

## Nuclear Disclosure: A Danger to National Security ?

Hans M. Kristensen\*

(天然資源防衛評議会核問題研究プログラム顧問)

When the Bush administration took office, one of its first acts was to change the rules that guide declassification and release of government information under the Freedom of Information Act (FOIA). In his message to the government departments and agencies from October 2001, Attorney General John Ashcroft stated:

"When you carefully consider FOIA requests and decide to withhold records, in whole or in part, you can be assured that the Department of Justice will defend your decisions unless they lack a sound legal basis..."<sup>(1)</sup>

The Justice Department further explained that the Ashcroft FOIA memorandum had established a new "sound legal basis" standard governing the Department of Justice's decisions on whether to defend agency actions under the FOIA when they are challenged in court. This differs from the "foreseeable harm" standard employed under the predecessor memorandum, the agency pointed out. The message seemed clear: public scrutiny is an enemy and we're here to back you up.

The "foreseeable harm" standard refers to a FOIA processing principle issued by the Clinton

administration in 1993, when then Attorney General Janet Reno told the various government departments and agencies:

"In short, it shall be the policy of the Department of Justice to defend the assertion of a FOIA exemption only in those cases where the agency reasonably foresees that disclosure would be harmful to an interest protected by that exemption. Where an item of information might technically or arguably fall within an exemption, it ought not to be withheld from a FOIA requester unless it needs be."<sup>(2)</sup>

This instituted the principle of "foreseeable harm" in FOIA processing and instilled the important principle that information could not be withheld from the public simply because it concerned an issue that was secret or sensitive. In order to withhold information, the Clinton administration stated, the particular information would need to be such that it was necessary to withhold it because of the foreseeable harm that would be result if released.

The principle was important because government agencies in the past frequently have withheld in-

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\* Hans M. Kristensen is a consultant to the Natural Resources Defense Council nuclear program. He writes the nuclear tables to the SIPRI Yearbook and co-authors the NRDC Nuclear Notebook in the Bulletin of the Atomic Scientists.

formation simply because it concerned a sensitive issue. An important example of this is information related to nuclear weapons, where government agencies in the United States -- as well as many other countries -- routinely have denied information simply because it mentioned or was related to nuclear weapons or nuclear policy. As a result, when a person requested documents pertaining to, for example, U.S.-Japanese nuclear relations, the information would either be denied in full or the declassified document would contain large sections of blacked out text. This form of classification is called "Icon classification" and means that the officer that processed the request simply deleted all information related to the icon issue (such as nuclear) without making any assessment of whether it was necessary to withhold the information or not.

### Unnecessary Secrets

The contrast between the Bush and Clinton administrations' FOIA philosophies is clear and has far reaching consequences for declassification efforts in the U.S. as well as other countries. This includes Japan which has a very young national FOIA law and a declassification culture and research community which looks closely to how the U.S. law is administered. Under the new standard FOIA officers will be inclined to withhold rather than release information that has no or little negative impact on national security and foreign relations. Agencies will have to guard secrets that are no longer secrets.

One example of information that is more likely to be withheld is information about nuclear operations during the Cold War, including operations of Strategic Air Command (SAC). During the Clinton administration, the "foreseeable harm" philosophy resulted in release of information that revealed the worldwide deployment of

SAC's nuclear weapons in June 1958. Initially, though, the information was denied because it concerned information that was specifically exempt from disclosure. An appeal of this decision led the Department of Energy (DOE) to reverse their initial decision, saying the "document no longer contains any information that needs to remain classified by the DOE."<sup>33</sup> The Air Force in turn said that "due to a change in policy" the appeal was granted in full.<sup>34</sup>

For Japan the document is important because it shows the early deployment of strategic nuclear bombs to Okinawa, and provides the first confirmation by the U.S. government of specific deployment of nuclear weapons to the island. The document also specified the individual types of weapons deployed at the Kadena Air Base as the Mk-6 (B6) and the Mk-39 Mod 0 (B39). While the B6 had a yield of up to 60 kilotons, the B39 was a mammoth 17,000 pounds thermonuclear weapon with a yield of nine-ten megatons.

