

Syllabus¹
Official Secrecy in the United States
POLI 297
Fall 2010
MWF 10:10-11:00
HAS 242

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Office Hours: M 8:00–10:00am, W 11:10–12:10pm, and by appointment

Required Readings: There are no required books for this course. All of the readings come from ejournals available through the UMass library website or online government publications. You should familiarize yourself with the ejournals search function on the UMass library website.

Course Description: Many of the activities and communications among and within the United States Congress, federal courts and federal government agencies are intentionally kept secret. We will cover the history of federal government secrecy in the U.S. and survey the numerous mechanisms currently used to officially exempt information from disclosure. After building a firm background in the use of official secrecy in the U.S., students will thoroughly engage the merits of secrecy. We will build an understanding of many of the critical themes of debate surrounding information disclosure policy. These include the distinction between privacy and secrecy, the role of secrecy in assuring security, secrecy in the U.S. Courts, secrecy in Congressional activity, the role of informal security classification, and the use of secrecy in foreign relations.

Exams: There will be two multiple-choice/short-answer exams. The last exam will be given on/at the course's assigned finals date, time and location.

Online Discussion. Many examples of documents that were once classified (i.e. withheld

¹Note: This syllabus is subject to change at the instructor's discretion.

from public disclosure) are available from the *Declassified Documents Reference Service* via the UMass library's electronic databases. Every week, prior to midnight on Saturday, you should make two posts to the discussion for that week. First, you should post a document number, or "Gale Record Number" of a document you find on this service, along with a brief speculation as to why the document was classified. Second, you must respond to one of your classmate's posts and offer an additional or alternative explanation regarding the classification of the document that he or she posted.

Paper: Executive orders 12958, 13292 and 13526 were issued by presidents Clinton, (W.) Bush, and Obama respectively. These EOs establish each administration's security classification policy. Select two consecutive EOs (i.e. either Clinton to Bush or Bush to Obama) and compare them. Describe the practical changes in classification policy that are likely to result from the issuance of the new order. Also, evaluate whether these changes represent improvements in policy. Please refer to the *Paper Assignment* document on Spark for technical requirements regarding the paper's format.

Grading:

- Exams – 25% each
- Online Discussion – 15% total. Each week's posting activity will receive one of four grades – 0 = not completed, 7 = satisfactory, 8.5 = average, 10 = excellent. Since these discussions will occur relatively frequently, and each individually does not contribute very much to the final grade, detailed explanations of the grades assigned will only be provided upon personal request. If you would like an explanation of your grade on a quiz, I will provide one in office hours.
- Paper – 25%
- Attendance and Participation – 10%

Learning or Psychological Disabilities: The University of Massachusetts Amherst is committed to providing an equal educational opportunity for all students. If you have a documented physical, psychological, or learning disability on file with Disability Services (DS) or Psychological Disabilities Services (PDS), you may be eligible for reasonable academic accommodations to help you succeed in this course. These services can be reached at (413)545-0892 and ds@educ.umass.edu. If you have a documented disability that requires

an accommodation, please notify me within the first two weeks of the semester so that we may make appropriate arrangements.

Attendance: Attendance will be taken at most class meetings. For every unexcused absence, two points (out of 100) will be deducted from the final grade. Excused absences are those that meet the criteria presented in the university's academic regulations – <http://www.umass.edu/registrar/media/academicregs.pdf>.

Academic Honesty: The integrity of the academic enterprise of any institution of higher education requires honesty in scholarship and research. Academic honesty is therefore required of all students at the University of Massachusetts Amherst. Academic dishonesty (cheating, fabrication, plagiarism, facilitating dishonesty) is prohibited in all programs of the University. Activity in this course is governed by the University's Academic Regulations and Code of Student Conduct (including rules on academic honesty). By registering for classes, you are assumed to be aware of both. They can be accessed at:
www.umass.edu/registrar/media/academicreg.pdf
and
www.umass.edu/dean_students/code_conduc

Course Schedule: The schedule below gives the required reading. The article(s) listed for a particular date should be read before class time that day. The full citations for the articles can be found below in the references section.

1. Sep. 6: History and Overview I
 - Wednesday: Course Introduction
 - Friday: Relyea (2003)
2. Sep. 13: History and Overview II
 - Monday: Gellman (1995)
 - Wednesday: Ericson (2005)
 - Friday: Metcalfe (2009)
3. Sep. 20: History and Overview III
 - Monday: Feinberg (2002, 2004)

- Wednesday: Relyea (2009*b*)
 - Friday: Cox (2002)
4. Sep. 27: Congress I
- Monday: Relyea (1999)
 - Wednesday: Fisher (2003) (first half)
 - Friday: Fisher (2003) (second half)
5. Oct. 3: Congress II
- Monday: Relyea (2009*a*)
 - Wednesday: Halstead (2003)
 - Friday: Tatelman (2008)
6. Oct. 11: Courts I
- Tuesday: Chesney (2007) (First Half)
 - Wednesday: Chesney (2007) (Second Half)
 - Friday: Rozell (1999)
7. Oct. 18: Courts II
- Monday: Rozell (2002)
 - Wednesday: Review
 - Friday: Mid-term
8. Oct. 25: Foreign Relations
- Monday: Jaeger (2007)
 - Wednesday: Katt (2006)
 - Friday: *Chapter on Secrecy in International Relations* available on Spark
9. Nov. 1: Privacy
- Monday: Cunningham (2003)
 - Wednesday: Rotenberg (2001)

- Friday: *Available Online, Chapter on Secrecy*
10. Nov. 8: Secrecy and Security I
- Monday: Balmer (2006)
 - Friday: Dahl (2004) (Turn in Executive Orders Choice)
11. Nov. 15: Secrecy and Security II
- Monday: Doyle (1999)
 - Wednesday: Pozen (2005)
 - Friday: Vest (2003)
12. Nov. 22: Paper-Writing Discussion
- Monday: *Chapter on Security and Open Government* Available on Spark
 - Wednesday: Paper Structure Discussion
13. Nov. 29:
- Monday: Roberts (2001)
 - Wednesday: Jacobs (2005)
 - Friday: Office (2006)
14. Dec. 6:
- Monday: Presentations
 - Wednesday: Presentations
 - Friday: Review for Final (Paper Due Date)

References

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- Cunningham, Bob. 2003. "PLURALIST DEMOCRACY: BALANCING PUBLICITY, PRIVACY, AND SECRECY." *Administrative Theory Praxis* 25(2):299.
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- Doyle, Kate. 1999. "The End of Secrecy: U. S. National Security and the Imperative for Openness." *World Policy Journal* 16(1):34–51.
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- Feinberg, Lotte E. 2004. "FOIA, federal information policy, and information availability in a post-9/11 world." *Government Information Quarterly* 21(4):439 – 460.
- Fisher, Louis. 2003. "Congressional Access to Information: Using Legislative Will and Leverage." *Duke Law Journal* 52(2):323–403.
- Gellman, Robert. 1995. "Public records—access, privacy, and public policy: A discussion paper." *Government Information Quarterly* 12(4):391 – 426.
- Halstead, T. J. 2003. "The Law: Walker v. Cheney": Legal Insulation of the Vice President from GAO Investigations." *Presidential Studies Quarterly* 33(3):635–648.
- Jacobs, Leslie G. 2005. "A Troubling Equation in Contracts for Government Funded Scientific Research: "Sensitive but Unclassified" = Secret but Unconstitutional." *Journal of National Security Law & Policy* 1:113–159.

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