Redefining the (R)evolution: Declassifying Government Secrets in the Era of Transparency

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Abstract: *Libraries are in the unique position to bridge the gap between users who desire information under the Freedom of Information Act (FOIA) and declassified archived manuscripts. This task can be accomplished by a collective effort by the institutions of the United States National Archives and Records Administration (NARA), the federal depository library system, and public-private partnerships to ensure formerly classified materials are widely accessible to the public in both physical and digital forms. However, there are obstacles facing this proposed project. Many classified materials are currently published by their controlling agencies with no policy to ensure the general public or the broader community of international scholars may access the documents. Open access is also under duress due to resurgent concerns of national security. Such an effort is pressing as the United States' federal government starts to publish archived documents and resources from the Second World War era, particularly those materials relating to the Manhattan Project and other contemporary research projects. These obstacles must be overcome in order to ensure that the historical legacy of this period is preserved and that researchers will be able to examine and analyze these invaluable primary resources for decades to come.*

Key Words: Freedom of Information Act, transparency, Manhattan Project, declassification, archives

Introduction:

The 'Age of Transparency' is here (not because WikiLeaks exists) because of the widespread knowledge of how to build and maintain information networks (Sifry, 2011). Sifry traced the genesis of the movement from the strong undercurrent of open source software and idealistic sharing of information driven by the creators of the Internet and other related technologies. This concept of information being accessible and free is pervasive among the upcoming generation of users who demand all things to be unrestricted and transparent, in keeping with the ideas of the technology saturated environment they have been immersed in since childhood.

The demand for transparency is stridently emphasized when relating to government actions and institutions in the United States, particularly due to the regulation of the Freedom of Information Act (FOIA). FOIA was passed into law in 1967 and ensures every "person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions" (FOIA, 2013). The act specifically defines agency records that must be disclosed and outlines procedures for disclosure. The exemptions recognized in FOIA are (1) classified information that affects national security, (2) information that solely deals with the internal rules and practices of agencies, (3) information that is prohibited by another federal law to disclose, (4) trade secrets, (5) information protected by legal privilege and confidentiality, (6) information, if disclosed, that will invade another's privacy, (7) information used by law enforcement that might harm an active case or invade the privacy of the innocent, (8) information concerning supervision of financial institutions, and (9) geological information on wells (FOIA, 2013). While these exemptions are specific, the

environment of the post-September 11 world is witnessing the disturbing trend of federal agencies and authorities resisting information disclosure in the name of security. This resistance is driving an extraordinary overuse of classified materials protections that endangers the rights of the public to information about their government and the accessibility scholars need to effectively continue research.

Information theory of declassification has taken the action of releasing government documents to the digital age. Sabelfeld and Sands (2009) created a computer program to systematically declassify documents according to an algorithm. This theory has its detractors from the classified side of the spectrum, but as a whole it is rather effective in releasing information that needs to be declassified. The issue with this type of declassification is when the information is not stored in digital form. A great amount of government documents are not digitized, and therefore cannot be 'automatically' declassified and easily made public. These 'hard copies' fall into a nebulous world of existence, ignored by the government that does not has the time or money to devote to declassification and lying in wait until some requests it under FOIA.

An effective resolution of this issue is necessary as the United States start to declassify and publish many collections of resources from before, during, and after the Second World War. These periods of time saw the founding of the modern world order and complete access contemporary materials is a needed to ensure the preservation of this historical legacy, the viability of future research and scholarship, and the engagement of the general public. Libraries are already positioned in a way to ease this transition process, having already acted as part of the federal depository system for decades and an established proficiency for material preservation and safeguarding users' right to accessibility.

Analysis of Problem:
The concept of 'transparency' may have exploded in both national and international consciousness but has the term devolved into a political buzzword used to appease voters? Presidents Bill Clinton and Barack Obama advocated for more transparency in their respective administrations. In a memorandum, Obama addressed this issue by outlining that transparency accountability and allows for engagement from citizens through collaboration (White House, 2013). Even with these efforts, Obama has been accused by both his opposition and some supporters of not living up to the intent of his memorandum. When wrangled with politics, the term of transparency becomes a sparring foil to wound political opponents. Unfortunately, no one seems to address what a true 'transparent' government would look like or how it would function to an extent that makes declassification a priority in government.

Declassification and transparency are frequently related to building a sound civil society, the news media, and preventing corruption, but the terms are equally important in both preserving the historical record and users' right to information. While the materials and records from the Second World War era are all important, the archives of the Manhattan Project and other contemporary research programs represent collections of special interest. The project culminated in the birth of the Atomic Age, but it also encompasses the earliest era of nuclear research and development. This period of time is all the more pressing as the global community grapples with the twentieth century's atomic legacy and determines what role nuclear science and engineering

will play in the twenty-first century. Additionally, the records of the Manhattan Project were among some of the most carefully guarded classified materials of their day. Successful establishment of policy and precedent to declassify these records and make them accessible to the public can serve as a model for future declassification projects and promote further government transparency.

