

SECRECY

A film by Peter Galison and Robb Moss



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Synopsis

In a single recent year the U.S. classified about five times the number of pages added to the Library of Congress. **We live in a world where the production of secret knowledge dwarfs the production of open knowledge.** Depending on whom you ask, government secrecy is either the key to victory in our struggle against terrorism, or our Achilles heel. But is so much secrecy a bad thing?

Secrecy saves: counter-terrorist intelligence officers recall with fury how a newspaper article describing National Security Agency abilities directly led to the loss of information that could have avoided the terrorist killing of 241 soldiers in Beirut late in October 1983. Secrecy guards against wanton **nuclear proliferation**, against the spread of biological and chemical weapons. Secrecy is central to our ability to wage an effective war against **terrorism**.

Secrecy corrupts. From **extraordinary rendition** to **warrant-less wiretaps** and **Abu Ghraib**, we have learned that, under the veil of classification, even our leaders can give in to dangerous impulses. Secrecy increasingly **hides** national policy, impedes coordination among agencies, bloats budgets and obscures foreign accords; secrecy **throws into the dark** our system of justice and **derails the balance of power** between the executive branch and the rest of government.

This film is about the vast, invisible world of government secrecy. By focusing on classified secrets, the government's ability to put information out of sight if it would harm national security, *Secrecy* explores the tensions between our safety as a nation, and our ability to function as a democracy.

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Directors' Statement **Peter Galison and Robb Moss**

At first glance, you couldn't choose a less visual film subject than secrecy. It is by definition the topic you are forbidden to see, with sources who, by profession and inclination, won't tell you anything. And yet secrecy has a grip on us, on our political being, on our imaginary lives, on our sense of privacy. This was where we began our film, convinced that it was a central topic of our time, one that we all related to—and yet utterly baffled about how we were going to bring it to life.

We began filming in a rather traditional way. In fact, the first interview, one we didn't end up using, was outside on a brilliant fall day on the Chesapeake coast, a retired national security official who once bore responsibility for guarding the most dangerous knowledge of nuclear weapons. But there was something profoundly wrong about trying to enter into this world with birds chirping and the water lapping at the shore. After a lot of thinking and experimenting, we realized that we needed a more hermetic environment, the controlled, highly focused lighting of a sound stage. No books or shelves or birds or boats in the background, but instead the most artificial space we could construct. We set up a rear-projection screen, with the background scene alluding sometimes directly, sometimes metaphorically, to the world of the person being interviewed. This sealed-off volume became the reference point of the film, intimate and a little disturbing; disconnected from the outside and yet all the while wandering through questions of agents and betrayals, wars and information, power and the impact of secrecy on those caught up in it.

The intense, intimate setting for the interview worked splendidly, and we decided, to work with an editor and a composer from the get-go. Instead of collecting all the materials first and then editing, we decided to make the film grow out as it needed to rather than push our interviews and materials into a pre-determined mold. So we began editing immediately after our first sound-stage interview. Chyld King, our terrific editor came on board then: our first edited piece was a few minutes long. Alongside our bringing on board an editor, we started working with composer John Kusiak, thinking together about how we wanted to score to interact with the film: where individual instruments needed to stand out, where we wanted more of a progression.

Secrecy resonates with everyone. But we were not at all sure that in interviewing professionals that they would think - or want to discuss - how layered the political, technical, or military secrecy was on personal associations. On this score, we needn't have worried—just about everyone, whatever their position or politics, had rather strong views about the ways that sexuality, secrecy, and power thread inevitably around one another in our imagination. Knowing that our interview footage would be so highly confined, we wanted a way to let this other, more personal dimension of secrecy crack through the more deliberate, intended meanings. It was thinking about this problem that led us to animation - not purely as illustrative of what we were not allowed to see, but as

invoking a more associative kind of imagery. Animation—mostly of an almost wood-block expressionist kind led by Ruth Lingford—served as this underground lava stream, bursting out, intermittently, from the first moments of the film all the way through to the end.

