

Bush Secrecy Policies have Transformed U.S. Government from “Open” to “Closed”

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President George W. Bush has transformed an open federal government in Washington into one of “pervasive secrecy,” a distinguished authority on communications and First Amendment rights says.

Since his inauguration, Bush has overseen changes that suggest “a dramatic growth of government secrecy, far beyond the secrecy occurring during the Clinton Administration,” writes Susan Dente Ross, an Associate Professor in the Edward R. Murrow School of Communication at Washington State University at Pullman.

“Through executive agency opinions, executive orders, statutory changes, and aggressive litigation, the Bush Administration has effectively limited the power of FOIA(Freedom of Information Act) and reversed the presumption that government records should be available to the public absent demonstrable proof showing that secrecy is needed,” Ross writes in *The Long Term View*, a journal of opinion published by the Massachusetts School of Law at Andover.

“The administration’s sweeping expansion of the power of federal government to classify records, and so hide them from public view, increases the range of information that may be classified and extends the lifetime of such secrecy,” Ross says. She noted that:

Mr. Bush has increased the number of federal agencies authorized to designate information as secret and exempt them from public disclosure.

The Department of Homeland Security removed the agency’s entire classification of information process from public scrutiny. The secretaries’ of Health and Human Services and Agriculture and the administrator of the Environmental Protection Agency, have been granted the right to classify information “for purposes of national security and national defense.”

The Defense Department has adopted a new policy that imposes strict limits on discussion of all its “critical research” from the “idea phase” onward.

Mr. Bush has placed his own papers, and those of his father, the former president, “outside the public eye and empowered himself to keep Congress in the dark about intelligence matters.”

Mr. Bush has increased the authority of the Central Intelligence Agency to empower its director to block declassification of CIA information unless disclosure is authorized by the president.

Mr. Bush has extended time that information can be kept classified from 10 to 25 years and this period may be extended even longer.

“Blanket closures of INS(Immigration and Naturalization Service) proceedings and absolute gags on disclosure of related information eviscerate the time-honored constitutional protection of open public trials,” Ross writes. She noted the federal government “arrested and refused to identify hundreds of aliens who either may be connected to terrorism as material witnesses or who may have visa or other INS infractions.”

An INS directive issued promptly after September 11, 2001, mandated absolute closure of all deportation hearings in cases the agency determined to be of “special interest” to the war on terrorism, Ross said. The INS judges could gag aliens from disclosing anything learned in closed proceedings and an INS regulation requires states and localities housing federal detainees to withhold all information about them.

Ross noted, though, a U.S. Court of Appeals judge struck down the INS closures and a U.S. District Court Judge in Washington ordered the Justice Department to disclose the names of more than 1,100 non-U.S. citizens detained at some point in connection with terrorism.

Ross asserts, “Legislation championed as essential to protect the nation against terrorist threats allows the federal government to spy on its citizens, to detain them in secret without charges, to prosecute them based on secret evidence, and to prohibit parties to the trial from discussing related information.”

Ross writes the merest perusal of some Bush initiatives shows it has reversed the presumption of open government: “Although the now prevailing presumption of closed government is masked in subtle nuances of language and interpretive guidelines, we may liken the shift to the sea change that would occur in our criminal justice system if we moved from a presumption of innocent until proven guilty to an assumption of guilty until proven innocent.”

Granting the Bush administration has imposed its sweeping secrecy policies in the name of national security, Ross contends this exchange is “unacceptable.” “The trade-off, secrecy for security, is a sham,” she writes. “The citizenry gives up its vital check on abuse of government power and gains little in return.”

“A shadow government that operates in secrecy,” Ross continues, “does not advance the security of its citizens. Ignorance is not security. Safety is not increased when citizens are blinded by government deception and distortion. Government does not better serve its electorate when it operates with impunity.”

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