The case is also interesting because a comparison of the two releases of the documents illustrates what type of information that is normally withheld. Whereas the first sanitized release has a large block removed, the second declassified version shows all the information inside the block. It is easy to see what triggered classification: locations in foreign locations and types of nuclear weapons (see figures 1 and 2, p.--).

Later the partial release of another document enabled researchers to piece together the details of nuclear weapon deployments Japan and elsewhere.<sup>35</sup> Even though it is no longer a secret (at least in the U.S.) that nuclear weapons were deployed to Japan during the Cold War, Japanese documents about this history are still too controversial for Japanese authorities and remain shrouded in secrecy. For such

information to be accessible in the U.S. but secret in Japan seems artificial and unnecessary.

### Denmark's Nuclear "Thulegate"

For Japan to overcome such awkward secrecy will take many years, but it may help to learn from another case where nuclear operations were recently exposed *to the benefit* of an alliance. This concerns the disclosure in the 1990s that the U.S. deployed nuclear weapons to Greenland during the Cold War in violation of Danish public nuclear policy.

Danish non-nuclear policy was first stated in public in 1957. At that time the issue was possible deployment of U.S. nuclear missiles, but during the subsequent year the policy was gradually clarified and deepened. The policy covered Denmark as well as its more distant territories in the Faroe Islands and Greenland. After ten years of non-nuclear policy, a U.S. nuclear armed B-52 bomber crashed off Thule in January 1968. The accident couldn't have been more inconvenient; it happened only a couple of days before a national election in Denmark.

Taken by surprise the Danish government assured both the public and the parliament that Danish non-nuclear policy was intact also in Greenland. The bomber had approached the Thule Air Base only because of an emergency, the government explained, and not because it had operated over Greenland prior to the accident. Even so the Danish parliament instructed the Danish government to attain absolute assurances from the Americans that Denmark's non-nuclear policy was respected. Rumors persisted at the time that B-52s routinely overflew the base and even had landed at Thule from time to time, but after a joint U.S.-Danish cleanup effort (codenamed Project Crested Ice) the issue the matter settled down.

Not until 1993 did the case crumble. After *The Limits of Safety* (Princeton University Press, 1993) carried a map that showed the routes of nuclear-armed bombers in the 1960s reach halfway across Greenland, I conducted additional research on the case. It revealed that overflights had been consistent from the late 1950s through the 1960s right until the January 1968 crash. The research also disclosed deceit: The official joint cleanup report showed the bomber approaching Thule from the south from outside Greenland airspace before the crash; the U.S. Air Force's internal cleanup showed the bomber overflying Thule Air Base from the north before the fire that led to the crash.

In November 1993, I brought the material to Denmark and showed it to the Danish Foreign Ministry, who acknowledged that the information was somewhat compromising. During the meeting I was reading from - but couldn't see - a Danish government document that reported at least three landings of B-52s at Thule prior to the 1968 crash. While in Denmark I published an article in the newspaper *Weekendavisen* entitled "Dr. Strangelove Over the Ice," and submitted a request to the government for access to Danish documents about the matter.

The requests were denied - all documents were secret due to the concern for national security and relations with the U.S. Danish media nonetheless managed to extract a promise from the government that it would reconsider the decision. The probing prompted the Danish government to conduct an internal review. The result of the review and the formal response to my request for information was a four-page report presented to the Danish parliament in June 1995. The report not only confirmed the overflights, but concluded that the United States had acted in

good faith because Danish Prime Minister H. C. Hansen during a 1957 meeting with the U.S. Ambassador had refrained from making Danish non-policy clear when asked if Denmark wanted to be informed in case the United States decided to deploy nuclear weapons in Greenland. In doing so, the report concluded, Hansen gave the United States a tacit go-ahead.

