YOU CAN’T HANDLE THE TRUTH: GOVERNMENT SECRECY AND TRANSPARENCY

March 3, 2015
Tuesday, March 3, 2015
4- 5:30 p.m.
Yavapai College, Sedona Center (OLLI)
Facilitated by: Dr. Jona Vance, NAU Department of Philosophy

AGENDA

4:00 p.m
Welcome and Introduction
Ms. Andrea Houchard, Director, Philosophy in the Public Interest

1) What are some cases that illustrate the value of government transparency? And when, if ever, is it okay for the government not to make its information public? (P3)
2) What reasons and values support governments in withholding information? What reasons and values support government in releasing information? (P4)
3) How should we weigh the reasons supporting governments in withholding and releasing information when they conflict? (P5)
4) What should our attitude be toward whistleblowers who reveal government secrets? For example, is Edward Snowden a hero, a villain, or something else? Why? (P6)

4:15 p.m.
Community Discussion
Dr. Jona Vance, NAU Department of Philosophy

5:20 p.m.
Closing Questions and Recap of Discussion

Community Committee (P7)

Special thanks to our partners, supporters and venue hosts!
1) What are some cases that illustrate the value of government transparency? And when, if ever, is it okay for the government not to make its information public?

The U.S. government makes a wide range of information available.
- The Environmental Protection Agency (EPA) makes available violations of its regulations. One can search one’s city, state, or zip code to find local violating institutions at [www.epa-echo.gov](http://www.epa-echo.gov).
- [www.USAspending.gov](http://www.USAspending.gov) provides information on federal contract spending.
- At [www.data.gov](http://www.data.gov) one can browse for government information by topic, such as business, climate, education, energy, health, and public safety.
- C-SPAN regularly broadcasts live activity from the floors of Congress, so citizens can see congressional debates, testimony, and votes by members of Congress.

Not all information sharing leads to transparency, the information must be navigable.

“Transparency is not just ‘a data dump that has no context or tells no story’” —Participants in the 2011 Focus Forum at the Office for Personnel Management

It is impossible for the government to share all the information it produces. Moreover, not all failures to disclose information are instances of secrecy.

*For example, the government does not disclose what its employees bring for lunch, chat about at the water cooler, or share during collaboration on some projects.*

The US government does keep much of its information secret, however. **Classified information** is information to which a government body legally requires restricted access.

- For example, information about military operations in a time of war is classified.
- In addition, some personal information about citizens is kept secret for their privacy.

Some cases of government secrecy are more controversial than those above. For example, beginning in June 2013, Edward Snowden leaked classified information from the National Security Administration (NSA) to media outlets—perhaps as many as 1.7 million documents. Among many other secrets, Snowden’s leaks revealed:

**The NSA collects Americans’ phone records and text messages for surveillance.**

**The NSA can gain access to information held by Google, Facebook and other tech giants.**

**The NSA spies on foreign allies such as Germany, Brazil, France and Mexico.**
2) What reasons and values support governments in withholding information? What reasons and values support governments in releasing information?

REASONS FAVORING WITHHOLDING

The most common reason in support of withholding of information is that it protects national security. While signing the Freedom of Information act in 1966, President Lyndon Johnson implied that security is the only reason that can warrant government secrecy.

“[T]his legislation springs from one of our most essential principles: a democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull the curtains of secrecy around decisions which can be revealed without injury to the public interest.”

Institutional Functioning
Some worry that overly transparent governments function less effectively.
- In The Atlantic, David Frum argues that implementing transparency policies would put more power into administrative or judicial branches of government and take away power from the leaders “who can get things done—and who can be punished at the ballot box for delay and disappointment.”
- Additionally, governments might be hesitant to release information to the public because:
  - Without additional comment, the rationale behind information and policies might be misunderstood.
  - Some practices may not be effective if public knew about them.

REASONS FAVORING TRANSPARENCY

Accountability
Many think that elected representatives should be accountable for their actions while in office. The public cannot hold representatives accountable without knowing what they’ve done.

“Elections are the primary means for citizens to hold their country’s officials accountable for their actions in office, especially when they have behaved illegally, corruptly, or ineptly while carrying out the work of the government…if citizens are to govern their own affairs, either directly or through representatives of government, they must be informed about how best to determine their affairs and how best to represent and execute them. If citizens are not well informed, they can neither act in their own self-interest, broadly speaking, nor have any serious choice in elections.”

- Democracy Web: Comparative Studies in Freedom

Trust
Radley Balko of the Huffington Post proposes that government secrecy may infringe upon democracy and may create a more untrustworthy government.

“[Government secrecy] may pose problems for our future as an open, democratic society, and for the legitimacy of the government’s power to keep even the secrets that matter.”
3) How should we weigh the reasons supporting governments in withholding and releasing information when they conflict?

