

Welcome to Civil Discourse. This podcast will use government documents to illuminate the workings of the American Government and offer contexts around the effects of government agencies in your everyday life. Now your hosts, Nia Rodgers, Public Affairs Librarian and Dr. John Aughenbaugh, Political Science Professor.

**Nia Rodgers:** Good morning, Aughie.

**John Aughenbaugh:** Good morning, Nia. How are you?

**Nia Rodgers:** I'm good. How are you?

**John Aughenbaugh:** I'm good.

**Nia Rodgers:** We have reached the end of our commissions.

**John Aughenbaugh:** Yes, this is a somewhat sad moment to our listeners. It may not be sad for you all, but it's sad for Nia and I because we really enjoyed working our way through various government commissions. What they've concluded, things that they really highlight about how the government works or doesn't work as the case may be.

**Nia Rodgers:** Sadly.

**John Aughenbaugh:** For longtime listeners of this podcast, you all probably have picked up on the fact that Nia and I have an insatiable curiosity. Part of the joy of doing this podcast is that we end up finding out some stuff that we probably didn't really know or didn't register before. I think we're both getting to an age to where we're like, I may have heard about that.

**Nia Rodgers:** I may have done that at one point, but now I'm not sure.

**John Aughenbaugh:** Yeah, so it's a little sad.

**Nia Rodgers:** But I think I'm going to keep my feelings secret because that seems like a thing to do today. I'm going to put on a happy face.

**John Aughenbaugh:** Oh, nice segue.

**Nia Rodgers:** [inaudible] how was that? That was good, huh?.

**John Aughenbaugh:** Yeah, because today folks, the commission we're going to be looking at is the Moynihan Commission on Government Secrecy. Actually, the formal title of the commission is the Commission on Protecting and Reducing Government Secrecy, aka the Moynihan Commission, named after its chairperson, longtime US Senator Daniel Patrick Moynihan, who was a senator from the state of New York.

**Nia Rodgers:** Patrick Moynihan?

**John Aughenbaugh:** Yes.

**Nia Rodgers:** Highly respected.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** It is not surprising that someone of his stature was put in charge of talking about government secrecy because Patrick Moynihan was also respected for keeping his counsel. Side note, you know when you watch anything from Congress and there's always people who run out to the cameras and the microphones, and they want to get out there and say what it is they want to say? That was never going to be Moynihan. That was just not his style.

**John Aughenbaugh:** Well, and he was an academic. He's almost an accidental member of the Senate. This was a really smart person. He could have had a long career as a college professor, and he was willing to speak truth to power to both Democrats, and he was a member of the Democratic Party, but also Republicans. He had no problem saying to members of his own party, I think you guys are wrong. He wrote some really fascinating stuff in regards to the efficacy of social policy. But in this instance, he was the chair of a commission that looked at government secrecy. It was created in the mid-'90s. It actually extended for a couple of years because it got funded in two different fiscal years, 1994 and 1995. It was part of the Foreign Relations Authorization Act, and it was to conduct, "An investigation into all matters in any way related to any legislation, executive order, regulation, practice, or procedure relating to classified information for granting security clearances."

**Nia Rodgers:** That's not a big issue.

**John Aughenbaugh:** Not at all.

**Nia Rodgers:** Yeah, I know. I'd like for you to talk about anything that has to do with secrecy. Like holy cow, you do know that's 90 percent of the government? It's not really, it's not that, but it's not a small chunk of change there to talk about secrecy in the American government.

**John Aughenbaugh:** That's one of its primary, if you will, conclusions/criticisms is that by the time we got to the mid-'90s, too much of the federal government was classified/secret.

**Nia Rodgers:** Yeah. The sprawl of that had become ridiculous.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** I'm not entirely certain that it's unridiculous now, but we'll get to that later.

**John Aughenbaugh:** But the commission finished up its work in March 1997, and unlike most of the commissions we've looked at, this was not charged, created in response to a specific event. It basically

reflected the end of the Cold War during the Clinton administration, the federal government began to go and reflect on how are we going to change when we are no longer fighting a Cold War?

**Nia Rodgers:** How are we going to deal with privacy and secrecy, and all that other kind of thing when we don't have a direct enemy attempting to get our secrets? Although I would argue that that never stopped.

**John Aughenbaugh:** No, but I mean, fair point. But for listeners.

**Nia Rodgers:** I think we are in a tepid war now, don't you? We're not cold, we're not hot, it's just tepid. Everybody wants to know what everybody's doing.

**John Aughenbaugh:** Yeah, the threats are not as clear and obvious.

**Nia Rodgers:** We're not in a tepid war, we're in a nosy war.

**John Aughenbaugh:** Yeah.

**Nia Rodgers:** It's nosy. What you doing over there in Iran? What you doing over there in Moscow? What you doing over there in Washington? It's like when you hear a noise out your driveway, and you look out your blinds, your front window, you just want to know what's going on.

