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America's Secret Obsession

By Ted Gup
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"If you guard your toothbrushes and diamonds with equal zeal, you'll probably lose fewer toothbrushes and more diamonds."

-- Former national security adviser

McGeorge Bundy

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In April 1971, CIA officer John Seabury Thomson paddled his aluminum canoe across the Potomac on his daily commute from his home in Maryland to CIA headquarters in Langley. When he reached the Virginia shore, he noticed a milky substance clouding the waters around Pulp Run. A fierce environmentalist, Thomson traced the pollution to its source: his employer. The murky white discharge was a chemical mash, the residue of thousands of liquefied secrets that the agency had been quietly disposing of in his beloved river. He single-handedly brought the practice to a halt.

Nearly four decades later, though, that trickle of secrets would be a tsunami that would capsize Thomson's small craft. Today the nation's obsession with secrecy is redefining public and private institutions and taking a toll on the lives of ordinary citizens. Excessive secrecy is at the root of multiple scandals -- the phantom weapons of mass destruction, the collapse of Enron, the tragedies traced to Firestone tires and the arthritis drug Vioxx, and more. In this self-proclaimed "Information Age," our country is on the brink of becoming a secretocracy, a place where the right to know is being replaced by the need to know.

For the past six years, I've been exploring the resurgent culture of secrecy. What I've found is a confluence of causes behind it, among them the chill wrought by 9/11, industry deregulation, the long dominance of a single political party, fear of litigation and liability and the threat of the Internet. But perhaps most alarming to me was the public's increasing tolerance of secrecy. Without timely information, citizens are reduced to mere residents, and representative government atrophies into a representational image of democracy as illusory as a hologram.

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The explosion in government secrecy since 9/11 has been breathtaking. In 1995, according to the Information Security Oversight Office, the stamp of classification -- "confidential," "secret," "top secret," etc. -- was wielded about 3.6 million times, mostly to veil existing secrets in new documents. Ten years later, it was used a staggering 14.2 million times (though some of the bump-up was the result of increased use of the Internet for government communications). That works out to 1,600 classification decisions every hour, night and day, all year long. (And not one of those secrets is believed to reveal where Osama bin Laden is.)

Managing this behemoth has required a vast expansion in the ranks of those cleared to deal in secrets. By 2004, the line of 340,000 people waiting to receive a security clearance would have stretched 100 miles -- from Washington to

Richmond. Many must still wait a year or more. And the cost of securing those secrets -- as much as $7.7 billion in safes, background checks, training and information security -- is about equal to the entire budget for the Environmental Protection Agency.

But the notion that information is more credible because it's secret is increasingly unfounded. In fact, secret information is often more suspect because it hasn't been subjected to open debate. Those with their own agendas can game the system, over-classifying or stove-piping self-serving intelligence to shield it from scrutiny. Those who cherry-picked intelligence in the run-up to the Iraq war could ignore anything that contradicted it. Even now, some members of Congress tell me that they avoid reading classified reports for fear that if they do, the edicts of secrecy will bar them from discussing vital public issues.

Real secrets -- blueprints for nuclear weapons, specific troop movements, the identities of covert operatives in the field -- deserve to be safeguarded. But when secrecy is abused, the result is a dangerous disdain that leads to officials exploiting secrecy for short-term advantage (think of the Valerie Plame affair or the White House leaking selected portions of National Intelligence Estimates to bolster flagging support for the Iraq war). Then disregard for the real need for secrecy spreads to the public. WhosaRat.com reveals the names of government witnesses in criminal cases. Other Web sites seek to out covert operatives or to post sensitive security documents online.

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The abuse of secrecy is emboldened by technology, which hands those who would stymie transparency a powerful new tool. Federal courts have adopted an electronic management system that is the gateway to about 26 million cases. The hope was that the system would augment the already formidable measures taken to conceal the results of sealed cases and to dissuade the curious, including journalists, from prying into them. So the system was given a default setting that responds "Case Does Not Exist" whenever anyone inquires about sealed cases.

Among the cases whose existence the system would deny are many in which leading U.S. corporations -- including Ford, General Motors, America Online, Sprint, McDonnell Douglas, Goodyear and Sunbeam -- are defendants.