But who to interview? From the beginning, we aimed to show a world of secrecy as seen by those in it, not by pundits celebrating or castigating from their perches. Nor did we want famous former heads of agencies or high-ranking politicians who had already spoken so frequently on issues of public policy that they were likely to quote themselves—or return to justify actions they had taken. Instead, we wanted to get a sense of how more usual people moved in the shadow world, agents and analysts, for example. Of course we wanted to talk to people the Central Intelligence Agency, and when the dust settled, we very fortunately ended up with two extremely experienced, complex, and articulate veterans. Melissa Mahle served in many postings across the Middle East, Africa, and Central Asia, including years as CIA Station Chief in Jerusalem.

Another Agency interlocutor is James Bruce who worked both in the Intelligence and Operations Directorates. In one of his capacities Bruce helped run a group on “Foreign Denial and Deception” (a fabulous title that means denying information to other intelligence services and deceiving them). He also has written, in both the classified and unclassified versions, on how leaks were happening. He’s got a dim view of the Executive Branch (from where, he told us, 80% of the leaks issue); and a really hard-line stance on the press. Finally, from the National Security Agency, we found in Mike Levin, NSA’s long-time head of information security, a guardian of the secrets of the most secretive of government agencies—they make the CIA look open.

On the other side, equally passionate, were soldiers in the secrecy wars who were just as persuaded that the future of democracy depended on arresting the helter-skelter growth in classified information. These include Steven Aftergood, who directs the Government Secrecy Project at the Federation of American Scientists. Aftergood has been a prize-winning activist, tracking, analyzing and opposing the steady increase of classified information. Joining him as a secrecy critic is Tom Blanton—who heads the National Security Archive at George Washington University. Using the Freedom of Information Act, this NSA (not the infinitely larger government three-letter agency) has published de-classified documentation of a vast range of events—from the Cuban Missile Crisis of the early 1960s through Eastern European and Soviet sources on the revolutions of 1989, to contemporary events surrounding the run-up to war in Iraq. These documents recast our understanding of turning points in recent history.

People often ask us if we had trouble getting access. There were many very difficult parts of making “Secrecy.” As it turned out access was, perhaps surprisingly, *not* one of them. Our goal was, from the start not to expose this or that technical detail—we were not out to publicize how high, fast, or far a particular fighter jet could fly. Instead, what interested us was the system itself: how did classification function, what effect did it have on those inside and outside of it, what issues did it raise for security, for press freedom, for separation of powers, for deliberative democracy itself?

To make visible this rather abstract set of concerns, we soon realized that we'd need specifics, and we wanted the most forceful case our subjects could mount, not some casual remark or the embarrassed silence and turned faces that accompany ambush questions.

So over and over again we asked the people with whom we spoke to take their best shot, to choose the instances that best illustrated their most central and compelling arguments. Then we dug in. For Mike Levin that meant taking us back to Beirut—where a 1983 disclosure about NSA monitoring meant the loss of a crucial electronic source, and the Marine Barrack attack. For Barton Gellman, special projects reporter at the Washington Post, that meant something very different: the absolute impossibility of the public deciding issues central to democratic deliberation if one didn't know. Gellman: If the press obediently avoided all secret topics, that would have meant the public would not have the very basic elements of the “war on terror”: that the hunt for weapons of mass destruction was an absolute bust, that the United States was engaged in “extraordinary rendition,” that Bin Laden had escaped from Tora Bora.

Yes, he says, these were classified secret; but if the papers reported only what the official line was, the American people would not have understood the basic elements of the “war on terror” as it was actually being conducted.

Bit by bit, we began to find ways to get at this epoch struggle over secrecy: what the stakes were; how to make the secrecy wars visible; and how to shuttle between the political and the personal. But we knew that the film couldn't work as we wanted it to, if it did not find a way to get at how the rubber met the road how these positions, passionately held as they were, played out in the broader world.

