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## Release of secret reports delayed

### Spy agencies foil Obama plan for transparency

WASHINGTON - President Obama will maintain a lid of secrecy on millions of pages of military and intelligence documents that were scheduled to be declassified by the end of the year, according to administration officials.

The missed deadline spells trouble for the White House's promises to introduce an era of government openness, say advocates, who believe that releasing historical information enforces a key check on government behavior. They cite as an example the abuses by the Central Intelligence Agency during the Cold War, including domestic spying and assassinations of foreign officials, that were publicly outlined in a set of agency documents known as the "family jewels."

The documents in question - all more than 25 years old - were scheduled to be declassified on Dec. 31 under an order originally signed by President Bill Clinton and amended by President George W. Bush.

But now Obama finds himself in the awkward position of extending the secrecy, despite his repeated pledges of greater transparency, because his administration has been unable to prod spy agencies into conformance.

Some of the agencies have thrown up roadblocks to disclosure, engaged in turf battles over how documents should be evaluated, and have reviewed only a fraction of the material to determine whether releasing them would jeopardize national security.

In the face of these complications, the White House has given the agencies a commitment that they will get an extension beyond Dec. 31 of an undetermined length - possibly years, said the administration officials, who spoke on the condition they not be identified discussing internal deliberations. It will be the third such extension: Clinton granted one in 2000 and Bush granted one in 2003.

The documents, dating from World War II to the early 1980s, cover the gamut of foreign relations, intelligence activities, and military operations - with the exception of nuclear weapons data, which remain protected by Congress. Limited to information generated by more than one agency, the records in question are held by the Central Intelligence Agency; the National Security Agency; the departments of Justice, State, Defense, and Energy; and other security and intelligence agencies.

None of the agencies involved responded to requests for comment, saying they could not discuss internal deliberations.

"They never want to give up their authority," said Meredith Fuchs, general counsel at the National Security Archive, a research center at George Washington University that collects and publishes

declassified information. “The national security bureaucracy is deeply entrenched and is not willing to give up some of the protections they feel they need for their documents.”

The failure to meet the disclosure deadline “does not augur well for new, more ambitious efforts to advance classification reform,” said Steven Aftergood, a specialist on government secrecy at the Federation of American Scientists in Washington. “If binding deadlines can be extended more or less at will, then any new declassification requirements will be similarly subject to doubt or defiance.”

Obama laid out broad goals for reforming the system in May, when he ordered a 90-day review by the National Security Council. Government, he said, “must be as transparent as possible and must not withhold information for self-serving reasons or simply to avoid embarrassment.”

The review is part of Obama’s efforts to make all government operations more public, including his decision to release White House visitor logs and set up a new office to expedite the release of government files under the Freedom of Information Act.

Among the revisions Obama said he wanted considered were the establishment of a National Declassification Center to coordinate and speed up the process, as well as new procedures to prevent what he called “over classification.”

But officials said an executive order that has been drafted by the White House to replace a disclosure order that Bush signed in 2003 is meeting resistance from key national security and intelligence officials, delaying its approval.

“The next phase is most crucial,” said William J. Bosanko, director of the Information Security Oversight Office at the National Archives and Records Administration, who was appointed by Obama in April 2008 to oversee the government classification system. “It is a bit of a test. You have an administration that has committed to certain things and tried to shape the direction but then you have the bureaucracy which is very adept at resisting change.”

A key concern among intelligence agencies is that they could lose what amounts to veto power over disclosure of their secrets that are maintained by other agencies, according to several officials who have been privy to the agency comments on the draft executive order.

Also, a turf war has broken out over which spy agency should be represented on a panel set up in 1996 to hear appeals from people who are seeking the release of information. Obama aides want the Office of the Director of National Intelligence, set up in 2005 to oversee all spy agencies, to replace the CIA, much to the consternation of CIA officials, the officials said.

The White House is meeting even more resistance on its position that no information shall remain classified indefinitely. Depending on the type of information involved, the White House is proposing that virtually all classified information - not just some categories - be automatically released 25 years, 50 years, or in the case of records that involve intelligence sources, 75 years after they are created. The draft Obama guidelines, a copy of which were obtained by Aftergood, include an additional five-year extension for the most sensitive documents.

Defense and intelligence information undergoes a more rigorous review before being made public - often decades after it is generated - than more general government files that do not require officials to have special security clearances to handle them. The documents in question are considered part of the nation's permanent record, and therefore hold special historical significance. Only three percent of government records are so designated.

As the delays mount, so does the backlog of classified data to be reviewed. Aftergood and others worry that if automatic deadlines are not enforced, many documents will never reach the public because the agencies who have custody of them can continue to make the same arguments.

"The only way to get a handle on this is to allow classification to expire at some point," said Aftergood. "This is information that is not just from years ago, but generations ago. The new delay is discouraging because the innovations in the Clinton order are being subverted. That means even bolder reforms that some of us hope for will be that much more difficult."

Still, even if such information is eventually declassified, that doesn't mean that the public will get to see it in a timely manner. Officials estimate that there are 400 million pages of historical documents that have been declassified but remain in government records centers and have not been processed at the National Archives, where the public can view them.

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