**John Aughenbaugh:** What's going on? You hear a car backfire, so what's going on there?

**FEMALE\_1:** Rubber necking, it's like if you drive past an accident, you don't really want to know, but you do want to know. It's that horrible place in-between where you're hoping it's not somebody important to you and you're hoping the person is not dead, but you're seeing the wrecked car. That's the war we're in now. We're in the nosy rubber necking war.

**MALE\_1:** Yeah, right. We're told there's all threats, but in many ways they don't seem to be clear and obvious. It's not the build-up to a world war. It's not a "Ideological war" like we saw with the cold war. Even the global war on terrorism as dissipated. As we are recording a couple of weeks ago, President Biden had announced that the United States are going to remove most of the troops from Afghanistan by some point later on this year, it's just so weird time. But the government still keeps a whole bunch of stuff. Technical language alert, secret. The morning Hank emission was looking at one of those periods post-Cold War, where we began to ask questions.

**FEMALE\_1:** How much stuff needs to be secret and how much is that just protecting bad decisions or choices that maybe shouldn't have been made rather than actual secret stuff that would endanger human lives?

**MALE\_1:** How much did this become pathological behavior?

**FEMALE\_1:** Or habit? Which is habit, let's just put it down as classified then I don't have to think about it. If you have to pick the level for your document and you really have to think it through, then you have to slow down for it. But if you have millions of pieces of documents coming through, you just stamp them all classified and keep going, and then you don't have to think about it. But before we get to that, can we talk about the membership of this committee, because there's a personal on this committee. I won't say near and dear to my heart, that is exactly the wrong way. But I think about Jesse Helms. But it makes me to emulate the exact opposite of near and dear to my heart. But Jesse Helms was effective. He was an effective senator, and he was a smart senator. It occurs to me that his sitting in the room with him and Moynihan must have been painful for some of the other people on this commission. Talk about polar opposites.

**MALE\_1:** Polar opposites both thought in most situations they were the smartest person in the room. They frequently gave public speeches to where if you were listening to the speech you thought that you were being lectured to by a priest or minister at church on Sunday, or a really long winded college professor who really didn't want to know what you thought, they were just going to go ahead and tell you how you should think.

**FEMALE\_1:** The difference between this [inaudible] and the bombast of Jesse Helms who never met a microphone, he didn't want to make love to and didn't want to do it as loudly as possible.

**MALE\_1:** Yes.

**FEMALE\_1:** I know there are other people on the committee, but those two people just make me think, "Wow, those meetings must have been."

**MALE\_1:** Moynihan could be probably best described like the teacher in the peanuts cartoon [inaudible] whereas Jesse Helms probably woke up in the morning yelling and fell asleep at night yelling, okay?

**FEMALE\_1:** Yeah. He had a lot of passion. Say it that way, a lot of passion.

**MALE\_1:** But you had some really top shelf individuals on this, and once again, very few women. What was it? One.

**FEMALE\_1:** Ellen Hume.

**MALE\_1:** Yeah, we had Alison Fotyhair and Ellen Hume were the only two women.

**FEMALE\_1:** But Alison Fotyhair worked for Lockheed, and Ellen Hume worked for the democracy project. It wasn't just casual women. Everybody on this thing was a high level, top-notch.

**MALE\_1:** Yeah, we had John Deutch, former director of the CIA. You had members of the house who're on here. You had State Department officials. Lee Hamilton, a well-known Republican member of the House. Sam Huntington, for those of you who are IR students or scholars. The clash of civilizations.

**FEMALE\_1:** It's like the standard.

**MALE\_1:** I don't know how many times I've had conversations with my political science colleagues, Chris Saladino and Bill Newman about Huntington's work. He was on there. John Podesta who was the clean deputy chief of staff. You also have a prominent role in the Obama administration. He was on there.

**FEMALE\_1:** It was a high level group. What's good news about all of our commissions, is that generally speaking, the people who come to the commission's bring it. They bring a level of service and a level of knowledge that is really high-end.

**MALE\_1:** Yes.

**FEMALE\_1:** That's a nice thing that we do with our commissions in the United States that maybe isn't always done in commissions in other parts of the world because some of it is political cronyism, but a lot of ours tend to be, "Who's the smartest person who knows about this stuff?"

**MALE\_1:** Yes.

**FEMALE\_1:** Let's get him in here to talk about it. Jesse Helms hadn't been like foreign relations or something where he would have had knowledge about secrecy in classified issues and all that stuff.

**MALE\_1:** He had been on the Senate Foreign Relations Committee for most of his tenure in the Senate.

**FEMALE\_1:** There was a reason to have him on there. He was bringing in expertise level that.

**MALE\_1:** Yeah.

**John Aughenbaugh:** If you wanted to go ahead and have diverse views. Jesse Helms was patriotic United States, National security.