So we chose two remarkable and hugely influential Supreme Court cases—and followed what they meant for the structure of secrecy. One case launched secrecy in early years of the Cold War, the other is urgently contemporary, still being fought as it shapes and reshapes boundaries between the President, the law, and secrecy. We ended up wending both of these cases through the film; they take battles over secrecy and give them a human, personal dimension.

Throughout the long process of making this film, we've intentionally not acted as if the issue of national security secrecy could be tied “solved” with an easy set of steps. We see the issues of secrecy as tough, among the hardest we face as we, and not just in the United States, struggle to bolster democracy in a time of great fear.

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Directors Bios



Peter Galison is Pellegrino University Professor of the History of Science and of Physics at Harvard University. In 1997 Galison was awarded a John D. and Catherine T. MacArthur Foundation Fellowship; won a 1998 Pfizer Award (for *Image and Logic*) as the best book that year in the History of Science; and in 1999 received the Max Planck and Humboldt Stiftung Prize. His books include *How Experiments End* (1987), *Einstein's Clocks, Poincaré's Maps* (2003), and most recently *Objectivity* (with L. Daston, 2007)—he has worked extensively with de-classified material in his studies of physics in the Cold War. His film on the moral-political debates over the H-bomb, "Ultimate Weapon: The H-bomb Dilemma" (44

minutes, with Pamela Hogan) has been shown frequently on the History Channel and is widely used in courses and seminars in the United States and abroad. Galison co-curated a major exhibition, "Iconoclasm" at the German Media Museum (ZKM) in 2002. The show explored the battles between iconoclasm and iconophilia—the necessity and impossibility of images—in art, science, and religion.



Robb Moss's recent film, *The Same River Twice*, premiered at the 2003 Sundance Film Festival, was nominated for a 2004 Independent Spirit award, and played theatrically in more than eighty cities across North America. Other films have shown at the Telluride Film Festival, screened at Lincoln Center and the Museum of Modern Art in New York City, and at numerous venues around the world, including in Amsterdam, Paris, Munich, Sydney, Ankara, and Rio de Janeiro. As a cinematographer he has shot films in Ethiopia, Hungary, Japan, Liberia, Mexico, Turkey—on such subjects as famine genocide and the large-scale structure of the

universe—and many of these pieces were shown on Public Television. He was on the 2004 documentary jury at the Sundance Film Festival and has thrice served as a creative advisor for the Sundance Institute documentary labs. He is the past board chair and president of the Association of Independent Video and Filmmakers and has taught filmmaking at Harvard University for the past 20 years.

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Editor

Chyld King

2004 Editor, *Secrecy*, Dir. Robb Moss & Peter Galison,
Feature Documentary, work in progress

2004 Editor, *Citations*, Northern Light Productions,
Elements for permanent display at the National Archives

2004 Editor, *Art Close Up*, WGBH Boston
Segments: Evan Ziporyn, Steve McQueen, Krzysztof Wodiczko

2003 Editor, Various Projects/Commercials, Director: Errol Morris
Spots: ESPN, Quaker Oats, Cisco Systems, Brown & Co.

2002 Co-Editor, *The Fog of War*, Sony Pictures Classics,
Feature Documentary, Director Errol Morris, Release 2003
Winner, Academy Award, Best Documentary
Winner, Independent Spirit Award, Best Documentary
Nominee, A.C.E. Eddy award, Best Edited Documentary

2001 Editor, *Errol Morris' First Person*, Independent Film Channel

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Biographies of main characters

Mike Levin

Meyer J. "Mike" Levin served four years in the U.S. Army during World War II and was a Field Artillery officer with the Seventh Armored Division in Europe. After the war, he began an intelligence career with the National Security Agency spanning the forty-six years between 1947 and 1993. In 1993, he was awarded the nation's highest intelligence honor, the National Intelligence Distinguished Service Medal by the Director of Central Intelligence. After retiring from government, Levin continued to work as a consultant in intelligence matters, and he is still active as a consultant. He has also served on the boards of many civic community groups, and is currently Vice Chair of LABQUEST, a government/community partnership coordinating the consolidation of the U.S. Food and Drug Administration at the Federal Research Center at White Oak, Maryland. Levin was an organizer and first Vice President of the new National Museum of Language and he is a member of the Association of Former Intelligence Officers.



