



Secretocracy

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Secretocracy is an insidious, anti-democratic form of government sustained by secrecy and defined by an ill-informed body politic. Securocrats, and the military–industrial complex that feeds on them, increasingly use computing technology to prevent the electorate from accessing complete information.

President Harry S. Truman signed the 1947 National Security Act confident that presidents could control the Central Intelligence Agency (CIA) as an impartial source of global intelligence for the White House. But by 1963—following CIA involvement in the overthrow of several democratically elected governments—Truman had come to a different conclusion, writing in a *Washington Post* op-ed: “I never had any thought ... when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations. ... [The CIA] is casting a shadow over our historic position and I feel that we need to correct it” (www.maebrussell.com/Prouty/Harry%20Truman's%20CIA%20article.html). He recommended that we as a country “take another look at the purpose and operations of the CIA.”

Senator Daniel Patrick Moynihan (D-N.Y.) came to the same conclusion 30 years later. In 1991, Title III of his proposed End of the Cold War Act (S.236) spelled out the agency’s end by requiring “the transfer to the

Secretary of State of all the functions, powers, and duties of the Central Intelligence Agency” (www.congress.gov/bill/102nd-congress/senate-bill/236). Although S.236 died in committee, the ideas represented therein are worth revisiting today. Truman and Moynihan were concerned that the CIA’s promise

of thoughtful intelligence collection and analysis was too often unfulfilled, whereas the operational side was increasingly rogue and out of control. They saw that the useful balance hadn’t been struck: the US was missing critical intelligence insights (for example, failing to predict the fall of the Soviet Union, the Iranian Revolution and the fall of the Shah, as well as the rising threats from religious fundamentalist groups,) while at the same time it was increasingly mired in covert operations and undeclared wars.

SECRECY AND CENSORSHIP

Investigative journalist Angus Mackenzie provided a thoughtful analysis of where the CIA went wrong in his posthumously published book.¹ There was a critical sentence in the 1947 Act that Mackenzie said has come back to haunt us: “The Director shall ... protect intelligence sources and methods from unauthorized disclosure.”² As Mackenzie noted, “Almost no one foresaw the sweeping



secrecy powers that would emanate from those few words. Almost no one had a hint that these words would be taken by courts, twenty-five years later, as congressional authorization for peacetime censorship.¹ Mackenzie himself felt the brunt of these words as he and several other scholars, writers, and whistleblowers were censored and threatened by the CIA and allied three-letter agencies for the exercise of their First Amendment rights. Alas, secrecy and censorship are the stock-in-trade of closed or closing societies. An orthogonal view of this problem is provided by human rights attorney Scott Horton, who noted that “a strong tendency has emerged to centralize power in the executive ... and impose greater secrecy, particularly by restricting the information available to the public about security matters. This is routinely coupled with the negation of privacy rights of ordinary citizens ... [through] subtle, but nevertheless universal, surveillance.”³ Of course, with Mackenzie’s untimely passing in 1994, Horton has had the benefit of 20 years of additional perspective over Mackenzie, including the extensive Snowden revelations. But whether we focus on the secrecy/censorship or secrecy/surveillance dualities, the message is clear: the National Security Act of 1947 opened a can of worms regarding civil liberties and constitutional protections allowing censorship and surveillance by government agencies, with virtually no oversight worthy of the name.

As for the population’s willingness to accede to government intrusions into their private lives, political consultant Glenn Smith offered a plausible explanation that, prior to 1920, “Americans tended to view freedom as the absence of authoritarian control.”⁴ But that changed when people began to equate freedom with consumerism and political control.

Smith suggested that as it becomes socially acceptable to equate liberty with the exercise of control, a slippery slope forms that more often than not terminates into authoritarian and totalitarian governments. This can be seen in the recent debate over Stellar

observation that there are no elephants in Antarctica into a flawed, illogical defense of our program, a justification of its expense, and our sagacity for having come up with the idea for it in the first place: “Say what you will, but since we started using our

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Wind, the National Security Agency’s unlawful metadata collection program in which the skids were greased by the well-worn “if you only knew what we knew” lament, followed by “but we aren’t going to tell you.” The US government’s record is well established: anyone challenging the official narrative on an important issue is subject to vilification, privacy invasion, and surveillance from legal and extralegal sources. Targets include academics, journalists, and elected officials with an independent streak.

