

**RIT-CIA Case Study:
Classified research in a university context**

**W. John Carl III
New York State Speech Communication Association
October 16, 1994**

A crisis can be defined as any series of events which have potentially negative results on top management, specifically the President of a major academic institution. The Rochester Institute of Technology (RIT) - Central Intelligence Agency (CIA) relationship is a crisis case in point. This paper will approach the RIT-CIA crisis utilizing a case study methodology. The paper will provide a summary of the crisis, specifically from news stories published in the Democrat & Chronicle (D&C) and the Times-Union (TU).¹ Following the summary, this paper will focus on the issue of classified research in a university context and how a university can effectively deal with this issue.

Summary of RIT-CIA crisis

On February 7, 1991, President of the Rochester Institute of Technology (RIT), M. Richard Rose, took a four-month sabbatical to work for the federal government. Based on a memo that was sent to the RIT community from Jack Smith, RIT's Vice President of Communications, it appeared that Dr. Rose was helping with the conflict in the Persian Gulf².

¹ Both of these are local Rochester Gannett-owned newspapers with the D&C published in the day and the TU published at night. The main reporters covering the story are Jennifer Hyman (D&C) and Kathleen Wagner (TU). Refer to Appendix A for a complete listing of the D&C and TU articles used in this paper. Note: Many of the stories covered in the two newspapers convey essentially the same information.

²Dr. Rose is a retired Colonel in the U.S. Marine Corps Reserve and accepted this sabbatical under the guise of performing his patriotic duty as a citizen of the United States (Sullivan, 1991).

It was not until Dr. Thomas R. Plough, RIT's Acting President at this time, revealed in a staff meeting a different rationale for Rose's sabbatical: helping the Central Intelligence Agency (CIA) to "develop programs to educate and train CIA personnel to function more effectively in the post-Cold War era" (Sullivan, 1991, 2).

The misleading statements regarding this work heightened the concern being expressed within the RIT community regarding the RIT-CIA relationship. To help clarify the situation, RIT's Faculty Council asked Rose to return to RIT. Rose's response to this was an Interim Report addressed to the RIT community which described the nature of his work at the CIA and mentioned that he looked forward "to returning in June" and would "be happy to discuss this assignment in far greater detail at that time" (Sullivan, 1991, 2).

This refusal to return during the Spring quarter of classes implied to one Vice President that this "was a significant factor in fueling the controversy, in part because it seemed to imply that his [Rose's] primary allegiance was not to RIT but to the CIA" (Sullivan, 1991, 3).

In May, Jennifer Hyman, reporter for the *Democrat & Chronicle* (D&C), wrote an article about a document, in draft form, entitled *Japan 2000*. This document came out of a classified conference sponsored by the RIT Research Corporation (RITRC) under a contract with the CIA. The document contained statements that appeared to be racist and simplistic (Sullivan, 1991). This also fueled concern about the nature and quality of the CIA-related work occurring at RIT (Sullivan, 1991).

By June 6, 1991, as the controversy continued to heat up, Andrew J. Dougherty resigned his position as Vice President for Government Contracts at the RITRC and as Executive Assistant to the President. Mr. Dougherty had been responsible, since 1985, for approving and coordinating all aspects of RIT's and the RITRC's contracts with the CIA (Sullivan, 1991).

The initial response of Thomas H. Gosnell, Chair of the Board of Trustees, occurred on April 29, 1991, when he published a memorandum which approved Rose's unspecified sabbatical and supported the contractual relationships with the CIA (Sullivan, 1991). Then, on June 6, Mr. Gosnell appointed himself and eight trustees to a Commission which would investigate the RIT-CIA relationship. However, objections were raised regarding the objectivity of such a Commission due to the fact that the Board was in a position of authority and responsibility in this matter (Sullivan, 1991).

In response to this, on June 24, Mr. Gosnell appointed a Review Panel consisting of five faculty members, three trustees, two students, and one alumnus (Sullivan, 1991). On August 19, 1991, the Executive Committee of the Board of Trustees formally charged the Review Panel with:

...inquir[ing] into and to review the relationships and activities of RIT and the RIT Research Corporation as they relate to the Central Intelligence Agency and related matters, to examine relevant documents and information supplied by faculty, staff, students and others, and to make a report and recommendation on the basis of its findings to the Board of Trustees and, as appropriate, to report to the RIT community (Review Panel, 1991, 4).

