite honestly, more and better auditing by the Defense Department and more clearance of outside auditors."

Dingell's continuing activism in the defense management oversight arena—it was his committee that first unearthed the problems plaguing the new B-1B bomber—has caused no small consternation on the House Armed Services Committee. "The Dingell excursions into the defense area have aroused turf concerns to a very high level," a committee source said.

Spurred on primarily by Dickinson, that committee recently moved to augment its staff of investigators to counter a growing impression that it has been lax in

exercising its oversight. One of the first targets of the committee's reinvigorated investigatory zeal, sources say, will be black program management. Dingell "is just totally encroaching on the Armed Services Committee's jurisdiction," Dickinson complained in an interview. "It seems like Mr. Dingell feels that anything that is sold as commerce comes under his jurisdiction."

"That's the first I've ever heard of any dissatisfaction on his part," Dingell said, adding that the Energy and Commerce Committee has jurisdiction over the management practices of all corporations registered with the SEC. "We are not even asking what the names of these programs are; that's Mr. Dickinson's business. There's plenty of room for the Armed Services Committee to begin to address these problems that are their responsibility."

Peeling Back the Black

How big is the black budget? Like the proverbial committee of blind men striving to describe an elephant, outside analysts attempting to measure secret Pentagon spending use different terms of reference and so often come up with widely varying numbers.

So it was with three reports published this year on the black funds in the fiscal 1988 Pentagon budget. Lee Feinstein of the Center for Defense Information pegged the black portion of the military procurement, research and development and construction budgets at \$22.2 billion, while Gordon Adams of the Defense Budget Project came up with \$24.9 billion. The highest number—"at least \$35 billion"—was put forward by *Philadelphia Inquirer* reporter Tim Weiner, who factored in estimates of the black parts of the military operations and maintenance and personnel budgets as well as the black funds that he thought might be concealed in the budgets of other departments, such as Energy, State and Justice.

The first step in calculating the black budget is to subtract from the stated totals the dollar value of those programs for which the Pentagon has classified its budget request. This is a simple if tedious process, the results of which are not subject to dispute: \$10.9 billion for fiscal 1988 is hidden. Where analysts differ is in how they treat those suspected black programs for which the proposed spending is listed. Some count as black anything having to do with special operations forces and any project described in the Pentagon's "Five-Year Defense Program Structure" document as confidential or secret. "There's a semantical problem as to what's gray and what's black," Weiner said of the hazards attendant to this procedure. "I find a blurring between black and gray."

The search for black is rendered trickier by the way black funds can be squirreled away in otherwise innocuous budget lines. Fiscal 1987 congressional budget markup reports, for instance, reveal that a \$3.7 billion Air Force aircraft procurement line item called "other production charges" contains three black programs worth \$2.5 billion. A \$334.2 million Air Force missile procurement line item called "replenishment spares" also conceals a pocket of black funds valued at \$105.4 million. There are quite likely other such caches of black funds not discernible to the outsider.

National Journal's analysis of the black budget relies on relatively conservative guidelines. The only programs counted as black are those for which the dollar request is not listed, those that congressional reports identify as containing secret funds and those Defense Department documents describe as being "special-access programs"—meaning they are subjected to security controls far beyond those provided for confidential, secret or top secret projects. According to these criteria, the Pentagon's fiscal 1988 procurement, R&D and construction requests contain \$24.3 billion in black spending. The operations and maintenance and personnel accounts, less amenable to this sort of reverse engineering, likely conceal billions of other black dollars. (See *NJ*, 3/1/86, p. 492.)

The Defense Department, not surprisingly, insists on a narrower definition of what is black and what is not. "The term 'black program' has no official status in any policy or regulation and is often incorrectly used as a catchall for the correct term—'special-access programs,'" the department said in a two-page "talking paper" provided to *National Journal* in lieu of an interview. Such programs, "whose very existence and purpose may in and of itself be classified," are often described as black, the paper continued. "However, not all special-access programs are 'black,' i.e., their existence may not be classified."

