

Secrecy Report Card

Quantitative Indicators of
Secrecy in the Federal Government

A Report by



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OpenTheGovernment.org

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About OpenTheGovernment.org

OpenTheGovernment.org is an unprecedented coalition of journalists, consumer and good government groups, environmentalists, labor and others united out of a concern for what *U.S. News and World Report* called a "shroud of secrecy" descending over our local, state and federal governments. We're focused on making the federal government a more open place to make us safer, strengthen public trust in government, and support our democratic principles.

To join the coalition, simply read and sign your name (as an organization or individual) to our Statement of Values, available at www.OpenTheGovernment.org.

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Executive Summary

Government data now confirm what many have suspected: Secrecy has increased dramatically in recent years under policies of the current administration.

Whether measured by the number of documents stamped secret, where agency heads put their dollars, or trends over time, the numbers reflect the extraordinary growth in secrecy in the face of increased public demand for information from government. Secrecy's recent growth started in the Clinton administration and accelerated under the Bush administration.

For example:

- The federal government spent **\$6.5 billion** last year creating **14 million new classified documents** and securing accumulated secrets – more than it has for at least the past decade.
- Agency heads are shifting taxpayer dollars from efforts at declassifying pages of documents to efforts to secure its existing secrets.
- Last year, agencies in the executive branch spent an extraordinary \$120 to make and keep documents secret for every dollar spent on declassification.
- Public demand is rising with over 3 million requests for information from government agencies under the Freedom of Information Act last year alone. At the same time, resources devoted to handling public requests for information has held steady.

This report is an initial step toward establishing measurable benchmarks for regularly evaluating the level of secrecy in government.

By the Numbers:

The U.S. Government Keeps More Secrets ...

14 Million Documents

With **14 million new documents stamped secret in 2003**,¹ the government created 60% more secrets in 2003 than in 2001 – the biggest jump in secrecy for at least a decade.

\$6.5 Billion

The U.S. government last year alone spent \$6.5 billion securing its classified information. That's more than any annual cost in at least a decade.

\$459 per Memo

Every document classified cost the government \$459 to secure that document plus its accumulated secrets. That's the cheapest a secret has cost since 1996. The bad news: As shown above, overall costs of keeping secrets are rising each year and the federal government creates even more new secrets.

\$120 to \$1

For every \$1 the federal government spent in 2003 releasing old secrets, it spent an extraordinary \$120 maintaining the secrets already on the books.

In contrast, from 1997 to 2001, the government spent less than \$20 per year keeping secrets for every dollar spent declassifying them. In this case, secrecy comes at the direct expense of openness.

1/5

The U.S. releases old secrets more slowly. The number of pages declassified in 2003 dropped to nearly one-fifth (43,093,233) the number declassified in 1997.

... While The Public Wants More Information

3 Million

Demand is rising: The public made over 3 million requests for information from government agencies under the Freedom of Information Act last year.

At the same time, resources devoted to handling public requests for information held steady.

\$1.5 Billion Saved

Openness saves taxpayer dollars.

The Justice Department reports that last year whistleblowers helped taxpayers recover \$1.5 billion.

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Only seven (7) agencies kept up with public requests for information through the Freedom of Information Act. The number of federal agencies reporting **no** backlog of public requests for information under the Freedom of Information Act held steady at 12 from 1999-2001 but dropped to just 7 last year. File a written request today for documents from the Reagan Presidential Library and do not expect an answer until 2008. Their backlog currently is 4 years, up from 1.5 years in 2001.

¹ Unless otherwise noted, years refer to the federal fiscal year, which ends on September 30 of each year.

Why a Report Card Now?

Recent events add to the growing sense that government policies and practices since 9/11 and under the Bush administration have dramatically expanded secrecy. Journalists investigating the Abu Ghraib prisoner abuse scandal discovered classified documents that revealed that the Pentagon had known for months about the problem. The Senate Intelligence Committee's report on pre-war intelligence on Iraq was delayed when the Central Intelligence Agency (CIA) initially sought to keep half the document classified. Yet when it was finally released to the public, as Steve Aftergood of the Federation of American Scientists noted in recent testimony before a House subcommittee, CIA reviewers had redacted (blacked out) information in one section, which they had inconsistently approved for public release in another section of the same report.²

Given that such recent events highlighted secrecy as a key problem, the question arose: could government secrecy be quantified?