THE ELEPHANT BANE GAMBIT

To sustain the necessary illusions sufficient to justify government overreach, one tactical favorite is what I shall call the Elephant Bane Gambit (EBG). Elephant bane is a chemical repellent used in Africa to discourage the pesky pachyderms from munching on crops.⁵ In the hands of ideologues and agenda followers, elephant bane becomes a perfect ruse.

Here’s how it works. Suppose we want to hang our political hat on how well our brand of elephant bane protects Antarctica from elephants. We deploy the military to scatter our elephant bane across the icy continent. We henceforth transform the

new and improved elephant bane, not one elephant has been spotted within 500 miles of the Ross Ice Shelf.”

Note that the popularity of the EBG with demagogues lies in its versatility and pliability. We can easily adapt the EBG to justify increased federal expenditures on elephant bane thusly: “Seldom in the history of this republic have public funds been better spent—not one elephant has been spotted in Antarctica since we started using elephant bane!” On the other hand, we promote the agency that deployed it by saying, “There is no organization on Earth that approaches the 100 percent success rate that we have achieved with our Antarctic elephant bane system. Not one elephant has been seen anywhere near the elephant exclusion zone!”

Note also that the EBG is unfalsifiable in practice because the goalposts are in constant motion as the argument weaves around a few cherry-picked observations. Should an elephant find its way to McMurdo Station, the argument gracefully adjusts to, “While our record with elephant bane isn’t 100 percent successful, it’s as close to perfection as we’re ever going to get in the postmodern age.” Or, we can morph the unfalsifiability into a counterfactual claim: “If our elephant bane system hadn’t been used, the

mind boggles at the devastation that would have resulted. The ice cap would now be littered by 20 million smashed penguin carcasses. Only a fool could deny that this is an unqualified environmental triumph."

On the other hand, should someone offer proof of its ineffectiveness, the EBG can shift to the defense: "It's obvious that we didn't use enough of it. We tried to explain that to the critics at the time. All their negativity has made a real mess of things for which they'll ultimately be held accountable in the court of public opinion."

The EBG has become a staple of government three-letter agencies and politicians. It's used to defend the most egregious ideas, counterproductive policies, and bungled dealings. Ideologues and authoritarians eagerly rally to it as a buffer against rule-of-law enthusiasts' criticism. Within the past decade, it has been used to justify a war to protect us against weapons of mass destruction (WMDs), then repurposed to justify a war in the absence of WMDs, and finally to justify war against Saddam Hussein. In EBG terms: "The fact that Saddam didn't already have WMDs, and wasn't trying to make WMDs, and didn't actually want WMDs just goes to show you how effective the war was in preventing him from using WMDs."

The EBG is a classic case of a farcical argument in which facts are irrelevant and claims irrefutable. Its motto should be "no policy left behind," for it has been used to justify everything from the NSA's metadata collection program, to the war on drugs, to FEMA's handling of Hurricane Katrina cleanup, to 50 years of sanctions against Cuba. The EBG is a one-size-fits-all approach to manipulation of public opinion. The EBG and related rhetorical deceptions remain the lifeblood of the military-industrial complex and its apologists as they attempt to justify and applaud all things outrageous. It calls to mind the quote of former Supreme Court justice Louis Brandeis: "The greatest dangers to liberty lurk

in the insidious encroachment by men of zeal, well-meaning but without understanding" (www.brainyquote.com/quotes/quotes/l/louisdbra169458.html). Although I agree with Brandeis's sentiment, I think he might have been overly charitable.

As this column goes to press, the EBG rears its ugly head again in the form of the civil liberties-shunning Cybersecurity Information Sharing Act (CISA) that big-and-powerful-government types into a federal omnibus budget bill so that it could be passed without debate (www.wired.com/2015/12/congress-slips-cisa-into-omnibus-bill-thats-sure-to-pass/?mbid=nl_121815). With this approach, any veto of CISA would, *inter alia*, veto the proposed federal budget and possibly shut down the US government. In this case, the elephant bane is sharing private information without court order. You can be sure that once it passes, the Act's proponents will claim that cyberspace is a much happier place. Of course, should cyberspace become a treacherous, private information-sharing free-for-all, that fact will be used to show that "CISA didn't go far enough." The EBG may be helpful to understand the tsunami of privacy-invading legislation proposed by Congress. Such is the nature of unenlightened politics and bipartisan trickery.