Tom Blanton

Thomas S. Blanton is Director of the National Security Archive at George Washington University in Washington D.C., which the *Los Angeles Times* has described as "the world's largest nongovernmental library of declassified documents." Blanton served as the Archive's first Director of Planning & Research beginning in 1986, became Deputy Director in 1989, and Executive Director in 1992. He filed his first Freedom of Information Act request in 1976 as a weekly newspaper reporter in Minnesota. Included among many hundreds that he has filed subsequently was the FOIA request (and subsequent lawsuit with Public Citizen Litigation Group) that forced the release of Oliver North's Iran-contra diaries in 1990. He has authored numerous books and articles that have appeared in major news outlets.



SECRECY

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Biographies of main characters (continued)

Melissa Boyle Mahle

Melissa Boyle Mahle is a former US intelligence officer and expert on the Middle East and Counterterrorism. She joined the Central Intelligence Agency in 1988, working in clandestine operations with Near East Division, Directorate of Operations, and was Chief of Base, Jerusalem, 1997-2001. During her time at the Agency, she completed assignments throughout the Middle East, Central Asia, and Africa as the Agency's top-ranked female Arabist. She is the author of *Denial and Deception: An Insider's View of the CIA from Iran-Contra to 9/11* (2004). She received a Presidential Letter of Appreciation for her work on the Middle East Peace Process and numerous exceptional performance awards from the CIA for her recruitment of agents and collection of intelligence. Since leaving the government in 2002, Ms. Mahle has worked as a private consultant on Middle Eastern political and security affairs.



Ben Wizner

Ben Wizner has been a staff attorney at the ACLU since 2001, specializing in national security, human rights, and first amendment issues. He has litigated several post-9/11 civil liberties cases in which the government has invoked the state secrets privilege, including *El-Masri v. United States* (a challenge to the CIA's abduction, detention, and torture of an innocent German citizen); *Mohamed v. Jeppesen Dataplan, Inc.* (a



suit against a private aviation services company for facilitating the CIA's rendition to torture of five Muslim men); and *Edmonds v. Department of Justice* (a whistleblower retaliation suit on behalf of an FBI translator fired for reporting serious misconduct). Wizner was a law clerk to the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. He is a graduate of Harvard College and New York University School of Law.

James B. Bruce

James B. Bruce is a Senior Political Scientist at the RAND Corporation's Washington office. Having served for nearly 24 years in a variety of assignments, he retired from the Central Intelligence Agency at the end of 2005 as a senior executive officer. He was a senior staff member of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (Silberman-Robb WMD Commission), and a fellow at CIA's Sherman Kent School for Intelligence Analysis. He previously served as Deputy National Intelligence Officer for Science and Technology in the National Intelligence Council, and has held management positions in both the CIA Directorate of Intelligence and the Directorate of Operations. He has authored numerous classified studies including National Intelligence Estimates and his focus on the relationship between U.S. intelligence effectiveness and the protection of sources and methods has highlighted the adverse impact of unauthorized disclosures. His unclassified publications have appeared in *Studies in Intelligence*, *the Defense Intelligence Journal*, *World Politics*, and several anthologies. He is the co-editor of and a major contributor to *Analyzing Intelligence: Origins, Obstacles, and Innovations* (Georgetown University Press, forthcoming in March, 2008). He has taught graduate courses on intelligence at Georgetown University since 1994 and was previously a faculty member at the National War College.