The report also disclosed that Denmark and the U.S. governments after the crash had signed an addendum to the 1951 Greenland Defense Agreement which, according to the report, created accord between the Greenland Defense Agreement and Danish nuclear policy. It remained a secret, though, that the U.S. had actually *promised* not to store or fly nuclear weapons in Greenland. The formal pledge, which the U.S. normally has refused to give to non-nuclear countries, stated:

"The United States Government assures the Government of Denmark that in the exercise of its rights and duties in accordance with the provisions of the agreement of April 27, 1951, concerning the defense of Greenland it will not store nuclear weapons in Greenland or overfly Greenland with aircraft carrying nuclear weapons without the consent of the Government of Denmark."<sup>61</sup>

Not surprisingly the release of the report created considerable public interest. For decades different Danish governments had insisted that Danish nuclear policy had been intact, but now people were told that Prime Minister had canceled it in Greenland. Only a few days after the report was released, U.S. Defense Secretary William Perry visited Denmark after a trip to Eastern Europe. The press wanted to know about Greenland, and Perry promised to cooperate with the Danish government. After meeting with

Perry, Danish Foreign Minister Niels Helveg Petersen assured the press that although nuclear weapons had overflow Greenland, it was certain that no nuclear weapons had ever been deployed on the ground.

Yet only a few days later, however, Petersen received a letter from the U.S. government that informed that an internal U.S. investigation showed that nuclear weapons had in fact been deployed on the ground at Thule on two occasions: in 1958 and in 1960-1965. The letter requested that the Danish government did not make the information public. If Denmark did so anyway, the letter stated, the U.S. would neither confirm nor deny the information. Faced with a major cover-up that would be impossible to control, however, the Danish government decided to make the information public.

The political furor that followed would be sufficient to convince most governments why such information should be kept secret. It was quickly nicknamed Thulegate by the media, in reference to the U.S. Watergate scandal. Indeed, the potential ramifications in other countries were specifically mentioned in the U.S. government's letter as a justification for keeping the matter closed. In Denmark too, the debate threatened to "open Pandora's Box" of the much more contentious issue of port visits to Denmark itself by nuclear armed warships. Although such visits ended in 1992 with the offload of nuclear weapons from U.S. and subsequent British warships, the practice of Danish governments of "turning a blind eye" to increasingly detailed reports of nuclear weapons on the warships involved more recent governments and ministers, some of which were still active in politics.

In what appears to have been a successful effort to contain the nuclear issue, the Danish

government agreed to "open" its files to an investigation. It appointed the semi-independent institute Danish Institute for International Affairs to research the archives and write a report about the role of Greenland in the Cold War. After the investigation had published its findings, the documents that formed the basis for its conclusions would be made available to other researchers. As a result, hundreds of documents what only two years earlier had been top secret were now suddenly no longer so. Many other documents were still too secret even for the investigation.

The final report was published in 1997, and confirmed the nuclear overflights and deployments. In fact, Danish governments had been aware of or suspected some of the nuclear activities but decided not to act. The report also reiterated the interpretation that former Prime Minister H. C. Hansen had given a tacit go-ahead for nuclear operations in Greenland. Overall the conclusion was that Danish governments had exercised a double standard nuclear policy: a non-nuclear public policy, and a secret pro-nuclear policy.<sup>(7)</sup>

The investigation also left some important unanswered questions. The most important is that the final report failed to explain (even notice) why the Danish government in 1968 did not follow the parliament's resolution to seek guarantees from the U.S. that Danish non-nuclear policy would be respected "in all parts of the Kingdom." The U.S. pledge that resulted with the consultations with Washington and was added to the 1951 defense agreement only concerns Greenland, not the rest of Danish territory. Moreover, while the pledge is specific with regard to storage of and overflight with nuclear weapons, it conspicuously omits any mentioning of nuclear weapons onboard warships

entering harbors in Greenland and Denmark. By accepting this formulation, Denmark therefore tacitly acknowledged that the U.S. pledge did not affect operations with nuclear weapons in onboard visiting warships. Nuclear-capable warships did visit Greenland in 1978, but this is also not investigated or mentioned in the final report.