SECRECY IS FOR LOSERS

Hermann Goering, Nazi Party leader and Reichsmarshall under Hitler, explained the politics of mass deception during his imprisonment for the Nuremberg trials:

The common people don't want war ... but it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy, or a fascist dictatorship, or a parliament, or a communist dictatorship. ... That is easy. All you have to do is tell them they are being attacked,

*and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same in any country.*⁶

Goering's quote outlines the strategy that demagogues and tyrants have used since the beginning of recorded history. The essential lubricant enabling the slide into tyranny is secrecy. It's because of this that the EBG and other weapons of mass deception fail to be exposed as the absurdities they are.

By design, most of the American public lives in an information vacuum on important geopolitical issues. We might paraphrase noted historian Lord Acton: secrecy tends to corrupt, and absolute secrecy tends to corrupt absolutely. Burmese political activist and Nobel Peace Prize laureate Aung San Suu Kyi's take is slightly different but equally noteworthy: "It is not power that corrupts, but fear. Fear of losing power corrupts those who wield it, and fear of the scourge of power corrupts those who are subject to it." Frequently, the consequence, as 18th-century poet and victim of the French Revolution Andre Cheneir put it so well, is "crimes so great that they make the laws themselves tremble" (<http://whowhatwhy.org/2014/04/04/dont-get-dont-want-hear-truth>).

The reason that government secrecy is on the rise—despite its corrosive effects on society—is that the power elite acquire political cover from it, pure and simple. Secrecy provides concealment from "violations of law, inefficiency, or administrative error," not to mention embarrassing information, misjudgment, ignorance, and crimes against humanity—the very things that aren't supposed to be protected by Executive Orders (www.fas.org/sgp/crs/secracy/R41528.pdf). Unfortunately, scandals such as Watergate, Iran-Contra, nonexistent WMDs, and the Bush/Cheney torture programs didn't teach the power elite not to do such things, but rather to cover them up better. The current

political mantra is “a perfect cover-up shall set you free.”

Over the past 50 years, we’ve populated our governments with several generations of professional securocrats who derive their power and influence from modern secretocracy. Moynihan carefully articulated his growing skepticism about “dark government” from his many years of government service, and his views crystalized during his term as chair of the Commission on Protecting and Reducing Government Secrecy in the mid-1990s.⁷ Moynihan brought special credibility to his views on secrecy through not only having held senior government positions but also from having an extensive academic background in sociology. His observations were prophetic. The Soviet Union’s implosion wasn’t just predictable, it was predicted—Moynihan foretold its breakup along ethnic lines in 1975.⁸ He reasoned that totalitarian regimes are inherently unstable; the Soviet infrastructure remained in shambles and the Soviet economy was on life support, thus the Soviet idea was spent and it was just a matter of time until the whole thing collapsed. What’s more, diplomat George F. Kennan found the seeds of undoing in the inefficient Soviet economy as early as the late 1940s.⁹ Of course, we all know now that the Soviet threat was overstated for nearly 50 years by those who sought to defend cherished capitalist ideologies (and also profit from the resulting arms race), whereas patience would have proved better foreign policy at a fraction of the cost.

To a large measure, this was never publicly debated because government secrecy shielded the lack of facts from public perusal. The popular press also avoided serious investigation into our foreign policy’s rationale due to the demands of our delusional realpolitik. Moynihan, Kennan, and others argued that this lack of understanding about the Soviet state was only possible because of a preoccupation with collecting secret information to the exclusion

of exercising common sense about the realities of Soviet life. For these reasons, Moynihan claimed that “secrecy is for losers”; the problem with government secrecy, he argued, is that it’s secret—there’s no way for the better informed among us to evaluate it and expose any faults. In this way, secrecy takes on a cult-like status and only serves demagoguery.

GOT CREDENTIALS?