An example of the latter would be the stealthy Advanced Technology Bomber, the existence of which is officially acknowledged but about which so little is publicly known—including its annual costs—that it is universally regarded as a black program. The department's protestations notwithstanding, Pentagon employees routinely use the term "black" to describe a variety of sensitive weapons programs ranging from those requiring the highest possible special access to those they are merely uncomfortable discussing.

ity. We applaud them for hiring additional auditors to do so."

Another Member who has been penning letters about black programs is Senate Appropriations Defense Subcommittee member Lowell P. Weicker Jr., R-Conn., who wrote Defense Secretary Caspar W. Weinberger last December questioning the "very disturbing trend" of mounting black budgets. The emergence of stealth technology was driving this trend, Weicker wrote. With that "technology burgeoning and finding its way into almost every facet of weaponry, the future growth potential in the size of the 'black' budget is almost unlimited."

While "there has been an increased emphasis on the need-to-know principle in publishing defense budgets . . . , we would not categorize this increase as a trend in secrecy," Weinberger responded in a five-page letter that may be the Pentagon's most comprehensive public statement on its black budget to date. A Weicker aide said that the letter was being reviewed by the GAO while the Senator mulled a legislative proposal to curtail the growth of secret budgeting.

Department regulations stipulate that only the Defense Secretary, his deputy and the three service secretaries are authorized to create special-access programs, Weinberger told Weicker. These programs do not suffer for lack of departmental review, he added, because the DIS, the Defense Contract Audit Agency, the Defense Logistics Agency and the Pentagon inspector general "each have dedicated cadres of specially cleared and qualified personnel who provide oversight, audit and inspection to many special-access programs." Committee aides said, however, that the inspector general has told them there are also many black programs to which he does not have unimpeded access.

MURKY GRAY

Weinberger's most significant statement came in response to Weicker's query as to whether it was possible to separate black technology from unclassified budgetary information "as the Army has done so successfully in the case of the M-1 tank," the composition of the armor of which is among the military's most closely held secrets. "Yes, in fact, such a separation is most desirable from a security point of view because it avoids expending security resources for the protection of information that may not require it," Weinberger wrote. But, he cautioned, "where knowledge of the mere existence of the program is classified, this would probably not be possible."

A two-toned approach—comprising black technology and white budgets—to budgeting for special-access programs

would likely assuage the concerns of many Members. "Many of these programs involve stealth technology, and I agree that the blueprints and many details ought to be kept behind closed doors," said Sen. Paul Simon, D-Ill., in the most recent of several floor statements on the black budget. "But the Pentagon's stealthiness should be applied toward military hardware, not Members of Congress."

The puzzling question of why budgets for some sensitive technologies are classified while others are not motivates Boxer's proposal that the Pentagon be required to list all white-world counterparts to its black-world programs. Electronic warfare programs, for instance, are a patchwork of black and white, even though the whole field of endeavor is highly classified. (See *NJ*, 11/22/86, p. 2832.)

The Tacit Rainbow saga is a striking case study of how white and black can meld into a uniformly murky gray. The Air Force's budget reports for fiscal 1988 released in January displayed new line items for something called Tacit Rainbow, for which the money requested was blacked out. The Navy also had an entry for Tacit Rainbow but listed its request: \$14.7 million. Last month, however, the Pentagon eased the classification for Tacit Rainbow—which turns out to be a "smart" cruise missile designed to zero in on enemy radars—and even went so far as to release a photograph.

"The decision has been made to acknowledge the existence of this capability at this time . . . to allow cooperation and participation of our NATO allies," the department announced in a terse statement. "All other specific information of this weapon is classified with *strict need-to-know* being enforced." Budgetary data on the Air Force's share of this peek-a-

boo project, therefore, remains black.