Barton Gellman

Barton Gellman is a special projects reporter on the national staff of the *Washington Post*, following tours as diplomatic correspondent, Jerusalem bureau chief, Pentagon correspondent, and D.C. Superior Court reporter. He shared the Pulitzer Prize for national reporting in 2002 and has been a jury-nominated finalist (for individual and team entries) three times. His work has also been honored by the Overseas Press Club, Society of Professional Journalists (Sigma Delta Chi), and American Society of Newspaper Editors. Gellman earned a masters degree in politics at University College, Oxford, as a Rhodes Scholar. He is the author of *Contending with Kennan: Toward a Philosophy of American Power*, a study of the post-World War II "containment" doctrine and its architect, George F. Kennan. He has broken a number of major stories in the *Washington Post*, including the "Ring Around Washington," an account of a failed nuclear terrorism detection system erected by the Bush administration in secret in 2001.



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Biographies of main characters (continued)

Steve Garfinkel

Steve Garfinkel was the second Director of the Information Security Oversight Office (ISOO), from 1980 until 2002. ISOO was established in 1978 by President Carter to oversee the whole of the classified world that fell under Executive Office control, from the Department of Defense and the Department of Energy to law enforcement and intelligence organizations including the FBI, CIA, and NSA. As the director of ISOO through many administrations, Garfinkel oversaw a decades-long effort to bring the world of secrets under control. After receiving a law degree from George Washington University Law School in 1970, Garfinkel worked in the General Services Administration's Office of General Counsel, where he was assigned to relatively new areas of the law, including the Freedom of Information Act and civil rights. He has also served as the senior attorney for the National Archives and Records Administration. Among other projects, Garfinkel helped to draft Executive Order 12958 in 1995, establishing the first post-Cold War security-classification system.



Patricia J. Herring

Patricia J. Herring (formerly Patricia J. Reynolds) was a participant in the United States Supreme Court case *United States v. Reynolds* (1953), a landmark case that established the "state secrets privilege." She was the widow of Robert Reynolds, an employee of Radio Corporation of America, an Air Force contractor, who along with eight other men was killed during a crash of a B-29 bomber testing experimental equipment in 1948. Herring, and two other widows, sued the Air Force for full disclosure of the Air Force accident report; the Air Force claimed that the report contained information pertaining to "secret electronic equipment" and refused to provide the information, which the Supreme Court 6-3 upheld without having seen the reports in question, setting a legal precedent which has been invoked many times since then. In 2000, the maintenance reports in question were discovered to have been declassified and were found to not only not contain any information pertaining to the equipment at all, but to also include evidence of Air Force negligence in regards to maintaining the plane in working order. Herring, since remarried, has filed multiple petitions with the Supreme Court to re-examine the case, starting in 2003, but they have been repeatedly denied, most recently in March 2006.



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Biographies of main characters (continued)

Wilson Brown

Wilson M. Brown, III, is an attorney at Drinker Biddle (formerly Drinker, Biddle, and Reath), the firm that originally represented the plaintiffs in *United States v. Reynolds* (1953). Mr. Brown served as counsel for Patricia (Reynolds) Herring, Judy (Palya) Loether and the other plaintiffs in their efforts since 2003 to have the Supreme Court to reexamine the *Reynolds* case in light of the declassified information that indicated Air Force fraud and negligence.



Siegfried Hecker

Siegfried S. Hecker was Director of Los Alamos National Laboratory from 1986 until 1997, and prior to that was head of the laboratory's Materials Science and Technology Division. He is a metallurgist by training, having earned his BS, MS, and PhD from Case Western Reserve University. Hecker's research interests include plutonium science, nuclear weapon policy and international security, nuclear security (including nonproliferation and counter terrorism), and cooperative nuclear threat reduction. Over the past 15 years, he has fostered cooperation with the Russian nuclear laboratories to secure and safeguard the vast stockpile of ex-Soviet fissile materials. His current interests include the challenges of nuclear India, Pakistan, North Korea, and the nuclear aspirations of Iran. He is a co-director of the Center for International Security and Cooperation at Stanford University. Hecker has been part of multiple delegations that have visited North Korea to discuss their nuclear program, including one in January 2004, where he was allowed to view and hold North Korean plutonium, and another in November 2006, only weeks after the first North Korean nuclear test.