The Panel decided to hire a highly respected professor, Monroe H. Freedman, as the Senior Fact-Finder with Attorney Jonathan M. Soroko as Assistant to Professor Freedman. Professor Freedman formulated the working hypotheses to inquire into the relationship between RIT and the CIA (Review Panel, 1991, 6-8):

- The ideal of a university is characterized by open inquiry and the free, uninhibited communication of ideas and information;
- The functioning of the CIA is, by definition, and to a considerable extent based on secrecy. Indeed, the Agency has strong reasons to restrict the flow of information and, if need be, to engage in deception;
- A working hypothesis - indeed, a fundamental premise - is that national intelligence is an essential function.

The Panel issued its report to the Board of Trustees and the larger RIT community on November 15, 1991. The report's content can be summarized as follows ("Report slams RIT," 1991):

- Rose made equivocal and misleading statements to the RIT community regarding his own, and RIT's, relationship with the CIA;
- recommended ban on all classified projects until appropriate oversight committees are in place;
- RIT's leadership is authoritarian and its governing structure is one which produces fear and intimidation so that many who were disturbed about the CIA relationship did nothing about it;
- recommends suspension of "Officer-in-Residence" program - whereby the CIA sends a senior officer to RIT to study and/or teach;
- recommends closing the Federal Programs Training Center where RIT students with security clearance work on CIA-funded projects;
- recommends making public all remaining CIA activities, including unclassified research contracts, private consulting by individuals, and on-campus recruiting;

- recommends prohibiting the processing of security clearances without the knowledge and consent of the person for whom the clearance is sought;
- recommends clearly acknowledging RIT's relationship with the CIA and stating it publicly in all admissions and recruitment materials sent to students, including foreign students;
- the memorandum of agreement, which RIT entered into with the CIA in 1985, should be considered null and void, since it was never approved by the trustees or any governing body. This 1985 memorandum - dismissed by Rose and other administrators as a non-operative "draft" - effectively described the relationship between the CIA and RIT, and was never replaced by a shorter, less specifically worded memorandum in 1987. [This memorandum spells out in detail the ways in which the CIA was to exert influence at RIT, specifically in the Center for Imaging Science, where the CIA would be involved in appointing faculty, determining curriculum, funding seminars, and underwriting exchange programs.]

On September 3, 1991, during his State-of-the-Institute address, Rose announced that he would retire in June 1992. He seemed to send mixed signals; Rose mentioned he had planned this retirement two years ago, but he also linked his decision to the RIT-CIA crisis ("Poor Richard," 1991).

While the Review Panel was conducting its investigations, RIT hosted a two-day conference (September 29 and 30) on ethics and university research to sort out its relationship with the CIA. The conference explored the relationship between a faculty member doing research, the funding agency for which the research is done, and the institution for which the faculty member works ("RIT conference squares research," 1991). The topics included "Government Secrecy on Campus," "Intelligence Agencies and Academic Freedom," and "Whose Academic Freedom Needs to be Protected?"

A vote of confidence was called for seven of RIT's top leaders, including Rose,

and the results were released on November 16 during a meeting of RIT's Faculty Council. The results were as follows:

- 755 full-time faculty were sent surveys; 635 (84%) returned them by the deadline.
- For President Rose - of the 510 who voted, 60% voted no-confidence, 29% in favor, and 11% abstained.
- Thomas Gosnell and Thomas Plough also received votes of no-confidence ("Thumbs down to RIT officials," 1991).

After the vote of confidence occurred and while RIT was searching for a new president, the RIT-CIA crisis in the media seemed to come to an end. However, the issue of how RIT was to conduct its relationship with the CIA, specifically dealing with classified research, was yet to be resolved.

Classified research in a university context³

The Review Panel report begins this topic by noting that there would be relatively little practical effect if classified research were to be forbidden under RIT auspices (which includes work done at the RITRC); even Rose and Dr. Plough concurred (Review Panel, 1991). However, a practical problem can be illustrated by a research problem in which the methodological and technological aspects of a project are not classified, but the end product is classified. In this case, the unclassified research could be conducted on campus (and could be published) and the end product produced elsewhere (Review Panel, 1991).

Difficulties with this scenario include that the CIA might not prefer to begin a project at RIT if the final part had to be completed elsewhere, and that even in the

³ Refer to Appendix C for a definition of terms used in this section.

instances where unclassified research was done at one place and the classified end product at another, the CIA experienced failure in projects when the principal investigator has been ignorant of the classified component (Review Panel, 1991).