In my research, I learned of a case involving a child named Destiny who had allegedly been injured by a product manufactured by Graco, a prominent maker of children's furnishings and equipment. The case was settled in 2001. Attorneys for both sides declined to discuss it and said they had not alerted the government to any alleged risk posed by the product. There was no finding of liability and today, the product still can't be identified.

In March 2005, Graco agreed to pay the Consumer Product Safety Commission a record $4 million after the government accused it of not reporting defects promptly. About 12 million Graco products had been recalled over a decade, some implicated in the deaths of six children and injuries to 900 others. Destiny was not counted among them.

In response to my inquiry, the federal judge in the case invited me to petition the court to have the case unsealed. But first, I was told, I would have to sign a promise not to reveal what I learned. I declined.

Courts that once served as an effective early warning system for public dangers now collude in suppressing them. Other sealed cases involve racial, sex and age discrimination; antitrust issues; fair labor practices; and racketeering -- all litigation in which the public has a profound interest.

Sealed court cases aren't the only way that excessive secrecy puts the public at risk. Fourteen states have signed secrecy agreements with the Agriculture Department under which they will be notified about contaminated foods but agree not to ask about the source of those foods or the markets and restaurants that carry them. A federal database set up to warn people about dangerous doctors is inaccessible to the general public and available only to those in the health-care field. A government-run database designed to give the public early warnings about unsafe vehicles and tires does not reveal certain negative findings out of concern that they may "cause substantial competitive harm" to the manufacturers.

That same excessive secrecy is reflected in the states. Sensitive to issues of privacy, Ohio refuses to release the names of more than 33,000 drivers who have been convicted of driving drunk five or more times. Last year, two Ohio college students were killed by a driver on his way to his 12th drunk-driving conviction. The casualties of such secrecy play out in state after state.

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Not even the past is safe from the clutches of excessive secrecy. In the manuscript reading room at the Library of Congress, a public archive holding the papers of many eminent Americans, I asked for a list of everything I'm not allowed to see because of "national security." Some of what's on the list is ludicrous: 1953 correspondence of then-ambassador to Italy Clare Booth Luce, stamped "Top Secret;" economist Gerhard Colm's 1946-48 papers on German currency reform; a general's diary from June 1944.

But other items raise more disturbing questions. Among them are materials, still considered classified even though they may have been used in front-page stories or in bestselling books, donated by leading journalists and authors, including four Pulitzer Prize-winning reporters: former New York Times writers Hedrick Smith, Neil Sheehan and William Safire, and former Washington Post investigative reporter George Lardner. Today, no member of the public -- not even the authors who donated them -- has access to those papers unless the government formally declassifies them.

Each year, the State Department prepares several volumes of official diplomatic history known as the Foreign Relations of the United States. For years, the CIA, saying it must protect its "sources and methods," has withheld or selectively shared its records with the authors of the series, sometimes holding up volumes for years and leaving glaring omissions in others.

A few years ago, the State Department and the CIA entered into a memorandum of understanding on the FRUS series. The department denied my repeated requests for a copy of that agreement, which is not classified but is, like a growing number of government documents, considered to be for "official use only." Not even members of the State Department's Advisory Committee on Historical Diplomatic Documentation were allowed to see it. Department historian Marc Susser told me that the agreement permits the CIA to read not only those portions of the draft histories related to agency activities but the entire volume in advance and gives the agency a voice in when the histories are published, lest they come out at a time of heightened sensitivity. Beyond that, he would say little about the agreement -- not because it holds critical secrets, but because the State Department wants to stay in the CIA's good graces.

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Even before 9/11, the nation was expending enormous energy sifting through historical records that had been public for 25 years or more, searching for anything that might aid terrorists. At the National Archives, an Energy Department employee, relying on a list of key or "dirty" words, spent month after month going through hundreds of thousands of dusty records for anything that might be used against the nation and therefore require reclassification.

He and a cadre of security specialists were focused on the nuclear threat. On Sept. 10, 2001, he found himself perusing a box of decades-old files in which he found records chronicling the story of a B-25 bomber that flew into the Empire State Building in a thick fog on July 28, 1945, killing 14 people and traumatizing the city of New York. But neither "airplane" nor "skyscraper" appeared on his word list, and he had the records returned to the open shelves. The next day he realized that he had been staring into the face of the real peril.

It was a humbling lesson in the limits of secrecy -- and a stark reminder that what we have to fear is not information but a lack of imagination.

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