



TERCER EJERCICIO

TRADUCCIÓN DIRECTA INGLÉS-CASTELLANO

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A Basic Tension: Openness and Secrecy

The American system of government is rooted in openness. Article I of the Constitution provides that “Each House shall keep a Journal of its proceedings, and from time to time publish the same” and that “a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published” by the government. When combined with First Amendment guarantees of a free press, these provisions created the basis for open government. The Founding Fathers believed that openness was vital because the Colonies’ disputes with the government of King George III taught them that participation of the governed could succeed only if the governed were well-informed.

Throughout their history, Americans have relied on free elections, Congressional hearings and investigations, speeches and appearances by executive branch officials, and an inquiring press to make good on the Founding Fathers’ promise of open government. Until the start of World War II, Congress and the executive branch openly debated most foreign affairs issues, and the press reported the results. Information about the small standing army was readily available both to Americans and to foreign representatives.

This system worked well until World War II brought the need to keep military plans and the capabilities of weapon systems from enemy eyes. Although Article I of the Constitution permitted Congress to withhold such records “as may in their Judgment require Secrecy,” little of this occurred until the war started. As the war progressed and our national security was threatened, breakthroughs in jet-engine technology, radar, sonar, rocketry, and atomic weapons required special protection. Openness in operations of the legislative and executive branches, previously the guarantors of the Founding Fathers’ promise, was sharply curtailed.



Elaborate systems were devised to ensure secrecy, not only for spectacular achievements like reading German and Japanese wartime codes, but also for daily activities of the foreign affairs, intelligence, and military components of government. With the advent of the Cold War, conflict between the old tradition of openness and the new requirement for secrecy became a significant issue. This conflict continues. According to the President's Information Security Oversight Office, in 1981, at the height of the Cold War, US Government officials were making more than 10 million classification decisions annually, thereby creating an enormous stock of classified documents. The Reagan administration sharpened the conflict by relaxing regulations requiring periodic review of classified documents for declassification. By 1985, classification decisions had reached an annual rate of 15 million, endangering the open government envisioned by the Founding Fathers. But, with the end of the Cold War and the decline in direct threats to national security, the need for secrecy has been reduced. Many previously classified national security documents are being released and many newly created documents issued in unclassified form. By 1992, classification decisions had fallen to 6 million.

Intelligence documents, however, are a special case. Intelligence budgets are even exempt from the Constitutional provision requiring public accounting by government agencies. Although the intelligence agencies, like the rest of the government, are starting to question excessive secrecy, reduced threats to national security have not translated quickly into reduced protection of intelligence from public disclosure.