**Nia Rodgers:** Hawk.

**John Aughenbaugh:** If you could get him to go ahead and agree to a conclusion, you basically knew that he would have thought of what would be the National Security ramifications of advocating for x.

**Nia Rodgers:** He was also die-hard Republican.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** He would have been able to bring along people who otherwise might not have trusted findings by saying, "I've thought it through and it totally fits with Republican Party's platform and all those other things." Jesse Helms was a Republican through and through, and upheld those standards. Like he would be appalled at the disarray that one might argue is currently affecting some parts of the Republican Party because he was stalwart Republican.

**John Aughenbaugh:** There are a lot of negative things you could say about Jesse Helms, and we could probably do an entire podcast episode.

**Nia Rodgers:** We could do an entire podcast on Jesse. Let's say Helms was a nuanced and complicated figure.

**John Aughenbaugh:** Yes, he was. But one thing you could not say about Jesse Helms. You could not say that Jesse Helms was a fair weather Republican.

**Nia Rodgers:** Is it that they called him rhino?

**John Aughenbaugh:** Yes.

**Nia Rodgers:** Republican name only, he did die first.

**John Aughenbaugh:** He would have been like, no, sorry. Okay. If this is where the Republican Party is and, it doesn't comply with these core principles, I'm out of the party.

**Nia Rodgers:** He would have struggled in the last six years or so.

**John Aughenbaugh:** Yeah. He would have really struggled.

**Nia Rodgers:** What did they figure out? Wait, let me guess. Secrecy, there's too much secrecy. Is that one of them?

**John Aughenbaugh:** That is one of them. They did go ahead and say, we could probably discuss this at some length if you wanted to. But one of their first conclusion was that secrecy is a form of government regulation. Their logic is this; if the government is deciding that information must be secret, then they are basically telling people who work in the government, but also the public that in the infamous words of Jack Nicholson's character in *A Few Good Men*, you can't handle the truth.

**Nia Rodgers:** Right.

**John Aughenbaugh:** It's a form of regulation.

**Nia Rodgers:** The idea that you're protecting something, you're also regulating its access to that thing.

**John Aughenbaugh:** That's right.

**Nia Rodgers:** That's why you turn the stove off and you don't let your kids touch it, is you're regulating their access to harm to themselves by touching a hot stove.

**John Aughenbaugh:** Exactly right.

**Nia Rodgers:** While that may be well-intentioned in the sense of I don't want my kids to get hurt, it's also a form of censorship/regulation where you're saying, and so I'm not going to allow it by preventing it in this way.

**John Aughenbaugh:** Well, it also shapes decision-making. Because if you're the public and you don't have access to the information, you're casting votes, you're forming, if you will, the individual opinion, but also public opinion in the aggregate on less than complete information.

**Nia Rodgers:** Right.

**John Aughenbaugh:** It's also effects decision-making within the government. Because if a department label something, for instance, top-secret, then only a select few people can have access to that information.

**Nia Rodgers:** Which means that everyone else is operating in a vacuum from that information and may make decisions that would have been better decisions had they known the thing they don't know.

**John Aughenbaugh:** Yes

**Nia Rodgers:** Or as I believe one of our previous Homeland Security Secretary is your unknown. What did Rumsfeld say about your known unknowns and your unknowns?

**John Aughenbaugh:** Yes, known unknowns.

**Nia Rodgers:** He got himself all twisted up in that known unknown thing. But it does affect your decisions. If I know that an incoming freshmen is five feet tall and has never played basketball in his life. But somehow he ends up in the recruiting roster, and I don't tell the coach then until he shows up the coaches thinking, hey, I may have this great six foot five center, blah-blah-blah, because that's what it says on the bio. Then the person shows up and he's like, "What, who were you? Like that's a poor example, but I was trying to figure out a way to say be knowing something but you not having that information could really affect a decision or time spent doing something that you then go, oh, all this was a waste of time because it had either already been dealt with or it is not relevant.

**John Aughenbaugh:** This has ripple effects: bad decisions, ill-informed decision-making. The government is not being held accountable. Because the public doesn't know what the government is doing, what information is it possesses, etc. The morning head and commission was pretty clear about that. On the other hand, Nia, the morning head Commission was also very clear that secrecy is necessary for the government in certain instances, so for example.

**Nia Rodgers:** I have an example. I had a student asked me one time for the detailed specs of the military weapons that are in space.

**John Aughenbaugh:** Really?

**Nia Rodgers:** Yes.

**NIA RODGERS:** Not to call that person out if they're listening to this podcast because you're very sweet. But you and the Russians would like to know the answer to that question. Which is why it is not available to you or the Russians. There is something to be said for certain secrecy of defense. We don't tell everyone everything. We don't tell what exact specs are for whatever thing is in place that's our defense. Because then our enemies could get around that, that's part of protecting the homeland, as it were.

