

**Statement of Thomas Blanton, Director, National Security Archive,  
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**To the United States Senate  
Committee on Homeland Security and Governmental Affairs,  
Subcommittee on Federal Financial Management, Government  
Information, Federal Services, & International Security**

**“Removing the Shroud of Secrecy: Making Government More  
Transparent and Accountable”**

**Tuesday, April 13, 2010**

Mr. Chairman and members of the Subcommittee, thank you very much for holding this hearing today. You got off to a great start back on March 23, and I really appreciate your followup to complete that hearing’s discussion today.

If there’s one lesson I’ve learned from nearly 25 years of watchdogging the federal government on freedom of information issues, it is that paying attention matters. Congress has a lot on its plate these days, but **the kind of attention and focus that this hearing represents is truly indispensable** to making the government more transparent and accountable. So I applaud your initiative today, and I appreciate your invitation to testify.

Here I’d like to introduce briefly the three areas of expertise my organization has developed that are most on point for this hearing. First, since 1985 we have filed more than **40,000 Freedom of Information Act requests**, mostly in the difficult area of national security matters, where reflexive secrecy is the norm rather than a careful balancing of the need to protect real secrets versus the need for accountability and transparency. But those topics, the crisis of overclassification, excessive secrecy, and the government’s tendency to hide vulnerabilities rather than expose and fix them – those are subjects for another hearing. Some of the lessons we’ve learned, though, from watching agencies improve or backslide on our FOIA requests, do apply to the current challenges.

You have already heard today from some of the administration's leaders on open government, so I don't need to repeat here all the positive steps, declarations, directives and orders that the White House and the Justice Department, among others, have produced over the past year to move us forward. I've said elsewhere that **this President has made the earliest and most emphatic call for open government of any President**, and I am happy to see that White House push continuing.

In fact, on **Monday March 15 we made headlines** with those Audit results, that only 13 out of 90 agencies had really responded to the Obama orders; and on **Tuesday March 16, the White House chief of staff and the White House counsel put out a new memo** to all agency heads, telling them to make concrete changes in their FOIA guidance and training materials! I am impressed with that responsiveness and that leadership. And my bet is, a year from now we'll have data showing the number of agencies with real change going up from 13 to 30, or even 50. But change doesn't happen overnight.

That's the real takeaway from all our Audit experience, and indeed from all the thousands of FOIA requests we've done. There is no magic wand we can wave that will make government open. Transparency and accountability are a constant struggle. **Change takes pressure and leadership from inside and outside government.** It takes more hearings like this one today. It takes more FOIA requests from us and from across the country. It takes orders from the White House and internalization by agencies.

Look at what we found when we tested the effects of the infamous Ashcroft memo back in 2001, when the Attorney General told agencies that if they could find a reason, any reason, to deny FOIA requests, then the Justice Department would defend them in court. When we audited what agencies had actually done with the Ashcroft memo, indeed, we found four or five that told their staff this is the end of FOIA. But the majority of agencies just sent the memo around to their components without much in the way of concrete changes to their FOIA guidance, training materials, regs, or actual practice. And most striking of all, several agencies wrote us back, asking us, **what Ashcroft memo?** Could you send us a copy? We never got that one.

Imagine John Ashcroft's frustration. He's trying to close down FOIA processes, but not much changes and some folks don't even get the word. Now imagine Eric Holder's and Barack Obama's frustration. They are

But the mixed results from the FY2009 reports – **only four agencies were in the Justice category of higher releases and lower denials** – should give us pause about the challenge, even though they certainly do not yet justify any headline claiming the Obama administration compares unfavorably to the previous one. I would say flatly that **the Obama administration gets an “A” for effort, and an “Incomplete” for results to date.**

I believe the same is true for the Open Government Plans that agencies submitted on April 7, as a result of the December directive from the Office of Management and Budget. The public interest coalition **OpenTheGovernment.org**, that I am proud to be a part of, has **pioneered an evaluation tool for the plans** and recruited a wide range of partners to pitch in on a cooperative effort to assess just how good or bad they are, and that process is underway right now. I strongly recommend to you, Mr. Chairman, that you invite the director of OpenTheGovernment.org back before this subcommittee to show you the results of that evaluation – perhaps as soon as the end of this month.

On first glance, the Plans displayed the same kind of diversity that we found in our FOIA audit. **Some of the agencies had some impressive commitments** to show and tell in those Plans. My colleague Gary Bass of OMB Watch, for example, has singled out the Department of Health and Human Services for its “flagship” initiatives and its promise to release a dozen “high-value” data sets by year-end that have never been public before. Other agencies were much less impressive, promising apparently only **more planning as their Plan.**

Again, this is the management challenge. Your role in providing oversight and asking the tough questions is essential for the government to make progress on transparency. I believe the roles represented by the folks on this panel, from civil society and from the private sector, are also essential. Inside and outside pressure.

This administration has made an admirable commitment on open government, and is breaking some old bad habits. For example, last week’s release of the new Nuclear Posture Review took place in unclassified form. As my colleague Steve Aftergood of the Federation of American Scientists pointed out, this is a first, and a real signal to the bureaucracy about the need for transparency even in areas like nuclear policy that have long been almost

**Tom Blanton** is the director (since 1992) of the National Security Archive at George Washington University ([www.nsarchive.org](http://www.nsarchive.org)), winner of the George Polk Award in April 2000 for “piercing self-serving veils of government secrecy, guiding journalists in search for the truth, and informing us all.” He is series editor of the Archive’s Web, CD-DVD, fiche and book publications of over a million pages of previously secret U.S. government documents obtained through the Archive’s more than 40,000 Freedom of Information Act requests. He co-founded the virtual network of international FOI advocates [www.freedominfo.org](http://www.freedominfo.org), and is co-chair of the steering committee of the public interest coalition OpenTheGovernment.org. A graduate of Bogalusa (La.) High School and Harvard University, he filed his first FOIA request in 1976 as a weekly newspaper reporter in Minnesota. He won the 2005 Emmy Award for news and documentary research, for the ABC News/Discovery Times Channel documentary on Nixon in China. His books include *The Chronology* (1987) on the Iran-contra scandal, *White House E-Mail* (1995) on the 6-year lawsuit that saved over 30 million records, and *Masterpieces of History* (2010) on the collapse of Communism in 1989; his articles have appeared in *The New York Times*, *Washington Post*, *Wall Street Journal*, *USA Today*, *Boston Globe*, *Los Angeles Times*, *Slate*, *Foreign Policy*, *Diplomatic History* and in languages ranging from Romanian to Spanish to Japanese to Finnish (inventors of the world’s first FOI law). The Archive relies for its \$3.5 million annual budget on publication royalties and donations from foundations and individuals; the organization receives no government funding and carries out no government contracts.