SECRECY

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Biographies of main characters (continued)

Steven Aftergood

Steven Aftergood is a senior research analyst at the Federation of American Scientists. The Federation of American Scientists, founded in 1945 by Manhattan Project scientists, is a non-profit national organization of scientists and engineers concerned with issues of science and national security policy. Having joined its staff in 1989, Aftergood directs the FAS Project on Government Secrecy, which works to reduce the



scope of government secrecy and to promote reform of official secrecy practices. He is also the author of Secrecy News, an email newsletter (and blog) that reports on new developments in secrecy policy for more than 10,000 subscribers in media, government, and among the general public. He has authored or co-authored papers and essays in *Scientific American*, *Science*, *New Scientist*, *Journal of Geophysical Research*, *Journal of the Electrochemical Society*, and *Issues in Science and Technology*, on topics including space nuclear power, atmospheric effects of launch vehicles, and government information policy.

Neal Katyal

Neal K. Katyal, a Professor at Georgetown University Law School, won *Hamdan v. Rumsfeld*, a case that challenged the policy of military trials at Guantanamo Bay Naval Station, Cuba, in the United States Supreme Court in June 2006 along with Lt. Commander Charles Swift. The Supreme Court sided with him by a 5-3 vote, finding that President Bush's tribunals violated the constitutional separation of powers, domestic military law, and international law. Katyal previously served as National Security Adviser in the U.S. Justice Department and was commissioned by President Clinton to write a report on the need for more legal pro bono work. He also served as Vice President Al Gore's co-counsel in the Supreme Court election dispute of 2000, and represented the Deans of most major private law schools in the landmark University of Michigan affirmative-action case *Grutter v. Bollinger* (2003). Among many other accolades, Katyal was named Lawyer of the Year in 2006 by Lawyers USA, Runner-Up for Lawyer of the Year 2006 by *National Law Journal*, and one of the top 50 litigators nationwide 45 years old or younger by *American Lawyer* (2007).



SECRECY

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Biographies of main characters (continued)

Charles Swift

Lt. Commander Charles D. Swift is a Lieutenant Commander (LCDR) in the U.S. Navy, Judge Advocate General's Corps, and is best known for being the legal counsel of Salim Ahmed Hamdan, a former driver for Osama bin Laden, and along with Neal Katyal was successful in winning the United States Supreme Court case *Hamdan v. Rumsfeld* (2006). Swift and Katyal successfully argued that the military commission



that tried Hamdan violated U.S. law as well as the Geneva Conventions. Despite being named one of the "100 most influential lawyers in America" by the *National Law Journal* in 2006 and a runner-up for Lawyer of the Year by the *National Law Journal* in 2005, he learned two weeks after the *Hamdan* decision that he would be passed up for promotion and was forced into retirement under the military's "up or out" promotion policy.

Judy (Palya) Loether

Judy (Palya) Loether is the daughter of Al Payla, one of the RCA employees killed in a 1949 crash of a B-29 while conducting military electronics research. Her mother was a plaintiff in the Supreme Court case that established the "state secrets privilege," *United States v. Reynolds* (1953) when the Air Force denied the widows of the victims access to the crash accident report. In February 2000, Ms. Loether found that the



complete accident report from the 1949 crash had since been declassified four years earlier, and discovered that it contained no confidential details about the equipment being tested on the B-29. Instead, she found that the reports indicated that numerous maintenance orders had not been complied with, implying negligence on the part of the Air Force. Ms. Loether then got in contact with the plaintiffs from the original *Reynolds* case, including Patricia (Reynolds) Herring, as well as with the then head of litigation (Wilson M. Brown) of the law firm that had represented them. Since 2003, the Reynolds plaintiffs have attempted to have the Supreme Court to reexamine the *Reynolds* case in light of the declassified information that indicated Air Force fraud and negligence.