**JOHN AUGHENBAUGH:** Well, I mean, speaking of Homeland Security, you and I both know this. Post 911, the Federal government went ahead and made Top Secret the nation's electrical grid. Why? Because terrorists groups had already demonstrated that one of the most effective tools was to target a nation's electrical grid for tax, and for a period of time post 911, the Department of Energy still had on its website, the nation's electrical grid. The press made a big deal about it, all of a sudden it vanished. But at the same time, that's a national security concern. The Moynihan Commission also pointed out another reason for secrecy, which is, to allow decision-makers the opportunity to consider a full range of policy options without the fear of criticism. Think about this, if you're trying to decide the best way to respond to a pandemic, and you don't know how the pandemic may spread, is conveyed from one person to another or from animals to human beings, you might consider options that later on look stupid, when you actually do know how it spreads. But if you're afraid that those deliberations are going to be made public, will you be as apt to go ahead and consider a whole range of policy options, does that make sense?

**NIA RODGERS:** Yeah, that makes sense. It makes sense that that could limit.

**JOHN AUGHENBAUGH:** There is a fine line here, and the Moynihan Commission was quite clear, that a lot of what they were dealing with were explicit tradeoffs. The more you may think secret, there were negatives. On the other hand, the less you made secret, there would be trade offs.

**NIA RODGERS:** So you have to find a balance.

**JOHN AUGHENBAUGH:** You have to find a balance.

**NIA RODGERS:** But I would say that the balance has to be more thoughtful, is probably what they were trying to get at, instead of just defaulting to classified.

**JOHN AUGHENBAUGH:** That is one of their primary criticisms that had become the default position of so many government agencies. What I refer to in a number of my Public Administration and Policy courses, a particular bureaucratic pathology, they actually have a quote, and I love it. They have a quote from German sociologist, Max Weber. This was Weber writing in the early part of the 20th century. "Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and intentions secret. Bureaucracy naturally welcomes a poorly informed and ends a

powerless parliament, at least insofar as ignorance, somehow agrees with the bureaucracies' interests." That captures why bureaucracies frequently want to keep things secret.

**NIA RODGERS:** So group A goes to Congress and says, "We need a million dollars," and Congress says, "What for?" They say, "Stuff" and Congress says, "What stuff?" They say, "Secret stuff. You just need to trust us and give us the money." Congress says, "I, but we're only going to give you half of the money because we don't trust you with that much money, so we're going to give you half of the money." A smart secret agency would have said, "Great, because that's what we really needed to start with. We just asked you for extra," they wouldn't save that to Congress. But that's what starts to happen, is that you get those black lines of it.

**JOHN AUGHENBAUGH:** Extend out further, Nia, extend that further. If the reason why agency A got \$0.5 million by keeping Congress in the dark, agency B, who doesn't know how much money agency A got, or the reasons why, will play the same game. After awhile, now you have a legislative body making decisions that have a huge impact on the nation's budget, but there's no coordination. There's absolutely no coordination.

**NIA RODGERS:** There can't be oversight because no one outside of each agency knows what each agency is doing.

**JOHN AUGHENBAUGH:** That's right.

**NIA RODGERS:** So then you get potential overlap, or worse, you get gaps. You get the place where nobody's covering something because agency A doesn't know what agency B is doing and Congress doesn't know what either one is doing, and there's a hole between them.

**JOHN AUGHENBAUGH:** Listeners, remember one of the conclusions of the 911 Commission report. Because agencies were not sharing information with one another, there were gaps.

**NIA RODGERS:** They were deadly.

**JOHN AUGHENBAUGH:** Yes. Some of the other findings, they concluded, the best way to ensure that secrecy is respected is to actually have less information be labeled secret. I know that may sound intuitively wrong, but just think about it for a moment. If everything is made secret, then isn't really secret. Excuse me.

**NIA RODGERS:** Sorry, none of it has the importance level that it should have.

**JOHN AUGHENBAUGH:** That's right.

**NIA RODGERS:** It's like if everybody who tries out makes the team, then there was no point to have tryouts.

**JOHN AUGHENBAUGH:** Yes.

**NIA RODGERS:** You could just have said "Everybody's on the team. Come on, let's go play", which is a nice way to do it. There's nothing wrong with doing that. But if you're trying to build an elite team, then you need to have tryouts because there needs to be some meaning to the idea of tryout.

**JOHN AUGHENBAUGH:** There you go. If there is no meaningful distinction, then why have the distinction?

**NIA RODGERS:** Right.

**JOHN AUGHENBAUGH:** Okay?

**Nia Rodgers:** Can we skip to one of your super interesting findings?

**John Aughenbaugh:** Yeah, go ahead.

**Nia Rodgers:** I'm fascinated by this idea that people who spied for the Soviet Union didn't get in trouble because then we would have had to tell the world how we knew they were.

