

Opening Statement of Chairman Fred Thompson (R-TN)

Hearing on the Public Interest Declassification Act

Wednesday, July 26, 2000

Washington - The following is the prepared opening statement of Governmental Affairs Committee Chairman Fred Thompson (R-TN) at a July 26 committee hearing on the Public Interest Declassification Act:

"Good morning. Today, the Governmental Affairs Committee is holding a hearing on S.1801, the Public Interest Declassification Act. S.1801 is only the latest in a series of legislative efforts in this Committee growing out of the 1997 Report of the Commission on Protecting and Reducing Government Secrecy - which made very clear that the federal government classifies too much information, too easily, and for too long.

"Like so many areas of national security law, information classification is a delicate balancing act. It is vital, of course, that we protect information if its release would threaten our national security. Being too timid about classification, or declassifying recklessly, can be a terrible mistake.

"At the same time, however, if the government classifies too much information, the system begins to break down and everyone loses. Over-classification deprives us of the intellectual synergies and public accountability that can come from sharing information. It can also lead people to stop taking security restrictions as seriously as they deserve to be taken: to borrow a phrase from Supreme Court Justice Potter Stewart's opinion in the Pentagon Papers case, if everything is secret, then nothing is really secret. Furthermore, even when information is not appropriate for public disclosure, over-classification within the government can deprive officials of information they need to know by restricting access to an unreasonably small number of persons.

"These debates are important, because our declassification system faces a huge - and growing - challenge. Today, our security agencies are subject to an Executive Order to review for declassification everything over 25 years old, and this program is only just beginning to bring our government's overworked declassifiers into the age of ubiquitous photocopiers, computer databases, and desktop word processing - and the resulting explosion of classified records that these technologies entailed. What happens when they reach the age of e-mail, blast-faxes, and the Internet?

"The Commission's Report concluded that our classification system has become unreasonably large and complex. As Senator Moynihan has previously pointed out to this Committee, secrecy is really a

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form of government regulation. In other words, it has its place, but without careful oversight, it will do what bureaucracies everywhere do if you leave them to their own devices - expand themselves beyond the bounds of reason.

"As a result, Congress has twice before tried to enact reforms of the classification bureaucracy. The first of these was S.712, the Government Secrecy Reform Act, which was introduced by Senators Moynihan and Helms. That bill, which was modified and reported out by this Committee, was an ambitious effort to codify many of the recommendations of the Commission. While Congress has long regulated the classification of nuclear weapons-related data through the Atomic Energy Act, the classification of other national security information has been left entirely to Executive Branch discretion. S.712 aimed to end this monopoly by establishing for the first time a statutory framework for the classification process.

"Although we had been working closely with the White House in developing our approach to S. 712, however, this effort collapsed when sweeping Administration objections materialized only after the bill had left our Committee.

"The bill we are considering today - S.1801, the Public Interest Declassification Act - is the latest attempt to help reform our secrecy bureaucracy. It would establish a Public Interest Declassification Board to advise the President on declassification policy and upon the identification and declassification of records of "extraordinary public interest."

"As I indicated, our security agencies face a tremendous burden with regard to declassification. Having for years classified information with great abandon, the government is struggling to deal with a huge number of requests for declassification. Today, in addition to the 25-year review, our security agencies must carry a growing burden on account of the proliferation of so-called "special searches" requested by the President and by Congress. This search process is time-consuming and expensive, and devours resources that otherwise might be spent on more systematic declassification efforts - or on fulfilling basic missions such as intelligence collection and analysis.

"So we seem to be having trouble getting it right. For years, we classified too much for too long. Now we are straining our system to declassify old records as rapidly as possible - even though we still show no sign of slowing the rate at which classified information is created. Some worry that we are eating into mission functions by devoting increasing resources to mandatory declassification programs. Moreover, in our zeal to move mountains of paper out the door we may also be releasing information that should properly remain secret. According to Energy Secretary Bill Richardson, for example, nuclear weapons-related information has been accidentally released as part of the Energy Department's bulk-declassification programs during the Clinton Administration.

"So it's a question of striking the right balance - of finding a way to release needlessly classified information without preventing our security agencies from accomplishing their missions or letting sensitive information escape. And the question for us today is: To what degree will setting up the Public Interest Declassification Board contribute to achieving such a balance?

"We have a fine group of witnesses today, beginning with the author of the bill and its most prominent supporter in the House of Representatives. I look forward to hearing their views."

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