Secrecy is a Losing Ploy

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Not many people want to be accused of acting like Bill Clinton. When campaign rival John McCain compared George W. Bush to Clinton in a South Carolina television attack ad, the Bush campaign cried foul.
Vice President Dick Cheney's pursuit of secrecy, unfortunately, revives unflattering comparisons. His refusal to produce the documents relating to his task force, the National Energy Policy Development Group, cannot help but remind everyone of Clinton's refusal to disclose documents revealing who attended the meetings of Hillary's task force on health care.

"Fix it, Vince; handle it, Vince!" screamed Hillary at attorney Vincent Foster in response to a lawsuit demanding disclosure. But Vince couldn't fix it.

Bill and Hillary Clinton's secrecy resulted in a years'-long lawsuit after which the court ordered the Administration to make the health-care task-force documents public. They revealed what everybody had suspected all along: that the outside participants on the task force making health care policy had gross conflicts of interest.

The General Accounting Office (GAO) has carried out its threat to sue the President for release of information about Cheney's meetings, which have taken on a heightened interest in light of Enron's spectacular fall. The lawsuit demands that the Bush Administration disclose who attended the energy task force meetings, the process that determined who would be invited, and how much it all cost.

As in the case of the Clintons' refusal to disclose details about the making of their plan to revamp the health care industry, the public wants to know how our energy policy was developed. When information is kept secret, the natural inference is that there must be something the Administration is very eager to hide.

While private businesses and households can be selective about what they tell the world, the American people are not willing to accord the same privacy to public officials paid by the taxpayers. Regardless of the legal veil woven over the energy policy meetings, Cheney's secrecy is a political mistake.

The voters aren't going to buy the sanctimonious argument that the Bush Administration has some sort of duty to protect the power of the presidency. One of the reasons we elected George W. Bush was to rein in the powers of the Imperial Presidency, which stretched far out of bounds with Bill Clinton's "wag the dog" military forays, his 78 days of bombing a sovereign nation that never threatened America, and his blizzard of Executive Orders purporting to implement laws that had never been passed by Congress and treaties that had never been ratified by the Senate.

The American people do not and should not tolerate government by secrecy. The Freedom of Information Act (FOIA) and many other laws embrace the limited-government principle that "government by the people" requires government disclosure to the people.

Inexplicably, the Bush Administration appears to be taking a contrary approach. Attorney General John Ashcroft has let it be known that his office will defend federal agencies that stall FOIA inquiries and interpret the public's right to know under FOIA as narrowly as possible.

George W. Bush's Executive Order establishing special secrecy for presidential papers shocked even one of its beneficiaries, Bill Clinton, and invited speculation that the real purpose is to protect George Bush the Elder's actions from public scrutiny. One historian described the Executive Order as "a disaster for history" and "blatantly unlawful top to bottom."

Many hoped that the Bush Administration would release the facts about the political shenanigans of the 1996 Clinton-Gore campaign long withheld by Janet Reno. But when Rep. Dan Burton (R-IN) subpoenaed documents from the Department of Justice, the Administration brusquely refused to comply.

Because the executive branch controls government attorneys and law enforcement agents, it is rarely held accountable for violating disclosure laws. Prior administrations faced the wrath of the independent counsel, but the Democrats opposed continuing that office due to the Clinton-Lewinsky scandal and the Republicans opposed it because they expected Bush to win.

Often, no plausible reason is given for secrecy. When Deena Burnett, the widow of a passenger on United Airlines flight 93 that crashed in Pennsylvania on 9/11, sought to listen to its cockpit recording, the FBI just said no. The FBI apparently released or leaked selected portions of the recording to Newsweek for publication, but still has not released the full recording.

The Bush Administration's pursuit of secrecy is pushing his Party's fate into the hands of the judiciary. It's a high-risk gamble to assume how the courts will hold on executive secrecy issues.

Richard Nixon expected the Warren Burger Supreme Court to protect him in keeping his tape recordings secret, but even the Republican Justices ordered Nixon to produce the information that led to his undoing. Both Nixon and Clinton found that fighting for an alleged right to withhold information from the public was a legal and public relations disaster.