**John Aughenbaugh:** Yeah.

**Nia Rodgers:** It's this marvelous catch-22 in the spy world of if I arrest you for spying, then the opposite side will know that I knew you were spying and they will know that I somehow knew that, and then they will change their methods, which means I won't know when the next guy is spying.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** So I have to balance this idea of punishing people who spy with keeping the way those things operate open enough for me to follow them and protect myself. I found that really interesting. Sorry, Aughie write this in his narratives. It says interesting extra finding it and I'm like, yes, that is interesting.

**John Aughenbaugh:** Well, the classic example is the prosecution of the Rosenbergs for spying on the United States for the Soviet Union. For those of you who don't know the case of the Rosenbergs, they were actually put to death for espionage. One of the more fascinating things that the Moynihan Commission reported on was that government secrecy actually hindered the prosecution of the Rosenbergs because the federal government did not turn over all the information it had on how they knew the Rosenbergs engaged in spying. Because what Nia just described, if the prosecutors had exposed that in open court, then the Soviet Union would know how the US figured out they were spies. Go ahead.

**Nia Rodgers:** Sorry, did that cause for years people to say that the Rosenbergs weren't guilty?

**John Aughenbaugh:** Yes.

**Nia Rodgers:** It brought into question the fairness of the American government and prosecuting people who weren't guilty, and the American government is so terrible, look at this. The American government's like, "Man, if I could just tell you what I know, you'd shut up." But they can't.

**John Aughenbaugh:** Because if you're the government and you do, then you let your enemies know how you are tracking their efforts to spy on you.

**Nia Rodgers:** Right.

**John Aughenbaugh:** Okay. At times, Nia, as I was reading the Moynihan Commission report, I felt as though I was in a plot of some John le Carre film.

**Nia Rodgers:** I was going to say, "Tell me was to John le Carre."

**John Aughenbaugh:** Okay.

**Nia Rodgers:** Or [inaudible] , one of the great Cold War writers.

**John Aughenbaugh:** Okay. As many of my students know, I'm a huge le Carre fan. If you've never read his books, the plots are so dense, and they talk so much about the pathologies of spy agencies during the Cold War.

**Nia Rodgers:** Yeah. My dad used to mark up his copies with notes to other pages. A character would appear and he'd be like, "See this page for this notation." Because reading those novels is like reading.

**John Aughenbaugh:** A doctoral dissertation, right?

**Nia Rodgers:** Exactly something like that, where you're like, "I got a lot to keep up with here."

**John Aughenbaugh:** Okay.

**Nia Rodgers:** Which is accurate to the time, right?

**John Aughenbaugh:** Yeah.

**Nia Rodgers:** There were 1,000 little cogs that moved in order for any of the spy machinery to actually work.

**John Aughenbaugh:** So much of Carre's books was a commentary on the seemingly inane pathological behavior of spy agencies.

**Nia Rodgers:** Right.

**John Aughenbaugh:** That you can't trust the public with what you know, because if you make information public, then your enemies will know. You engage in subterfuge to direct them off the track of them being able to figure out what you know and how you know it.

**Nia Rodgers:** So they don't change their methodology because then now you have to figure out the new methodology, which takes a while and they may get something really valuable from you in the meantime before you figure out the new methods that they're using.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** There's reasons for the spy craft to be complicated. But I think it's fascinating this idea that some people just skate it because otherwise, it would have been deleterious to the overall effort of keeping America safe.

**John Aughenbaugh:** Yeah. So there you have a competition of goals or purposes.

**Nia Rodgers:** Right.

**John Aughenbaugh:** On one hand, you might want to prosecute somebody for engaging in espionage. On the other hand, how do you give them justice if you do not disclose all the information you have on them?

**Nia Rodgers:** That's the other part of it, is in our legal system, you have the right to know what the prosecution have. The defense has the right to know that. Sorry, go ahead.

**John Aughenbaugh:** No, it's called discovery, right?

**Nia Rodgers:** Right.

**John Aughenbaugh:** Okay.

**Nia Rodgers:** So you go into the complicated ideas of, does discovery apply to spies? Well, it should, because it applies to everybody. If you have a judicial system that applies to things like that differently, then it's not a judicial system. It's just a mess. Yeah, it just digs into all of these. I'm sure Moynihan, the first time he opened up the top of the can, he went, "Worms," and put the top back on. Then he put the can aside and said that's a can of worms. We don't want to open that. Then he realized, nope, we got to open that because everything.

**John Aughenbaugh:** To the credit of the Moynihan Commission, they did not shrink from these tough questions, because not only did they go ahead and take a look at why we have classifications. By the way, for listeners, there are three basic, if you will, classifications of information in the US government. Nia, do know what they are? Classified.