Once we have illuminated the reasons for and against government transparency and secrecy, difficult questions remain about how to weigh these reasons against one another.

The quotes below speak to the possible conflict between being an upstanding government official and succeeding in the potentially dirty business of world politics.

“Gentlemen do not read other gentlemen's mail.” – Henry Stimson, Herbert Hoover's Secretary of State

“We live in a world of predators...a democratic state too gentlemanly to learn all it can about potential threats is a state that has betrayed its most-fundamental responsibilities to the people it exists to safeguard.” David Frum, The Atlantic

Bruce Schneier, a cryptology and security specialist, argues that transparency and government effectiveness can clash as follows: “If you take privacy from the government, you reduce its power, and you increase liberty. If you give more privacy to the government, you increase its power, and you reduce liberty.”

In thinking about how to resolves these conflicts of reasons, it can also be helpful to think about deeper values at issue. For example,

Do reasons offered in favor of secrecy tend to be more paternalistic, jaded, realistic, or self-interested?

Do reasons offered in favor transparency tend to be more egalitarian, naive, idealistic, or other-concerned?
4) What should our attitude be toward whistleblowers who reveal government secrets? For example, is Edward Snowden a hero, a villain, or something else? Why?

Americans are divided on their attitude toward Edward Snowden. According to a Reuters survey:

**23% of Americans claimed Edward Snowden is a traitor for leaking classified documents**

**31% claimed Snowden is a patriot for leaking classified documents,**

**46% said they do not know if he is a traitor or patriot.**

The US government has used the Espionage Act eleven times to criminally prosecute government workers who released classified information.

One of the most famous was Daniel Ellsberg, who released the Pentagon Papers in 1971, According to the New York Times, Ellsberg’s disclosure demonstrated that Lyndon Johnson’s administration "systematically lied, not only to the public but also to Congress" about the Vietnam War.

Of the eleven uses of the Espionage act, seven have been by the Obama administration.

HOT TOPICS CAFÉ COMMUNITY COMMITTEE

The “hot topics” in the Hot Topics Cafés are nominated and selected by community members that represent diverse constituencies and viewpoints. We thank our committee for their participation. *Voted on Spring, 2015 “Hot Topics.”

Flagstaff

Frankie Beesley, Program Coordinator, Friends of Flagstaff’s Future

*Joe Boles, Professor Emeritus, NAU College of Arts and Letters

*Jean Malecki-Friedland, MD, MPH; County Director and Chief Medical Professor and Chair, Preventive Medicine and Public Health, Miami Miller School of Medicine; Co-Founder: The Compassion Project

Jacque Gencarelle, Northern Arizona Behavioral Health Association

*Barbara Hickman, Superintendent, Flagstaff Unified School District

Sherman Stephens, Flagstaff Community

Craig Van Slyke, Dean, The W.A. Franke College of Business

*Michael Vincent, Dean, NAU College of Arts and Letters

Sedona & the Verde Valley

*Karen Daines, Assistant City Manager, Sedona

Paul Friedman, Sedona Citizens for Civil Dialogue

*Kate Hawkes, Producing Artistic Director, Red Earth Theatre

Darrin Karuzas, Principal, Sedona Red Rock High School

*Sandy Moriarty, Sedona Mayor

Tom O’Halloran, Keep Sedona Beautiful; Board Member, Verde River Basin Partnership

*Judy Reddington, Arts and Letters Advisory Council, NAU; Board Member, Museum of Northern Arizona; Board Director, Sedona International Film Festival

*Steve Segner, Owner, El Portal; Chair, Lodging Council, Sedona Chamber of Commerce

Patricia Lowell, Sedona Public Library, proxy for: Virginia Volkman, Director, Sedona Public Library

Jessica Williamson, Sedona City Council

Ex officio

Andrea Houchard, NAU Philosophy in the Public Interest

Jona Vance, NAU Department of Philosophy

Robin Weeks, Osher Lifelong Learning Institute, Yavapai College, Sedona Center

Randy Wilson, Arizona Daily Sun

NAU’s Philosophy in the Public Interest is non partisan and does not endorse any position with respect to the issues we discuss. Philosophy in the Public Interest is a neutral convener for civil discourse.

NEXT SEDONA HOT TOPICS CAFÉ:

Paper or Plastic

Friday, March 13th

2 - 3:30 p.m.

Sedona Public Library

Sources

http://mashable.com/2014/06/05/edward-snowden-revelations/
http://www.theatlantic.com/magazine/archive/2014/05/we-need-more-secrecy/359820/
http://www.democracyweb.org/accountability/principles.php
http://www.democracyweb.org/accountability/principles.php
http://www.reuters.com/article/2013/06/12/us-usa-security-poll-idUSBRE95B1AF20130612
http://www.politifact.com/punditfact/statements/2014/jan/10/jake-tapper/cnns-tapper-obama-has-used-espionage-act-more-all/