However, the path from declassification to publication is not without obstacles. The last dedicated effort to establish guidelines for handling such a large volume of declassified documents was during the period of intense public interest in the Vietnam War and the consequences of American involvement in Indochina. President Richard Nixon established a forerunner to current FOIA regulation with Executive Order No. 11652, which stated that "a private citizen could have national security information reviewed to determine if continued classification was warranted" (Brown, 1983). President Jimmy Carter refined Nixon's guidelines with Executive Order No. 12065 "to require a balancing act of the public's interest in disclosure against national security concerns" (Brown, 1983); while this was only a test to be carried out when a declassification request was made, the order represented the first instance of declassification being granted equality with continued classification. Carter's order also directed that the Information Security Oversight Office (ISOO) would determine specific reasoning "if declassification did not receive such equal emphasis" (Brown, 1983). However, the efforts to pursue continued declassification and publication were undermined as the years passed from American withdrawal from Vietnam, public interest waned, and political resources were directed elsewhere. The progress of Nixon's and Carter's guidelines was overturned during the Reagan Administration, which codified an "absence of such concern for the declassification schedule of government documents" in Executive Order No. 12356 (Brown, 1983). Reagan's executive order effectively allowed federal authorities and agencies to lock materials in classified categories without review for declassification until decades later. The pattern of obstruction was continued under President George H. W. Bush in the early 1990s, but the executive branch's protection of classified materials came to head with a dispute centering on the publication of the *Foreign Relations of the United States* series.

The volume of the *Foreign Relations of the United States* (*FRUS*) published in 1990 "contained no mention of U.S. involvement in the overthrow of Iranian Prime Minister Mosadegh, and the subsequent installation of the Shah as Head of State" (Glad, 1996). The omission was included despite the Eisenhower Administration bragging "of U.S. involvement" and "Kermit Roosevelt, the CIA's head officer in Iran during the episode" including an account of events in his memoir, *Countercoup* (Glad, 1996). The 1990 volume started a political firestorm with the chairman of the State Department's Advisory Committee on Historical Diplomatic Documentation (HAC) resigning in protest of the omissions and the woeful progress of the State Department's declassification process as a whole. Besides limiting access of HAC members beyond the chairman, the State Department was also failing to maintain the "30 years after the fact" publication schedule of *FRUS* outlined in several presidential memorandums and supported by Congress; the department further neglected to mail new volumes of the *FRUS* series to all official governmental repository libraries (Glad, 1996). Efforts were made by the Historian's Office within the State Department to resolve the difficulties independently. These efforts stumbled when HAC members learned that "the guidelines used by the declassifiers were themselves classified" and could not be reviewed by the HAC or the Historian's Office (Glad,

1996). President George H. W. Bush's administration joined in the efforts to uphold classified materials protections , even going to the links of having political allies in the House of Representatives block legislation proposed to improve public access to State Department records. H. W. Bush was interested in upholding the guidelines established by President Reagan but proved unable to sustain such a position once efforts to reform the HAC and *FRUS* were attached to the *Foreign Relations Authorization Act for Fiscal Years 1992 and 1993*. The failure of this bill would have blocked the funding of State Department initiatives and major embassies across the world, and after years of bureaucratic wrangling, publication of *FRUS* was required by law in 1994. A contributing factor to legally requiring publication was the continuing spirit of openness brought about by the end of the Cold War, but two greater factors were historians outside HAC turning the deficiencies within the *FRUS* series into a public issue and the changes in the executive branch brought about by President Bill Clinton's election.

Public interest and the end of the Cold War drove a new period of governmental openness-- including the Central Intelligence Agency (CIA) becoming more open about its early Cold War operations and abandoning a long policy of "objecting to all mention of covert operations" (Glad, 1996). This liberalization is reflected in the CIA's decision to combine the archived files and requests of the FOIA to create an electronic reading room (CIA, 2013) and improve public accessibility to both FOIA request applications and existing declassified digital data. The potential of progress from the Clinton era was cut short by the September 11 terrorist attacks and a renewed focus on national security brought on by concerns of future terrorist attacks and increased American military involvement overseas. A promised return to federal transparency under the Obama Administration still offers some possibilities but is not translating to wide implementation or additional reforms.