A Note on the Indicators

OpenTheGovernment.org sought to identify measurable indicators of secrecy that could be used as a benchmark to evaluate openness and secrecy in government in the United States. We sought data easily available primarily from government sources. There are many indicators out there that could be included; this is not intended to be comprehensive but rather first step toward quantifiably measuring the scope of secrecy under the policies and practices of the current administration. There are myriad ways in which government interacts with the public, and secrecy in the federal government extends far beyond the executive branch. Over time, our intention is to expand this initial compilation to reflect the many topics on which public access to government information and secrecy affect policy decisions.

Other Indicators of Openness and Secrecy in Government

These indicators do not account for the proliferating, often *ad hoc*, policies for restricting or limiting public access to information that is not classified. Controls on information hinder information sharing between the government and the public. These controls include expanding, broadly defined classification categories such as:

- Sensitive Security Information
- Sensitive Homeland Security Information
- Sensitive But Unclassified and
- For Official Use Only

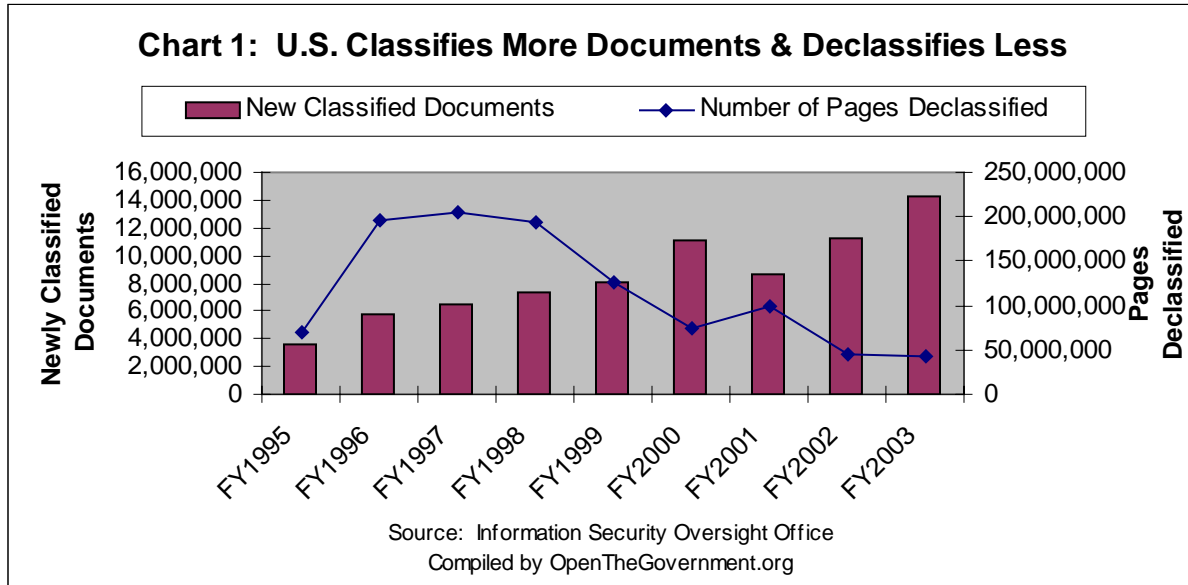
Some of these new regimes that limit, or have the potential to limit, the public's right to know were established by Congress. Other regimes, apart from the classification system, are created by the agencies, which employ them. Such vague restrictions on information previously available to the public hinder the ability of the public to make their communities healthy, safe places to live and strengthen government accountability.

In addition, the public has grown accustomed over the last decade to looking to government websites as a source of information. This is a crucial aspect of open government not measured in this set of indicators.