Therefore, the CIA prefers the principal investigator on a research project to have clearance and be able to receive classified information so that he or she can properly supervise and direct the research. If this scenario could not take place at RIT, contracts of this nature might go elsewhere. This would result in lost job opportunities for some faculty members and lost experience for some students in challenging areas of science and technology (Review Panel, 1991).

Although Rose and others acknowledge the limited practical value of eliminating classified research under RIT auspices, “philosophical” arguments have been raised (Review Panel, 1991). It is argued that this classified research is essential to national security and RIT is in a position, and has an obligation, to provide service to this area of the government. The implied point is that unless RIT faculty members make this contribution under the auspices of RIT, no contribution by faculty members can be made at all (Review Panel, 1991).

However, this line of reasoning falls short. RIT faculty members would not (and should not) be forbidden to independently contract as consultants on classified work. In addition, if the work is so essential to national security, the U.S. government has the resources to establish appropriate resources where the work can be done (Review Panel, 1991).

A second “philosophical” objection is that there is no justification for dealing with classified work for the CIA any differently from proprietary work for private industry. Both kinds of research involve a degree of secrecy in that the knowledge gained will not be shared with the community in general. In addition, in both cases there is a potential for civil liability if this confidentiality is violated. However, the nature of classified information is quite different from proprietary information in the following ways (Review Panel, 1991, 128):

- Classification ordinarily continues for an extended period of time;
- Access to classified information requires clearance - at times the clearance required is at the highest, “Top Secret” level, which includes interviews with neighbors, investigation of political activities and highly intrusive and offensive polygraph examinations;
- Violation of the confidentiality of classified information is the basis not just for civil liability but for a federal felony prosecution;
- For effective academic oversight of any research conducted under the auspices of RIT, a committee comprised of members of the academic community could be established. However, at least some of these members of the committee would themselves be required to have clearance and to have signed secrecy agreements.

Due to the nature of establishing some members of faculty with clearance for the purposes of appropriate academic oversight, “two classes of faculty” are set up based upon the willingness and ability to obtain the clearance. This may favor some faculty in relation to hiring, promotion, and tenure (Review Panel, 1991). Furthermore, if academic oversight involves reporting by the oversight committee to a dean and the provost, no one could be considered for these higher level administrative positions if one is not willing, and able, to obtain the approval of the CIA for its clearance process (Review Panel, 1991).

A proposed solution to the above difficulties is to create a separate corporation to conduct the classified research, much like the RITRC. This seems to clear RIT’s responsibility of conducting effective academic oversight because the research is done “off campus” (Review Panel, 1991).

This solution, however, only glosses over the challenge by creating a legal fiction - the corporation. In a non-academic institution the creation of a corporation achieves tax benefits and reduced liability to the investors. In a case like RIT, the legal entity is created to allow something to be done “off campus” that most everyone agrees RIT should not be doing “on campus” (Review Panel, 1991).

The conclusion of the Senior Fact-Finder is to restrict all classified research from being conducted under RIT auspices (Review Panel, 1991). However, the majority of the Review Panel believed that it may be possible, through “a full representative Institute-wide Committee appointed by the Policy Council and ratified by the Board of Trustees, to develop policies and procedures to provide effective academic Oversight of Sponsored Research at the RIT/RITRC” (Review Panel, 1991, 134). The Panel recommended that no new classified research contracts should be undertaken until these policies and procedures

were developed and approved. The Panel also suggested a deadline of November 1992 for these policies and procedures (Review Panel, 1991).

The policy and procedures produced as a result of this is called, appropriately, the *RIT Research Policy*. It is based on the following principles:

- That there be maximum disclosure - All agreements regarding research are to be written, and the pertinent details are to be a matter of public record;
- That there be minimum intrusion on normal Institutional processes and procedures - Any review process should presume that the various units of the Institute are competent to make their own evaluations of the worth and viability of any research project;
- That rights be protected - The rights of the individual faculty, staff, and students to pursue research, to refuse to pursue research, and to know what projects they are working on are to be ensured;
- That researchers be responsible - Those doing research are to abide by the Report by the Subcommittee on Misconduct in Research in Scholarship and the policy on Conflict of Interest, are to make clear in any published research or scholarly communication the source or sources of funding that made it possible, are to honor the terms of the agreement, and are to ensure both that the results of their research and that their consulting work are not represented as having RIT endorsement;
- That there be independent oversight - An Institute-wide committee called the Research Oversight Committee shall review all agreements that have been made regarding research with external funding agencies. It should also hear any problems arising under this research policy, and review it as needed, reporting to the RIT community annually so that, if difficulties arise, the normal processes of Institutional discussion and decision-making can be brought to bear (RIT Research Policy, 1993, 1-2).