Even with these deficiencies the report represents a milestone in the history of Danish nuclear policy. To some extent it brought Denmark out of the Cold War by allowing public access to issues that could no be discussed before. The material has become the foundation of a whole new generation of scholars who have started other and more ambitious projects.

Equally important is that all of this has happened without damaging U.S.-Danish relations. Granted, the debate was heated and contentious at times, but *controversial* is not the same as *damaged*. Fear that nuclear disclosures of this character could somehow undermine U.S.-Danish relations has turned out to be unfounded; defense relations are as strong as ever.

The Danish case suggests that it is possible for a small ally to the United States to examine Cold War nuclear relations without undermining relations or trust between allies. In addition, it shows that some secrets are not secrets but should be public information to assist in understanding a country's history and the basis for improving current policy.

#### Japan's History and Current Nuclear Operations

Japan still has a vast and largely secret Cold War nuclear history. Much information has already been made available in the United States that should make it easier to begin opening

some of the Japanese files to the public.

Today nuclear weapons no longer visit Japan under normal naval operations. Nuclear weapons have been offloaded from U.S. warships and eliminated from surface ships altogether. The nuclear Tomahawk cruise missiles (TLAM/N) is still available for deployment on selected attack submarines, but are no longer considered active and kept in storage at the Strategic Weapons Facility Pacific (SWFPAC) on the U.S. west coast.

Just how much things have changed is evident from the change in submarine nuclear operations. While most attack submarines in the Pacific during the 1980s were assigned missions with nuclear weapons, less than half of the 25 front-line attack submarines today regularly undergo nuclear certification. The reduced nuclear readiness is further illustrated by the subsequent decertification of the submarines that pass nuclear certification inspections. The objective is to save precious operational resources for more important non-nuclear mission responsibilities. Even so, the TLAM/Ns can be redeployed in only a few months if the order is given. And to ensure nuclear proficiency and force integration, TLAM/N strike training is now included in the annual nuclear exercises directed by U.S. Strategic Command.

In addition to certifications, a few of the submarines that are assigned nuclear missions and have passed their certification inspection occasionally are ordered to conduct an life test firing of a TLAM/N. This serves two purposes: first, to test the submarines' ability to handle and actually launch a missile; and second, to ensure that the nuclear Tomahawk weapon system still works. For the Pacific-based submarines these tests are conducted off the coast of southern

California and involves the missile flying a simulated strike mission into the China Lake testing range. Only a couple of launches are carried out per year. Two of the submarines that are currently (December 2003) on deployment in the western Pacific (WESTPAC), the USS Bremerton (SSN-698) and USS Providence (SSN-719), conducted operational launches of the TLAM/N in March 2000 and March 2002, respectively.

### Conclusions

With Japan's new national FOIA law and the Cold War firmly behind us, researchers and government officials alike carry a great responsibility to begin declassifying Japan's nuclear history. Lessons from other countries such as the U.S. and Denmark show that rumors about nuclear weapons generally turned out to be true, and the denials generally untrue.

Yet in beginning the declassification process, it is important to distinguish between true secrets and controversial information. To a significant extent, disclosure is possible without severe consequences for national security and international relations. Unnecessary and excessive secrecy, by contrast, undermines the very foundation of democracy.

### Notes

- (1) John Ashcroft, Attorney General, Memorandum for Heads of all Federal Departments and Agencies, U.S. Department of Justice, October 12, 2001.
- (2) Janet Reno, Attorney General, Memorandum for Heads of Departments and Agencies, U.S. Department of Justice, October 4, 1993.
- (3) U.S. Department of Energy, "Decision and Order of the Department of Energy," May 20, 1999, p. 2.
- (4) Letter, U.S. Department of the Air Force,

Headquarters Air Combat Command, to Hans M. Kristensen, June 22, 1999.