**Nia Rodgers:** Classified eyes only.

**John Aughenbaugh:** Classified, secret, and top secret.

**Nia Rodgers:** Okay.

**John Aughenbaugh:** Those are the three basic. Classified means it should not be made available to the general public.

**Nia Rodgers:** Things are often unclassified later on.

**John Aughenbaugh:** Later on. Yeah.

**Nia Rodgers:** That's a pretty easily reversible thing for the most part.

**John Aughenbaugh:** Yeah. One of the things that the Clinton administration convinced Congress to do after the Moynihan Commission was to declassify a whole bunch of information. They basically used a time frame. Anything that had been classified for 25 years was to be made unclassified unless the agency gave a good reason not to declassify it.

**Nia Rodgers:** The default was declassifying.

**John Aughenbaugh:** Well, yes.

**Nia Rodgers:** The agency had to step in and say, "No, there are still agents in the field or there are still whatever."

**John Aughenbaugh:** Yeah. Right.

**Nia Rodgers:** You had to opt back in rather, I guess would be a way to put that.

**John Aughenbaugh:** Yeah. That was one of the big policy changes because of the Moynihan Commission. The second level of secret. If something gets labeled secret, not only is that information not to be made public, but it also may be limited within the government. Where you went ahead and talked about for your eyes only. That's where you get to go ahead and label whose eyes within the government could view it.

**Nia Rodgers:** Right. Not to leave this agency, not to leave the senior bureaucracy, not to leave whatever, whatever, whatever.

**John Aughenbaugh:** But then the third category is top-secret. Usually, with top-secret, only a handful of people could see it. The president, the the head of the National Security Agency, or the director of the CIA, or the secretary of defense.

**Nia Rodgers:** The joint chiefs or whatever. Yeah.

**John Aughenbaugh:** Yeah. A very, very small group. Their subordinates could not see it.

**Nia Rodgers:** If that gets out, we're going to know because it was only four of us.

**John Aughenbaugh:** That's right.

**Nia Rodgers:** Or whatever. It's going to be clear we have a leak at the highest possible level.

**John Aughenbaugh:** One of the things that the Moynihan Commission really emphasized was we need to rethink how much information gets labeled as top-secret and secret, because there were just a lot of this stuff. It had an impact in ways that didn't reflect all that well on the country, particularly in the late 1940s and into the 1950s. This is the other, if you will, interesting finding for me. The Moynihan commission talked about how government secrecy led to the disloyalty effort.

**Nia Rodgers:** I was going to say Joe McCarthy.

**John Aughenbaugh:** Yes. You had consecutive presidents, Truman and Eisenhower, who basically issued executive orders where federal government officials had to be investigated to measure lower loyalty to the United States.

**John Aughenbaugh:** As you pointed out, Nia, this is the thing that led to the McCarthy hearings in the 1950s.

**Nia Rodgers:** It was at the House Committee on Un-American Activities.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** This idea un-American.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** He scared the snot out of people.

**John Aughenbaugh:** He ruined lives.

**Nia Rodgers:** I'm just going to say it is super hard to prove your loyalty because that's proving a thing that is only proved during tests.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** Your loyalty just is your loyalty until it's tested, and then we find out. How do you prove a thing that hasn't been tested? You know what I mean? It's super hard to prove you're loyal.

**John Aughenbaugh:** It's the old adage, how do you prove a negative? Nia, just for instance, you and me. I think most people would go ahead and say, "Yeah, they're generally loyal Americana," but both of us are very critical, right?

**Nia Rodgers:** Yeah.

**John Aughenbaugh:** Listeners, you've heard Nia and I take broad swipes at any number of government officials, government agencies, documents to where we're like, "Oh, this was garbage." Does that mean we're disloyal? No. It doesn't mean that we're disloyal. What it does mean is we want our government to be better, we want our government to go ahead and do good things.

**Nia Rodgers:** I don't trust people that never say anything bad about something. There's always something to complain about, like, "I don't trust you." You feel like you're just not saying it, you just want to scream. That's fine. But the idea that somehow your loyalty could come into question and then what would follow would be one of those horrifying scenarios of being called in front of the committee and having to answer 10 billion questions of have you ever met John Aughenbaugh? Did you ever hear him in a bar at any say that communism is wonderful? Like [inaudible] and you're like [inaudible] They ask you questions in some ways. If you go back and you look at some of the hearings that were unanswerable. I don't know where I was on Tuesday, March 8th of 2010 or whatever. I don't know.

**John Aughenbaugh:** This notion that you're guilty by association.

**Nia Rodgers:** That you're guilty until proven innocent. You're disloyal until you prove you're loyal.

**John Aughenbaugh:** Do an [inaudible] when he said, "Are you friends with John Aughenbaugh?" Well, why should my friends be judged because they have a friendship with me? Just because I did something bad or wrong doesn't necessarily mean they did.

