Chapter I

Bush Administration
Information Policy
and Democratic Values

G. David Garson, North Carolina State University, USA

Abstract

Bush administration information policy raises fundamental questions about the survival of democratic values in what is increasingly a surveillance society. After the terrorist attacks on the World Trade Center and the Pentagon in 2001, Bush administration information policy abandoned the transparency in government policies of the Clinton administration and the 1990s, moving the pendulum toward a policy of secrecy in government and massive classification of documents. From perpetuating core elements of the Congressionally-banned Total Information Awareness program to warrantless electronic searching on a mass basis to undermining provisions of the Freedom of Information Act, the Bush administration has sought as a matter of policy to curtail the democratic freedoms it purports to protect. A comprehensive civil remedies statute needs to be enacted in order to assure that citizens have a clear legal claim in litigation against the government when they suffer various forms of injury as a result of wrongful surveillance and intrusion into their privacy.
Introduction

In his last major work before his death in 2003, Senator Daniel Patrick Moynihan wrote Secrecy: The American Experience (1998), in which he advocated a culture of openness in decision making. Based on his chairmanship of the bipartisan Commission on Protecting and Reducing Government Secrecy, in this work Moynihan traced governmental secrecy since WWI through the failure to predict the collapse of the Soviet Union, arguing that many tragedies resulting from events he describes could have been prevented had the issues been clarified in an open exchange of ideas. Likewise, in the recent Abu Ghraib scandal, the New York Times quoted federal officials as saying that the 2004 scandals in the military justice system - abuses which severely damaged the credibility of American foreign policy—“are rooted in the secretive and contentious process from which it emerged” (Golden, 2004). Freedom of information, transparency, and openness in government are not niceties of a democratic society; they are fundamental to its survival and a major reason for the effectiveness of the democratic form of government.

Bush administration information policy raises fundamental questions about the survival of democratic values in what is increasingly a surveillance society. To take a recent instance, at the end of April 2006, the Wall Street Journal reported that Pentagon intelligence agencies had stepped up efforts to track the activities of American citizens, such as middle-aged Quakers participating in anti-Iraq war protests, on the justification they were “assessed to present a potential force protection threat” (Block & Solomon, 2006). Based on information collected, the Pentagon’s activities included alerting local police forces for more active surveillance, such as following protesters in unmarked police cars—a form of attention understandably perceived by the protestors as political harassment and intimidation. At least 20 domestic antiwar groups have been tracked by the military, echoing the infamous FBI Cointelpro operations against Martin Luther King and assorted radical groups in the 1950s, 1960s, and 1970s (Wolf, 2004). Databases were amassed by the Pentagon based on intercepted e-mail, police databases, group Web sites, and FBI and other sources. While defending such hitherto-illegal domestic surveillance with an ingenuous claim that such efforts were directed toward keeping military personnel away from protest areas, the Pentagon also issued an apology, admitting some military databases contained inappropriate information.

The reinterpretation of the American legal environment with respect to privacy and databases has been influenced by the Bush administration’s post 9/11 declaration of the continental United States as an official theater of military operations, something unprecedented since the Civil War. The reinterpretation, reflected in a 2001 directive from Army Deputy Chief of Staff for Intelligence General Robert Noonan, has been based on a new information policy rooted in a distinction between proscribed military “collection” of data on domestic civilians and the permitted “receiving”
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[www.igi-global.com/article/framework-analyze-alignment-government-projects/67092?camid=4v1a](www.igi-global.com/article/framework-analyze-alignment-government-projects/67092?camid=4v1a)