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Secrecy Grows More Common With War on Terror as Excuse

Editorial
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Ever since the horrific events of 9/11, the Bush administration has made clear that government would operate in new ways to combat a dangerous threat. It would aggressively hunt down terrorists, using all of the tools at its disposal, carrying out many of its actions in secrecy. In the ensuing years, Americans have seen many examples, including:

- A program that allows authorities to intercept electronic communications between people in the USA and people abroad. It evades the long-standing safeguard against misuse: that a warrant be granted by an independent court. Even the program itself was kept secret from everyone save a few members of Congress.
- A stepped up effort to punish government officials who leak information and to prosecute journalists who refuse to name these officials.
- A network of foreign prisons about which virtually nothing is known, and an extreme reluctance to reveal any information about the detainees at the detention center at Guantanamo Bay, Cuba.
- Sluggish response to Freedom of Information Act (FOIA) requests for documents going back to before Sept. 11, 2001.
- A policy of classifying more government documents than previous administrations and even reclassifying some that had been released to the public in recent years.

This greater secrecy is essential, the administration asserts, to avoid tipping off the very terrorists it is targeting. A nation at war has little choice but to sacrifice some openness in the name of greater security.

In an era when terrorists are actively trying to acquire weapons of mass destruction, that is an argument many Americans are quick to accept. It also is sometimes right.

Nevertheless, the need for occasional secrecy can quickly become an excuse for making secrecy routine? and a tool those in power have historically used to avoid accountability, disregard inconvenient legal safeguards and generally protect their self-interest.

The terrible events of four years ago might have necessitated a fresh look at the nation's wiretapping laws, for instance. But they did not justify a president ignoring those laws and secretly asserting the power to conduct domestic surveillance without judicial approval, despite specific statutory and constitutional language to the contrary, or the harsh criticism of those who helped make this program public.

Nor is 9/11 an acceptable excuse for hiding ineptitude or covering up a Kafkaesque legal setting at Guantanamo Bay, where detainees are being held without knowing why. Many unquestionably have terrorist connections, but documents recently exposed by lawsuits suggest that a number of detainees are victims of mistaken identity. These include a chicken farmer whose name is similar to that of a known terrorist, and a goat herder found on the Afghani battlefield (looking for some lost goats, he asserts). Many have been held since shortly after U.S. troops moved into Afghanistan in 2002. Lacking more detailed information, it's fair to wonder whether they continue to be held to avoid embarrassment.

The administration has added to the secrecy by refusing FOIA requests. It took a federal judge last month to order it to either provide information about its eavesdropping or provide an explanation for why it could not do so. A similar impasse is faced by those looking for once-public historical documents that are being classified as secret.

Perhaps most troubling of all are the gleeful proclamations by government officials that they will undertake a crackdown on leaks reminiscent of the Nixon administration. While leaking could potentially harm national security and, to be sure, does raise difficult questions, this effort shows all of the signs of excess. It is being driven by a desire to punish those who blew the whistle on domestic surveillance and other troubling programs. If prosecuted aggressively, this could amount to using the powers of the government to quash dissent.

Such cases underscore the abuses that can occur in the name of secrecy.

What's more, for all that is lost by this greater secrecy, it is hard to see what is gained. The stories that have emerged from Guantanamo Bay and other prisons, including Abu Ghraib in Iraq, have been public relations disaster for the United States.

They have inflamed hatred of the United States on the Arab street, potentially making the terrorists' job of recruiting easier. And they have made the government look hypocritical, even to those who want to support it.

The administration speaks much about spreading democracy? as President Bush did so eloquently in his second inaugural address? but when it shows a more abusive, authoritarian and secretive side, it undercuts its arguments.

The world did change with the attacks of 9/11. Americans are not of the illusion that they can ignore the scourge of sophisticated global terrorism. Nonetheless, it is hard to see how the United States can promote its principles of freedom and democracy abroad if it is running from them at home.