**Nia Rodgers:** The on baseball committee should not hold me responsible for the fact that you're a huge Yankees fan. Now, it just so happens the on baseball committee can stuff it because I like baseball, but I go down with you.

**John Aughenbaugh:** How many times, Nia, you've heard me go ahead and say, "Truth be told, I can't trust anybody who doesn't like coffee"?

**Nia Rodgers:** We record every week and I don't drink coffee and never have, and somehow you've managed to survive that.

**John Aughenbaugh:** Yeah, I survived that. I don't think you're a bad person because you don't drink coffee. This idea that because at one in your youth, you may have attended a few meetings that discussed communism and somehow you're disloyal. I'm just like, "No, that reflects to me that you have an active mind."

**Nia Rodgers:** You wanted to know stuff.

**John Aughenbaugh:** You wanted to know stuff. By the way, listeners, yes. I've read a whole bunch of communist writings. I've even written papers in graduate school on Karl Marx, Lenin, Stalin, [inaudible] Does that necessarily make me a communist? No. I'm not going to advocate for the violent overthrow of the government.

**Nia Rodgers:** Exactly.

**John Aughenbaugh:** But I want to understand how a whole bunch of the world subscribes to an ideology that's different than mine. To me, that is the sign of a healthy, active mind.

**Nia Rodgers:** Healthy active democracy, where we can have legitimate discussions where we say, "I don't know would communism work," and then we work it out as a theoretical take on top exercise if you will, where we work it out and we say, "Well, it might work except that we're a greedy bunch of gubs, and so that's not going to work. The ideal might be lovely, but then we take into account actual personalities as we work through it and we say, "Well, that's probably not going to work," or we have no evidence that it's going to work because it hasn't held up anywhere else. Then we look at the historical examples.

**John Aughenbaugh:** That's right.

**Nia Rodgers:** That's part of a healthy democracy. If we don't ever say, "I don't know, let's think through the idea of socialism and see if it would work for us or not," how can we say that our idea is the best idea if we haven't challenged it?

**John Aughenbaugh:** Yes.

**Nia Rodgers:** We have to challenge it. That idea of loyalty, scary, because loyalty in this case read as unchallenged, unwavering devotion to the point of turning off your intellect, turning off your questioning mind, turning off any of that, and I don't think that's a fair position to put people in. I want you to be super smart, but I don't want you to use your brain. Well, how's that supposed to work?

**John Aughenbaugh:** It's like a conversation I once had, Nia, with my parish priest. I once asked him, "Would you prefer blind, devoted believers in Catholicism or those who come to it after openly questioning the doctrines, the precepts, etc?" My parish priest was just like, "The latter, not the former." As he goes, "Then the belief has been hard-earned and thought about and is probably more deeply accepted than those who just blindly believe."

**Nia Rodgers:** You're tested by fire, you're not tested by sunshine.

**John Aughenbaugh:** Back to the [inaudible] commission, his larger point here was in regards to loyalty because the government engaged in so much secrecy during the Cold War. Its investigations ended up becoming part of politics because they would not disclose to the public this is what we have found. Instead, it allowed, if you will, a US senator from the state of Wisconsin to go on national TV and

basically besmirch a whole bunch of people. How do you defend against secret documentation or information?

**Nia Rodgers:** I know a guy who said this thing about you. Who's this guy? I'm not going to tell you. Well, then how am I supposed to say whether that guy even exists or not, whether I ever was in the room with that guy? How do I defend?

**John Aughenbaugh:** Did they have an ax to grind?

**Nia Rodgers:** Did they make it up? A huge bunch of people we know in those hearings made stuff up because they were trying to avoid being called in front of the committees themselves. That's why you're allowed to face your accusers in court.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** People don't get to just say, "I heard John Aughenbaugh killed somebody yesterday." Like wait, what?

**John Aughenbaugh:** What?

**Nia Rodgers:** No prosecutor is going to take you to court over that unless I'm willing to show up and say, here's what I saw and here is where I saw it and blah, blah, blah, blah, and there's also corroborating evidence, but anyway you would be allowed to face me and say, "What are you talking about? I was with my kid all day yesterday and I've got video surveillance to prove it or whatever." It's just weird. Well, bless his heart, Moynihan. He was also coming in at a time when spy craft had become a huge driver in the government, like in the '90s, he's trying to wrap up all that stuff, that was the '60s and '70s, and early '80s where you have enormous movements of nations in the spy world and what they were doing.

**John Aughenbaugh:** Well, and I thought Nia, where you are going to go with this was think about the fortitude, The Moynihan Commission had to issue a report that basically challenged one of the prongs of what Eisenhower called the military-industrial complex. I mean, the Cold War drove so much government spending, in the 1940s, 50s, 60s, 70s, and 80s, right?

