

## Under Bush, Expanding Secrecy

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By Dana Milbank

It was a banner week for government secrecy.

Last Monday, the Supreme Court announced it would consider an effort by Vice President Cheney to keep private the records of the energy policy task force he ran. On Friday, the White House announced that it has known for two weeks about an attack on a convoy carrying Iraq administrator L. Paul Bremer—but had decided not to divulge the information. Later that day, President Bush announced a disarmament deal with Libya reached during nine months of secret negotiations.

Also last week, it emerged that the government was acting to keep more Pentagon information out of the public domain and that it has removed from the U.S. Agency for International Development Web site remarks by an administration official that had badly understated the cost of Iraqi reconstruction.

In the meantime, however, the chairman of the federal Sept. 11, 2001, commission, in remarks released last week, criticized needless government secrecy.

"I've been reading these highly, highly classified documents. In most cases, I finish with them, I look up and say, 'Why is this classified?' "said the chairman, former New Jersey governor Tom Kean, a Republican. "And so one of the things that I hope is that maybe out of our work and maybe others, a lot of these documents that are classified, will be unclassified."

Well, governor, keep hope alive. But don't bet on it. As last week's events and discoveries make clear, the Bush administration seems to be going in the other direction. The administration has been unusually successful keeping its policy deliberations out of public view, and millions of government documents—including many historical records previously available – have been removed from the public domain.

Steven Aftergood, who directs the Federation of American Scientists' Project on Government Secrecy, says it is nothing less than a "mutation in American politics" away from open government. "There is an unwholesome change in the deliberative process unfolding before our eyes," he said. "These are not technicalities. These are fundamental issues of American government that are now up for grabs."

Last week showed the full range of government secrecy efforts, from the universally accepted to the hotly disputed. At one extreme was the Libya announcement—even the strongest proponents of open government say it is useful to handle such sensitive negotiations in secret, because a premature exposure of the talks could have scuttled an agreement. At the other end was the Cheney energy task force—the vice president, sued by liberal and conservative groups, has fought the release of the information even though he has not invoked executive privilege or cited national security concerns.

The administration, of course, sees it differently. Justice Department spokesman Mark Corallo last week called the energy case “critical to the effective functioning of the presidency and the vice presidency.”

The Libya case shows why “it’s perfectly acceptable to keep certain things secret,” said Morton Halperin, a former Clinton State Department official now with the liberal Center for American Progress. “The government should be able to presumptively keep secret diplomatic negotiations, war plans and weapons systems.”

But Halperin brands other actions “Orwellian,” including the decision to wait two weeks before disclosing that Bremer’s convoy was attacked. “A day or two you could understand,” he said. “Two weeks? It’s part of an effort to portray things as getting better when they’re not.”

After the U.S.-led Coalition Provisional Authority in Iraq on Friday confirmed a report of the attack, White House press secretary Scott McClellan acknowledged that the White House had previously known about the attack but chose not to disclose it. Asked why, McClellan repeatedly said: “Talk to the Coalition Provisional Authority.”

Just as the White House was preparing to reveal the secret Libya negotiations, Defense Week published a Dec. 5 memo from the Pentagon’s Office of the Inspector General. “Pending a more thorough review,” it said, “the following classes of information will not be available to the general public via the OIG DoD Web site.”

The list included not just the usual exemptions for classified, national security or “official use only” information but also two new, and potentially broad, restrictions: “Information not specifically approved for public release,” and “information of questionable value to the general public.”

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