What follows is a brief look at how the main indicators we examine have changed over time.

² Testimony of Steve Aftergood, Federation of American Scientists, before the House Government Reform Committee Subcommittee on National Security, August 24, 2004.

Quantity of Information Moving In and Out of the Classification System³



Years	New Classified Documents	Number of Pages Declassified
<i>FY1995</i>	3,579,505	69,000,000
<i>FY1996</i>	5,790,625	196,058,274
<i>FY1997</i>	6,520,154	204,050,369
<i>FY1998</i>	7,294,768	193,155,807
<i>FY1999</i>	8,038,592	126,809,769
<i>FY2000</i>	11,150,869	75,000,000
<i>FY2001</i>	8,650,735	100,104,990
<i>FY2002</i>	11,271,618	44,365,711
<i>FY2003</i>	14,228,020	43,093,233

With 14 million new documents stamped secret in fiscal year 2003, the federal government created 60 percent more secrets than it did in the year (FY 2001) prior to the terrorist attacks on September 11, 2001.⁴ While some increase in classification is to be expected in wartime, this dramatic rise runs counter to recommendations by the 9/11 Commission and the congressional Joint Inquiry into 9/11, both of which recommended reforms to reduce unnecessary secrets.

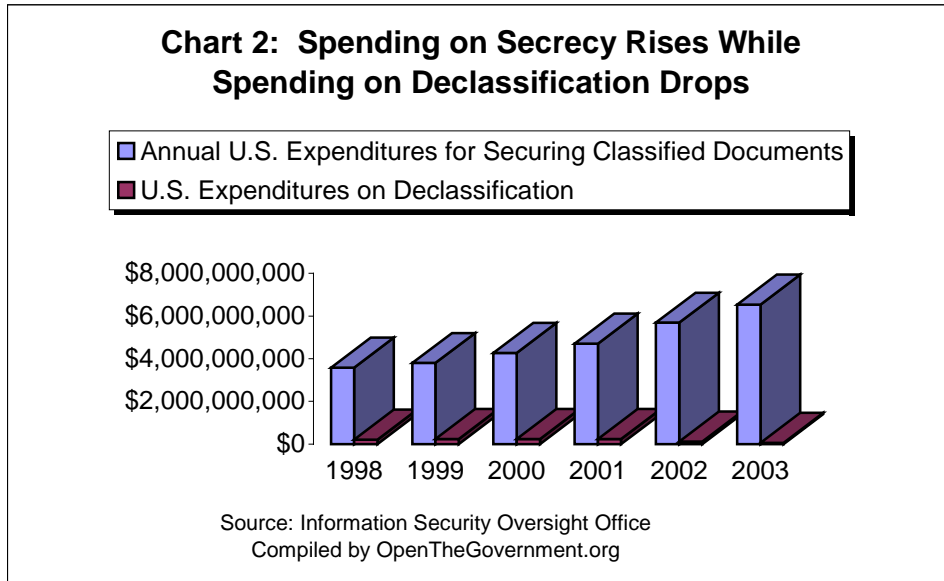
The numbers in Chart 1 show that the rise in government secrecy, as measured by the number of newly classified documents, accelerated, but did not begin, during the current administration. In fact, government secrecy rose during much of the Clinton years.

³ The data on expenditures and the quantity of information moving through the classification system does not include data from the CIA because the agency has classified that information.

⁴ Fiscal year 2001 actual ended 19 days after the terrorist attacks of September 11, 2001. Thus, number of classified and declassified documents for FY2001 includes activity during 19 days after 9/11. The number of new documents created that were classified during that 19 period is likely higher than during September 12 to Sept. 30, 2000, so the actual number of documents classified in the 365 days prior to 9/11 is likely lower than the cited figure.

And yet far more information could be made available to the public without harming national security. For example, the CIA took only two days – remarkably quick by agency norms – to review and release publicly, almost in its entirety, the controversial President’s Daily Brief (PDB) of August 6, 2001 regarding al Qaeda. And yet it is only one of 13 PDBs that have ever been released publicly during the entire past four decades the CIA has delivered these daily reports to the president. Based on this example, it raises the question whether most could safely be declassified now.