There are other anomalies. The Navy is working on a new attack aircraft for the 1990s, the Advanced Technology Aircraft (ATA). Because it will incorporate many stealth features, the ATA is black. The Air Force is also working on a new jet, an air superiority fighter called the Advanced Tactical Fighter (ATF). But, though it will also rely heavily on stealth, the ATF's budget is white. "Our program is black in terms of the technology and so on, but the line item is not," Col. Albert C. Piccirillo, then manager of the ATF program, said in an interview last summer. Because "it's a very large program with so many contract and logistical players, we felt it was best doing it this way." (See *NJ*, 7/19/86, p. 1805.)

The Navy may come to regret doing it the other way. In weighing the arguments pro and con for classifying the ATA's program data, the Congressional Research Service noted in a new report that "in the current climate of waning popular support for defense spending, a new weapon system such as the ATA needs a broad base of public support, which is more likely to be gained through disclosure of more information than the Navy has provided on this program."

The Navy could well be forced by Congress this year to make public that budgetary information. The black budget is undeniably on a hot front political burner this year. The House Armed Services Research and Development Subcommittee,



Richard A. Bloom

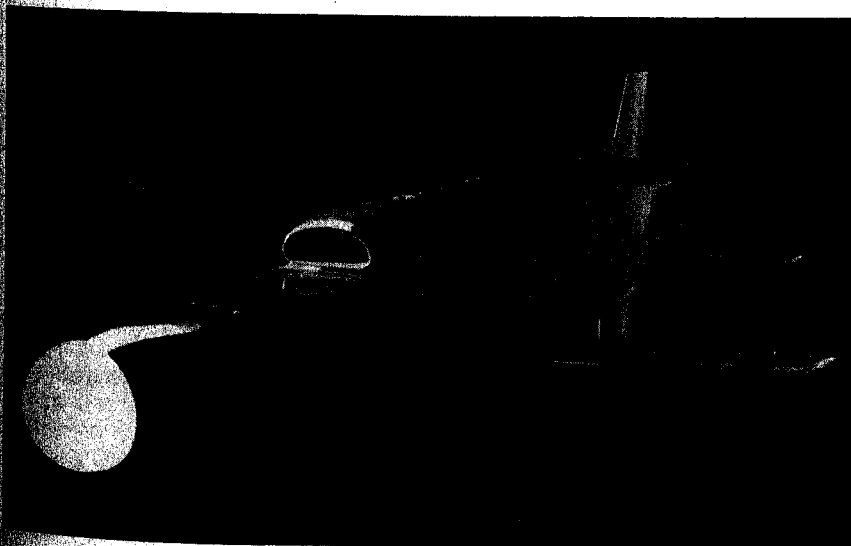
Rep. Barbara Boxer, D-Calif.

What goes on in white world goes on in black.

for instance, approved Boxer's bills during its April 1 markup of the fiscal 1987 defense bill; the full committee is thought likely to follow suit, if it does not craft stronger legislation of its own. In fact, Boxer's bills are mild compared with other possible proposals that could be introduced from the floor, such as a mandatory creeping sunshine provision.

We "will take action, if it is not voluntarily done by the Defense Department," Dickinson pledged. "In many areas, the dollars involved can be declassified, or if not declassified, then lower the classification from 'special-access' to 'secret' so that Members can get a look at them. And that is what I think is going to happen." Chairman Aspin was unavailable for comment. But, said his spokesman, Warren L. Nelson: "Virtually everybody on the committee believes the black budget is too big. That's not a point of contention within the committee, but between the committee and Cap Weinberger."

And, though it has tended to become less exercised about the black budget issue than its House counterpart, the Senate Armed Services Committee could well prove amenable to a legislative remedy, sources say. The Pentagon tends "to go 'black' more than they should," committee chairman Sam Nunn, D-Ga., told the Associated Press last January. "There needs to be rigorous scrutiny, and there ought to be a caution light on black programs." □



Some data on the "black" Tacit Rainbow missile have been revealed.

Defense Department