

Blacked Out: Government Secrecy in the Information Age. ALASDAIR ROBERTS. New York: Cambridge University Press, 2006. 322 p. ISBN 978-0-521-85870-0.

Of the limited number of commentators in Canada on freedom of information law, Alasdair Roberts should be considered the most authoritative. He first reached prominence as the principal author of the 2000 Canadian Newspaper Association study of the Canadian federal law, and has maintained his stature through a continuous flow of publications, articles, and presentations from his post at Syracuse University. In writing *Blacked Out*, he has produced a text which illuminates nearly all of the challenges facing effective law in this field. It is one of the few up-to-date accounts, covering freedom of information in all of the Anglo-Saxon countries and well supported by case law from each jurisdiction. In addition, he addresses developments in Eastern Europe, the developing world, and international organizations. While the book is often flawed, principally by a polemical style and the collateral devices necessary to drive home his argument, the breadth of coverage and the identification of common issues and themes make it an indispensable source to anyone working, studying, or affected by this area of information law.

If the title does not make it clear, the subtitle should leave no doubt as to Roberts's position; he sees more than irony in the inherent contradiction of "government secrecy in the information age." In methodically tracing the development of disclosure law, he seeks to establish the dynamic between openness and transparency on one side, and bureaucratic secrecy on the other. In his view, the wave of democratic accountability has been broken on the breakwater of bureaucratic obfuscation and subterfuge. Historically there has been a steady and progressive trend, with each new law pushing the boundary of public accountability. In the first chapter he traces the outlines of the flooding wave, principally in the United States. He follows the strengthening of freedom of information legislation in the post-Watergate period and the spreading influence of executive accountability. Roberts also gives due attention in this regard to developments in Canada and Western Europe in the 1970s and 1980s, which were followed by the shattering effects of the collapse of the Soviet Union and the arrival of democracy in Eastern Europe. Throughout the 1990s, in the wake of these reforms, many of the former Soviet Republics and their neighbours enacted public disclosure legislation. Then, according to Roberts, a series of forces conspired to turn back the wave; and much of this book is about documenting these forces of retrenchment.

In Roberts's analysis, these negative forces exist in the bureaucracies of national governments and international organizations and in the power of globalization. In his view, there are numerous motivating factors, amongst them the influence of national security organizations, bureaucratic paranoia,

and most significantly, a failure to understand the benefits of openness and transparency. In making this argument, he is effective in calling on recent events in the United States. Drawing on the post-9/11 finger pointing and the decision to invade Iraq, he highlights the failures of communication and the restrictive flow of information. He contends that more openness with the public might have spared the United States some of the trauma of these events. If the Central Intelligence Agency and the Federal Bureau of Investigation were, according to Roberts, more ready to share information about the threat of 9/11, the American public might have been more aware of the pending threat. Perhaps it is due to our widespread familiarity with these events that his argument appears somewhat convincing. While most would agree that oversight is a positive force, it is, nevertheless, an extreme simplification to attribute the failure to prevent these terrorist attacks to the absence of inter-agency communication and public debate. Bureaucratic identities and rivalries are so ingrained in many of these government institutions that it will take more than mere openness to modify these types of behaviour. Indeed, it is more logical to see openness as an outcome of reform rather than a causal agent.

Roberts views international governmental organizations in the same accusing light, particularly the North Atlantic Treaty Organization (NATO). He asserts that during the late 1990s and early 2000s NATO caused the rollback of freedom of information laws in ten Eastern European nations seeking membership in the alliance. He contends that the NATO Security Policy contains clauses which imposed the restrictive conditions on these burgeoning democracies. The argument is, however, both illogical and even a touch disingenuous. It is illogical because existing NATO member nations, including those with robust and effective laws in this area, are subject to exactly the same policy. New member nations could not and were not asked to create legislation anymore restrictive than the existing policy for member states. At the time of press, Roberts should have known this, because NATO publicly disclosed its Security Policy in March 2005 after access to information requests for the NATO policy were made in both Canada and the United States. Indeed, a careful read of the voluminous footnotes accompanying the text reveals some of these contradictory facts.

Roberts is, however, more convincing and effective in his fourth chapter in outlining the pervasive approach to politics and governing, which one commentator has described as “the permanent campaign,” and its effect on transparency. This is the all too recognizable phenomenon whereby political parties and governments are obsessed with “messaging,” and how any statement or utterance is portrayed in the media. Roberts is able to draw here on examples in numerous jurisdictions, including Canada, to illustrate how the administration of access to information law has been blended into government communication policy. The impact of the release of the information has become more important than whether or not the information is sensitive.

Indeed, while Roberts often conveys the sense of a concerted conspiracy towards secrecy, this obsession with the message goes further to explain the restrictive flow of government information and the election night conversion where parties of all stripes lose their enthusiasm for reforming freedom of information law. As Roberts notes, this approach also creates an environment whereby records are over-classified, creating a burden for subsequent review and management.

Archivists picking up this book will probably find the penultimate chapter, entitled “Liquid Paper,” the most familiar and, perhaps, gratifying. It is here that Roberts discusses the modes of modern recordkeeping and their subsequent impact on openness and transparency. In his observations on structured and unstructured data there are echoes of the challenges confronting electronic records archivists over the last twenty years: the volume of and lack of control over records produced on government desktops subvert any attempt at accountability. In drawing attention to this situation, Roberts is adding his voice to a growing chorus. The Canadian federal Information Commissioner noted this issue in his 2002–2003 *Annual Report* and urged the federal government to address this weakness in accountability. It is, therefore, encouraging for information professionals to know that they are not alone in understanding the dynamic between information management and accountability.

However, that is not to say that the value of this book is in the ideas that it affirms. Instead, the importance of this book is in the perspective from which the author deals with the subject – the position of an adversary confronting a hostile bureaucracy. From his vantage point, Roberts witnesses and documents a stifling secrecy and a lack of public accountability, and he does his part to draw attention to it. Although we can debate the cause, the reality is that government records are not accessible. It is, of course, unfortunate that Roberts often needs to sensationalize or dramatize to make his argument for a conspiracy of secrecy. This is “unfortunate” because it obscures the simpler reality that in many cases government information is not accessible because it is just not well managed.

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