Where the Dollars Go: Expenditures on the Classification System



Federal Expenditures on Classification and Declassification (excluding CIA)			
Fiscal Years	Securing Classified Information	Portion Spent on Declassifying Documents	Other Classification Expenditures Per Dollar Spent on Declassification
1997	\$3,380,631,170	\$150,244,561	\$22
1998	\$3,580,026,033	\$200,000,000	\$16
1999	\$3,797,520,901	\$233,000,000	\$15
2000	\$4,270,120,244	\$230,903,374	\$17
2001	\$4,710,778,688	\$231,884,250	\$19
2002	\$5,688,385,711	\$112,964,750	\$49
2003	\$6,531,005,615	\$53,770,375	\$120

Source: National Archives Information Security Oversight Office & OpenTheGovernment.org

Chart 2 shows the amount of money spent on the entire classification system, again excluding the CIA. These costs include the costs associated with securing facilities and personnel in the United States and abroad that hold classified information, training, technology investments and declassification efforts. In 2003, the total expenditure figure consisted of the spending of 41 federal agencies.

The amount of money government agencies spent to secure classified documents steadily rose from 1997 to 2003. In fiscal year 1998, the total cost of securing classified information rose 5.9% from the previous year and another 6.1% the next year. In 2000, 2001, and 2002, estimated costs jumped 12.4 percent, 10.3 percent, and 20.8 percent, respectively. The \$6.5 billion spent in fiscal year 2003 represents a 14.8% jump over the previous year.

For every one dollar the government spent declassifying documents in 2003, it spent an extraordinary \$120 maintaining the secrets already on the books. In contrast, from 1997 to 2001, the government spent less than \$20 per year to keep its secrets for every dollar spent on declassification. We calculated this figure by dividing the expenditures on securing classified information by the expenditures on declassification. Contributing to this dramatic shift in balance are the steady annual increases in expenditures on classifying information and a dramatic curtailment of declassification efforts.

With more resources devoted to securing new and existing secrets, agencies starve efforts to declassify old and unnecessary secrets. Further complicating the effort to address the problem of overclassification, the public has little recourse to challenge agency decisions. The Courts routinely defer to the executive branch when agencies claim disclosure would harm national security. The public can challenge refusals to declassify documents to the Information Security Classification Appeals Board, but that board has too few resources to significantly reduce overclassification. Congress should strengthen oversight of the national security classification system by creating (1) a national classification center and (2) a classification appeals board with authority to compel agencies to declassify documents.

FY 1998	869,576
FY 1999	1,908,083
FY 2000	2,174,570
FY 2001	2,188,799
FY 2002	2,429,980
FY 2003	3,266,394

Source: U.S. Department of Justice

Public requests for information under the Freedom of Information Act have more than tripled over the past six years – from fewer than one million (869,576) in 1998 to over three million (3,266,394) in 2003 – even as government agencies make more information available via the Internet. At the same time public demand has tripled, federal resources devoted to processing FOIA requests have not increased.

Whistleblowers saved \$1.5 Billion and Promote Accountability in Government

Whistleblowers helped or prompted federal prosecutions and, under the qui tam provision of the False Claims Act, can claim a financial share of the recovered tax dollars. Whistleblowers last year helped return \$1.5 billion dollars to the federal government bank accounts, according to the Justice Department.⁵

Whistleblowers continue to be extremely valuable to our society in revealing illegal or improper government actions. They safeguard government against corruption and mismanagement and alert the public to hidden threats that undermine the very institutions they must rely on. Unfortunately, many government policies and court decisions have significantly reduced the protections Congress established under the Whistleblower Protection Act of 1989. Greater government openness is no panacea, but it is necessary to make government more accountable and strengthening the public trust.

⁵ U.S. Department of Justice press release, November 10, 2003. Available at www.usdoj.gov/opa/pr/2003/November/03_civ_613.htm, accessed August 23, 2004.