This is how government morality gets twisted. Government decisions based on secrecy are necessarily incomplete

allowing their reporters to publish state secrets or, prospectively, even articles that cast the US government in a bad light.⁹ Most recently, California senator Dianne Feinstein proposed restricting shield laws to everyone except “paid journalists”—presumably those with corporate media credentials (<http://watchdog.org/100682/feinstein-wants-to-limit-who-can-be-a-journalist>). This should come as no surprise in a country where pedigree and decorum trump substance. The authoritarians and control freaks among us would have us stay focused

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and therefore suspect. With complete information, the public would be able to recognize that the secrecy-driven public policy is flawed. It’s precisely for this reason that secrecy becomes a top priority with policymakers. It’s the crutch they use to protect their misjudgments from public exposure and ridicule. Professor and author Gregg Herken gave one example from the Cold War: “[CIA head of covert operations Frank] Wisner had early on mastered the technique, highly regarded in Washington’s bureaucratic circles, of using secrecy to thwart oversight and hide questionable deeds from his superiors. For Wisner, need-to-know [security clearance] was less a burden than a tool, which he used to exercise control over his domain.”⁹ This is why US foreign policy has become identified with concurrent belligerence and ineffectiveness.

Let’s not forget overt (versus covert) government censorship, another important securocrat tradition. Herken describes it using a case of legislation proposed in the 1930s by Congressman Richard Wigglesworth (R-Mass.) “that would have imposed legal sanctions on editors and publishers for

on that time-tested preppe mantra: “before truth, the right fork.” Good government, it’s implied, isn’t built upon circumspection, sound argument, and press freedom, but upon decorum and dogma.

The most worrisome problem here is the quasireligious attachment to self-delusion and falsehoods, as the authoritarian-leaning among us attach fealty to opinions that then serve as the foundation of their values: facts are irrelevant to biases and agendas issued therefrom. Perhaps the poster child for decorum-cloaked government stealth is former vice president Dick Cheney, who managed to establish his own personal security classification. In the words of journalist and author Barton Gellman, Cheney “invented extralegal classification for ... [his] notes and memos.”¹⁰ Cheney and his closest advisers simply stamped “Treated as Secret/SCI” on most of their documents as if it were sensitive compartmented information (SCI), thereby ensuring protection and maximum insulation from future investigation and accountability.

But secrecy sometimes fails for

those who live life in the shadows, and they're left with second-order tactics like withholding documents from the courts and Congress, perjuring testimony, blaming the accusers, creating cover stories that would make Hollywood proud, scapegoating, and using the resources of government and sympathetic media to invent villains.

Political historian Chalmers Johnson complements the standard analysis of democratic governments—whether they're weak or strong, oligarchic or polyarchic, and so on—by including an assessment of authoritarianism in the mix. He plots authoritarian and totalitarian governments along a continuum from hard totalitarian (such as ruthless dictatorships) to soft totalitarian (control by less violent means, but still directly suppressing basic freedoms) to hard authoritarian (government secrecy with no popular controls and indirect restriction of basic freedoms) to soft authoritarian (basic freedoms exist on paper but are “attenuated in part by the cartelization of the news media.”⁵) The Weber–Stills–Moynihan analysis of government secrecy and deception fit well within Johnson's continuum. Many Western democracies are soft authoritarian. Moreover, it appears as though Western democratic governments, and the US in particular, have been moving inexorably from soft to hard authoritarianism over the past 50 years.

I'll conclude with a suggestion for remediation based on Moynihan's commission report,⁷ which argued that

restoring public confidence requires overhauling the government's use of secrecy. The starting point for this is remedying current practice's failures:

- › Government classification shall require demonstrable need to protect the information in the interests of national security.
- › The default shall always be not to classify documents, unless demonstrable need can be shown.
- › Information shall remain classified for no longer than 10 years absent agency recertification.
- › There shall be no implied authority to withhold information from Congress.
- › There shall be a Congressionally overseen National Declassification Center to coordinate, implement, and oversee the declassification policies and practices of the federal government.

Secrecy is harmful to any government, but it's especially corrosive to putative democracies. By denying the electorate the information needed to make informed decisions, secrecy has become the false prophet of the disinformation age, which is largely being built atop the computing profession's hard work and best aspirations. ■

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