

Obama's Secrets: Even His Declassification Effort Lacks Transparency

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Barack Obama disappointed many on the left who thought they were getting a liberal president on national security issues. The man who pledged to roll back George W. Bush legacy as a candidate for the Democratic nomination in 2008 quickly became equally or more hawkish than his predecessor on parts of the War on Terror, the use of drones and other high-profile issues.

Nowhere is that more visible than in government secrecy. Among Obama's first acts as President was the issuance on Jan. 21, 2009 of a memo to cabinet and other officials admonishing transparency. The same day he declared that "transparency and the rule of law will be the touchstones of this presidency."

As it turns out, Obama has been the most aggressive President ever in going after leakers of classified information, charging six whistleblowers under the Espionage Act, more than all previous Presidents combined. Most recently, in response to charges his aides leaked classified material for political gain, Obama introduced additional new measures to combat leaks.

Obama claims there's a logic to what the left and right label hypocrisy. Even as he aggressively goes after government leakers (and subpoenas reporters) for disclosing sensitive government information, Obama says he is trying to diminish the number of secrets that need to be protected. The argument here is similar to the one we described in our Wikileaks cover, namely that excessive classification is part of the problem: the more secrets you create, the more people get clearance to look at them, the less important "secrecy" becomes, the more likely there will be leaks. Instead of a low fence around a huge number of secrets, Obama says he's trying to create a high fence around the secrets that really matter.

Two years after Obama ordered a review of "overclassification," the preliminary results are in and nominally Obama has something to point to in the way of classification reform. The Department of Defense, which has been the most aggressive government agency in resisting classification reform, has announced it will eliminate some 20% of its "classification guides", the manuals that compile rules Pentagon employees and contractors must follow in creating government secrets.

But if that sounds like it means government will be creating many fewer secrets, the invaluable Steven Aftergood at the Federation of American Scientists points out there may be less there than meets the eye:

The practical effect of these startling reductions is hard to assess, and it may well be less substantial than the impressive numbers would suggest. To the extent that the cancelled guides pertain to programs that have been terminated, their elimination will have no effect whatsoever. Likewise, to the extent that their contents may have been incorporated into or are duplicative of other guides which have not been cancelled, the result is a wash.

In some cases, it is certain that no declassification resulted from the process. Thus, the Joint Staff, DARPA, and DTRA all state explicitly that none of their information was declassified as a result of the Fundamental Review, since it was all deemed to be properly classified.

In other cases, however, some declassification is known to have occurred due to the Review. The National Reconnaissance Office, for example, downgraded several categories of classified NRO information and declassified two of them: "the identification of a contractor as an NRO satellite vehicle contractor" and "the 'fact of' real-time command and control telemetry."

Even such narrow modifications can produce measurable changes in disclosure policy. In 2008, the "fact of" NRO radar satellite reconnaissance was declassified, which led to the release this week of an extensive body of NRO material about the QUILL synthetic aperture radar satellite, which flew in 1964.

But the general lack of clarity concerning the results of the Fundamental Review is something of a disappointment. Moreover, it is not consistent with the guidance that was provided to agencies last January by the Director of the Information Security Oversight Office (ISOO), John P. Fitzpatrick.

"To the greatest extent possible," Mr. Fitzpatrick wrote then, the final reports of the Fundamental Review "should be informative as to how much information that was classified is no longer classified as a result of the review. The report should also provide the best estimate of how much information that would normally have been classified in the future will now not become classified."

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