The policies and procedures outlined in the RIT Research Policy are presently being submitted for approval by the RIT Board of Trustees (Robison, 1994). Based on an interview with Wade Robison (Personal Communication, February 17, 1991), Chair of the Funded Research Committee set up to look at the issue of classified research based on the Review Panel's recommendation, this policy will not be retroactive - i.e., any research conducted prior to the establishment of a standing oversight committee will not be investigated (Robison, 1994). Robison also indicated that the committee would review the research proposal after it has already been approved, and not before; this, in effect, sets up a system of checks and balances. In an article for the D&C during the crisis, Robison is quoted as saying in response to the notion of setting up policy and guidelines: "We may end up doing exactly what we have been doing, but if we do, we must be self-conscious and self-critical about it" ("RIT conference squares research," 1991).

Robison see this as "the best chance to come to grips with this [the ideals of an open inquiry and dissemination of knowledge and the ideals of freedom of choice of academics] tension" (Robison, 1993, 249).

Conclusions

If an effective solution exists to the challenge of conducting classified research under the auspices of RIT, it would include establishing a standing committee, like the one awaiting approval by the Board of Trustees, to investigate all research proposals approved by RIT. A policy like this would:

- prevent unidentified sponsored research, thus protecting and ensuring the student's choice of participating in the research;
- establish clear recognition that the CIA is funding research;
- allow for the opportunity to gain some knowledge from research which contains classified information;
- and not allow one person, or small group of people, to control information regarding classified research occurring under RIT auspices (i.e., keeping the relationship between RIT-CIA in the public arena and out of the President's office).

Appendix A

Attached at the end of the paper is a complete listing of news stories that were published in the D&C and the TU from February 8, 1991 to March 2, 1992. The listing utilizes a category system based on the article's main thrust or primary subject matter. Some articles contain two main subjects, but most articles can be categorized with only one. The categories are as follows (the number in parenthesis refers to the number of appearances in both papers for this subject):

Break-ins (2) - refers to three possible break-ins reportedly involving people connected with the investigation into the school's links with the CIA

Changemasters (1) - refers to a publication produced for the CIA in which Rose committed both himself and RIT to supporting the continuing work of the CIA in the interests of national security

CIA programs (1) - refers to RIT's CIA funded Federal Programs Training Center

CIA (4) - a general category referring to CIA

Classified Research (11) - refers to classified research being conducted in a university environment; discusses a great deal about ethics and how other universities deal with this situation

Commission (27) - refers to the Review Panel that was established based on the mandate of RIT's Board of Trustees; includes information about the Senior Fact-Finder, Monroe Freedman

Confidence (5) - refers to coverage of RIT's faculty calling for a vote of confidence for RIT's leadership

Curriculum (5) - refers to CIA's influence in relation to RIT's curriculum

Dougherty (4) - Andrew Dougherty was Vice President for Government Contracts at the RITRC and the Executive Assistant to the President; he was responsible, since 1985, for approving and coordinating all aspects of RIT's and the RITRC's contracts with the CIA

Editorial (59) - refers to editorials appearing in both papers; the subjects of these include virtually all of the other categories; some of these contain more than one letter

Funding (4) - refers to RIT's funding received for research and other activities, especially from the CIA

International (5) - refers to the effects the RIT-CIA crisis has on the international scene; how crisis will affect RIT's international students

Japan 2000 (7) - refers to document which came out of a classified conference sponsored by the RIT Research Corporation (RITRC) under a contract with the CIA. The document contained statements that appeared to be racist and simplistic

Mail company (1) - refers to RIT's relations with a mail company in which Trustee members own stock

Management (8) - a general category referring to RIT officials involved in the crisis

Officer-in-Residence (3) - refers to the CIA officer-in-residence program

PR (3) - refers to Hill and Knowlton, the public relations firm RIT hired to consult with regarding the crisis; this led to a crisis in itself

President Search (4) - refers to the search for a new president after Rose's resignation

RIT protest (15) - refers to student group's, off campus association's, and faculty/staff's protest of the RIT-CIA relationship

RIT-CIA (6) - a general category referring to the developing relationship between RIT and the CIA

RITRC (1) - refers to the RIT Research Corporation

Rose (25) - refers to articles dealing directly with President Rose, especially his leadership during the crisis and his resignation