Besides bureaucratic and governmental obstruction, declassification and transparency are thwarted by unintentional barriers and logistical issues. The Manhattan Project is the codename for a broad umbrella organization that led almost all efforts relating to the creation and development of nuclear weapons in the U.S. during the Second World War. The nature of the project still makes some federal authorities and agencies hesitant about publishing such sensitive materials to the general public in bulk (particularly in a geopolitical era increasingly concerned with nuclear proliferation). Despite these reservations, a great amount of the Manhattan Project archives are being declassified, but the progress of this effort highlights these other obstacles. Physical access to these materials are limited by their geographic location, with the archives being stored at historic sites associated with the project or at restricted sites like Y-12 and Los Alamos national laboratories. Declassification projects are human resource intensive, requiring staff members with appropriate security clearances to review and prepare materials for release. Storage logistics are complicated by needs of both space and space that is appropriate for fragile, aged paper and other media. These and other factors combine to create inefficient systems that stymie users access; this is further complicated by the systems' architects generally being agencies unacquainted with or uninterested in sustaining user-centric systems. Users need an advocate to represent their interests and also capable of engaging obscure federal agencies in a language they can appreciate. Libraries are in the unique position to bridge the gap between users desiring information under FOIA rules and archived manuscripts, but the magnitude of the Manhattan Project's archive will require more resources than any one library or library system can maintain. The solution for this nearly unique process lies in a collective effort of several

entities including federal institutions, the depository library systems, public-private partnerships, and an awareness of the national and international user interest in this collection (along with what systems may best serve both groups).

Building a Comprehensive Solution:
Solutions built upon collective efforts can pose problems of competing authorities, logistics, communications difficulties brought about by interdepartmental barriers, *et cetera*. However, the approach to building a comprehensive organization to catalog, declassify, disseminate, and preserve the records of the Manhattan Project can rely on sound, tested models, existing institutions, and increased public interest in governmental and bureaucratic transparency. What is most needed is a networking effort that will unite the disconnected pieces into an effective whole that can see this project through from beginning to end. The diverse community can readily support this effort with interests and stakes in the Manhattan Project's extensive records. This community includes field professionals in the sciences (physics, chemistry, etc.) and engineering (nuclear, electrical, chemical, etc.), historians (both professional and amateur; national and local), legal scholars (particularly with the advent of the Cold War Patriots and various worker settlement movements), and international scholars in a variety of fields. There is an established online network of digitized information regarding the Manhattan Project from the Department of Defense, the Department of Energy, the National Security Archive, and the Atomic Heritage Foundation. The concept for the Manhattan Project documents in Oak Ridge National Lab (ORNL) is to remove the material from the secure premise, digitize the documents and connect them with the established network online databases as free to the public. This is a three-step process: firstly, reach out to NARA's newly created National Declassification Center (NDC) to work on declassifying the material of Manhattan Project; secondly, use University of Tennessee, sponsored/partnership with NARA as the repository of the material; and lastly, connect the digitized database of information to the other databases of relevance to the information. The long-term goal is to reach out to UNESCO as an organizational partner to aid with international access. UNESCO has an established track record with their respected repository system and digital initiatives (Ulate-Segura, 1987).

References
Learn (2013). *Freedom of Information Act*. http://www.foia.gov/about.html

Frequently Asked Questions (2013). *Freedom of Information Act*. http://www.foia.gov/faq.-html#exemptions

Transparency and Open Government (2013). Memorandum for the Heads of Executive Departments and Agencies. http/::www.whitehouse.gov:the_press_office:-TransparencyandOpenGovernment

Freedom of Information Act Electronic Reading Room (2013). *Central Intelligence Agency*. http://www.foia.cia.gov

Brown, Karen M. "Declassified Documents." *Freedom of Information Report No. 468*. Columbia, MO: School of Journalism, University of Missouri, 1983. 1-7.

Brown, Karen M. "Government Classification: An Overview." *Freedom of Information Report No. 469*. Columbia, MO: School of Journalism, University of Missouri, 1983. 1-5.

Crowley, Carolyn. "Standing on the Record: The National Archives." *Wilson Library Bulletin* 58.8 (1984): 554-57.

Glad, Betty and Jonathan Smith (1996), "The Role of the Historical Advisory Committee, 1990-94, in the Declassification of U.S. Foreign Policy Documents and Related Issues." *PS: Political Science and Politics* 29(2), p. 185-192.

Sabelfeld, A., & Sands, D. (2009). Declassification: Dimensions and principles. *Journal of Computer Security*, *17*(5), 517-548.

Sifry, M. L. (2011). *WikiLeaks and the Age of Transparency*. OR Books.

Ulate-Segura, Bodel (1987), *Access to the Archives of the United Nations Agencies: A RAMP Study with Guidelines*. Paris: United Nations Educational, Scientific, and Cultural Organization (UNESCO) General Information Programme.