**Nia Rodgers:** Right.

**John Aughenbaugh:** Okay. It's difficult if you're the CIA to go to Congress and say, we need a 10 percent increase in our budget if we're not fighting in a war.

**Nia Rodgers:** We don't have an obvious enemy.

**John Aughenbaugh:** Yeah. The Moynihan Commission was basically saying, not only should we get rid of all these secrets to end this, if you will, default position of, let's label x classified or secret or top-secret, he was basically challenging, if you will, an entire industry that was predicated on, "We need to keep this

secret and we need this money and we need to have this technology and we need to have this staff doing x." Now, unfortunately, for The Moynihan Commission, as we begin to wrap up this podcast episode, what happened four short years later? Remember The Moynihan Commission was issued in 1997.

**Nia Rodgers:** That would have been 9/11?

**John Aughenbaugh:** Yes. The 9/11 attacks ushered in a brand new era.

**Nia Rodgers:** Of spyness.

**John Aughenbaugh:** Yes. Of surveillance, secrecy, etc.

**Nia Rodgers:** I did not even think of that, but yeah. I mean, they said, "We shouldn't have nearly these many secrets," and everybody went, "You know, that's a really good idea," and then 40 of those, they went, "Everything should be secret."

**John Aughenbaugh:** Yeah.

**Nia Rodgers:** Wow, so he had a very small window of success there.

**John Aughenbaugh:** Yeah. I mean, and this is cyclical. I mean, if you look at American history, pretty much every new war leads to, people within the government that'd say, "How do we fight this enemy if we're making all this information and how do we do things public."

**Nia Rodgers:** Yeah, I guess that's the end of the CIA Facebook page. I'm kidding. CIA doesn't have a Facebook page. But wow, I didn't even think about that. Well, that's an interesting thing for the commission, is we'll see maybe if there's another commission later on that deals with electronic, because I think of all of this was mostly non-electronic.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** It was old school, it was either in-person, print, or telephone, you're talking pre-Internet. It will be interesting to see in the future if there's a Secrecy Commission that talks about Internet secrecy and privacy and all that stuff.

**John Aughenbaugh:** If members of Congress in the Biden administration are listening to our podcast.

**Nia Rodgers:** We're sorry. Sorry. I just thought I'd throw that out there for what we've said and what we will say over the next four years.

**John Aughenbaugh:** I would highly recommend you create a commission that looks at not only the issue of increased government surveillance post 9/11, but a reflection on how we retrofit the US Constitution to deal with asymmetrical threats like terrorism. Because, you've heard me say this, you heard me say it

in class, so I'm sorry, Nia, you get to hear me say this again. We didn't really have much of a meaningful conversation in the immediate years after the 9/11 attacks on how we deal with this new kind of threat. The US Constitution, for all of its good points, was not written in an era of asymmetrical warfare.

**Nia Rodgers:** And in the Internet.

**John Aughenbaugh:** Yes.

**Nia Rodgers:** The combination of those two things are-

**John Aughenbaugh:** It is rather potent.

**Nia Rodgers:** Yes.

**John Aughenbaugh:** It's rather potent. But anyways, Nia, I thank you, one for the excellent idea of doing these commissions, but two, for giving me an opportunity to get into the mind of The Moynihan Commission because this was one of the more enjoyable research, if you will, projects that I have had of recent vintage. I learned so much by doing this, so I thank you.

**Nia Rodgers:** This has been fun and the commissions have been fun, well, not all of them have been fun, but they've been learning opportunities and they've all been interesting opportunities for us to say, huh, that's a thing I didn't think about, like this loyalty thing and where secrets lead us. They lead us to places like the un-American activities. They lead us to these dark places that we need to think about. What's the cost of that? What's the cost of the secrecy? Maybe we don't want to know. Maybe we as the American people don't want to know, but we should be asked if we don't want to know.

**John Aughenbaugh:** Yeah. I mean, and what are the trade-offs. I mean, and I know my students get tired of me saying this, but what are the trade-offs, right?

**Nia Rodgers:** Right.

**John Aughenbaugh:** If a certain level of government's secrecy is necessary for national security, for instance, what is the trade-off in regards to an informed public or informed decision-makers within the government?

**Nia Rodgers:** It's terrifying. Congress just handing over money and saying, "Don't do anything bad with it, see you." I mean, would your mom have giving you \$100 when you were 16 and said, "Good luck and don't do anything bad."

**John Aughenbaugh:** No. My mom wanted pretty much on-the-hour phone call. What do you know what I was doing?

**Nia Rodgers:** Oh my gosh. Wouldn't it be marvelous if there was a committee that the CIA had to call every two hours and say, okay, this is what we're doing and this is where we are? That would be awesome. Okay. On that happy note, I will talk to you again soon.

**John Aughenbaugh:** All right. See you, Nia. Bye.

**Nia Rodgers:** Bye.

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