- (5) See Robert S. Norris, et al., "Where They Were," *Bulletin of the Atomic Scientists*, November/December 1999, pp. 26-35, URL <<http://www.thebulletin.org/issues/1999/nd99/nd99norris.html>>; Hans M. Kristensen, "Japan Under the Nuclear Umbrella," the Nautilus Institute, Berkeley, California, July 1999, URL <<http://www.nautilus.org/nukepolicy/Nuclear-Umbrella/index.html>>.
- (6) Letter, John M. Leddy, U.S. Department of State, to Torben Ronne, Danish Ambassador to the United States, [no subject], May 31, 1968.

SECRET.

Note that the U.S. pledge does not include a reference to sailing nuclear weapons into Greenland.

By accepting this agreement, Denmark therefore tacitly acknowledged that the U.S. pledge did not affect nuclear weapons in onboard visiting warships.

- (7) Greenland During the Cold War: Danish and American Security Policy 1945-68 (Copenhagen: Danish Institute of International Affairs, 1997).

Summary

<http://www.dupi.dk/fmp4.0/web/en12211.html>

figure 1

UNCLASSIFIED

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ADS	PARENT ORGANIZATION	AFB LOCATION	TYPE OF WEAPON STORED
23rd	42nd ABG	Loring	
43rd	28th ABG	Ellsworth	**
26th	92nd ABG	Fairchild	**
24th	814th ABG	Westover	**

\* Stored for CINCPac.

\*\* Weapons are stored in adjacent AMC OES; SAC ADS furnishes loading capability only.

DOE  
6/13/

UNCLASSIFIED

figure 2

UNCLASSIFIED

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ADS	PARENT ORGANIZATION	AFB LOCATION	TYPE OF WEAPON STORED
8th	7th AD	Takenhath	MK-6, MK 7, Mod 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Det 1	7th AD	Mildenhall	MK 39, Mod 0
10th	16th AF	Ben Guerir	MK-6, MK 36 Mod 1
6th	16th AF	Nouasseur	MK-6, MK 36 Mod 1, MK 7 Mod 4 and 5
5th	16th AF	Sidi Slimane	MK-6, MK 36 Mod 1
3rd	3rd AD	Andersen	MK-6, MK 39 Mod 0, MK 36 Mod 1
12th	3rd AD	Kadena	MK-6, MK 39 Mod 0
15th	3973rd ABG	Moron	MK 36 Mod 1
1st	3970th ABG	Torrejon	MK-6, MK 36 Mod 1
13th	16th AF	Zaragoza	MK-6, MK 39 Mod 0
23rd	42nd ABG	Loring	MK-6, MK 39 Mod 0 MK 15 Mod 2 SP, MK 39 Mod 1 SP
43rd	28th ABG	Ellsworth	MK-6, MK 15 Mod 0, MK 39 Mod 1 SP, MK 36 Mod 1
26th	92nd ABG	Fairchild	MK-6, MK 15 Mod 0, MK 39 Mod 1
24th	814th ABG	Westover	MK-6, MK 36 Mod 1

\* Stored for CINCPac.

\*\* Weapons are stored in adjacent AMC OES; SAC ADS furnishes loading capability only.

DOE  
4/13/

UNCLASSIFIED

Partial denial and subsequent release of nuclear deployment information from Strategic Air Command history January-June 1958.

「脅威」とは何か

——軍事化の流れに抗して

1 Mwe Reactor  
Original Site

50 Mwe Reactor

PRIME

NO.19

INTERNATIONAL  
PEACE  
RESEARCH  
INSTITUTE  
MEIJI GAKUIN  
UNIVERSITY