Security Clearance (1) - refers to security clearance that must be obtained to perform classified research

Spy (3) - refers to former CIA operative's presentations at RIT

Theft (4) - refers to the theft of documents from Rose's office

Trustees (2) - refers to the RIT Board of Trustees

Appendix B

Key players in the RIT-CIA crisis

- **M. Richard Rose** - president of the Rochester Institute of Technology who worked at the CIA during a sabbatical during the spring of 1991 sparking controversy over all RIT-CIA ties; Rose announced in September 1991 that he would retire in June 1992 to rid RIT of the controversy.
- **Andrew J. Dougherty** - CIA's point man at RIT and Rose's executive assistant from 1979 until June 1991 when Dougherty suddenly retired; Dougherty compiled the CIA-funded *Japan 2000*, blasted by U.S. and foreign critics as racist.
- **Thomas H. Gosnell** - chairman of the RIT board of trustees who named an 11-member panel in June 1991 to investigate RIT-CIA ties and make recommendations.
- **Sister Mary Sullivan** - professor at RIT College of Liberal Arts; served as chair of the 11-member panel which included five faculty members, three trustees, two students, and an alumnus.
- **Monroe H. Freedman** - professor of legal ethics at Hofstra University; was named in July 1991 to act as senior fact-finder for the RIT panel probing RIT-CIA ties.
- **Jonathan Soroko** - a New York City lawyer and former prosecutor; named in August 1991 to assist Freedman.
- **Dennis C. Nystrom** - project director at RIT's CIA funded Federal Programs Training Center and development director at RIT's Imaging Science Center; resigned in July 1991.
- **Jean Douthwright** - an RIT biology professor and a leader of the RIT-CIA Off Campus Coalition which includes about 15 RIT faculty, alumni and students.

Appendix C

Definitions of terms
based on the RIT Research Policy - April 15, 1993

Proprietary information is private property. It may include trade secrets and other intellectual property not directly protected by patents and trademarks. Others may use it only with the permission of its owner and may not disclose that information without the permission of the owner.

Classified information is property whose disclosure and distribution is restricted by Federal Law. Classified information must be kept and controlled in accordance with specific Federal guidelines.

Research is scholarly and/or scientific inquiry. It may result in new knowledge, new processes, new products, new or innovative speculations of knowledge, or other forms of intellectual property. In the context of this policy, it is work that a faculty member, or a student or staff under the supervision of a faculty member, might do. It may take a variety of forms, from experimental work in a laboratory to a study. Such work may be initiated by the independent interests of the faculty member or by the interest of an external funding agency. It is presumed that someone doing such research has the right to publish the results without any restriction, but there are two exceptions:

Proprietary restrictions -- To do the necessary research a researcher may need access to proprietary information, and that access will restrict the researcher from disclosing everything about the research project. The use and dissemination of the research results should be covered by the terms and conditions of the original agreement between the parties.

Classified restrictions -- To do the necessary research a researcher may need access to classified information, and, as in research involving proprietary information, access to classified information will restrict the researcher in a variety of ways. These restrictions should be covered by the terms and conditions of the original agreement between the parties.

One must distinguish research in which classified information is used from classified research. The latter occurs when the existence of the research project or its funding agency are kept secret. Such research is prohibited by this research policy. But this policy does not prohibit research which may make use of classified information.

In some cases it is not the results of the research or any information necessary for the research that are classified, but the application of the research. This research policy does not prohibit such research. In many cases, it is relatively easy to identify and segregate the classified information necessary for a research project. In this way, a person may work on a project that has classified elements and never need access to classified information; the fact that there are some classified elements needs to be disclosed.

REFERENCES

- Astor, Will (1991, September 12). Poor Richard. *Weekly Planet*, p. 3.
- Hyman, Jennifer (1991, September 29). RIT conference squares research, ethics. *Democrat & Chronicle*, p. 5B.
- Hyman, Jennifer (1991, November 15). Report slams RIT handling of CIA links. *Democrat & Chronicle*, p. 1.
- Review Panel and Senior Fact-Finder (1991). *The past and the future: Rochester Institute of Technology and the Central Intelligence Agency*. Unpublished manuscript.
- RIT Research Policy (1993, April 15). Unpublished manuscript.
- Robison, Wade L. & Sanders, John T. (1993). The myths of Academia: Open inquiry and funded research. *The Journal of College and University Law*, 19(3), 227-250.