

Sunshine in Government Initiative
UPDATE



**House hearing shows
Hoekstra and others are concerned over leaks
but ‘not yet’ ready for new anti-leaks law**

May 31, 2006

A hearing on unauthorized disclosures of national security matters in the press highlighted where the debate over “leaks” may be heading in the next several months: Most members of the House Intelligence Committee, which held the May 26 hearing, do not support writing new laws criminalizing journalists for unauthorized disclosures of classified information. At the same time, lawmakers remain concerned that leaks have caused significant damage to national security.

The hearing revealed several key elements to the debate about “leaks.” First, pressure on journalists is likely to continue. House Intelligence Committee Chairman Peter Hoekstra (R-MI) and a majority of committee members in attendance are not ready to support new anti-leaks legislation but they did not shut the door entirely on congressional action.

“While I am not yet willing to go so far as to advocate the criminal prosecution of those who publish classified information,” noted Chairman Hoekstra in his written statement, “I am concerned that there may be a lack of understanding by the media of the law and, moreover, the very real detrimental effect that their actions can and do have on national security.”

Rep. Rick Renzi (R-AZ) was the most aggressive voice against “leaks.” He denied an assertion that he supports new legislation to criminalize reporters who disclosed classified information, instead asserting the executive branch should rely on existing law such as the Espionage Act to prosecute journalists. Rep. Michael Rogers (R-MI) also expressed skepticism of the media’s ability to keep necessary secrets. Rogers repeatedly emphasized that media companies are driven by profit and thus unable or unwilling to adequately keep necessary secrets.

Second, several members expressed deep concern that published articles damaged troop morale and the government’s continuing military operations. Hoekstra noted that “[r]ecent disclosures have seriously damaged real intelligence collection and analysis capabilities, placed sensitive assets at risk, and harmed key relationships with foreign intelligence partners.” Rep. Jo Ann Davis (R-VA) said published reports had “significantly” damaged military operations.

Third, concerned about leaks was tempered by concern over overclassification and the adequacy of whistleblower protections. Several committee leaders expressed broad concern the executive branch did not have adequate processes to handle internal objections over national security efforts. Both Hoekstra and the ranking Democrat on the committee, Rep. Jane Harman, emphasized that government employees should have adequate whistleblower protections. In addition, they agreed with Rep. John Tierney (D-MA), who cited statistics showing government secrecy is growing to support his concern that too much information is classified.

But Hoekstra and Harman expressed uncertainty that these problems have been adequately addressed and the committee will continue working on these issues. Hoekstra noted that “this is a learning process” and the committee is addressing the issue “on several fronts.”

For more information

For more information contact Rick Blum, coordinator of the Sunshine in Government initiative, at rblum@sunshineingovernment.org or (703) 807-2100. Hearing documents, including witness statements and letters to the committee from media groups and others will be available at www.sunshineingovernment.org.

About the Sunshine in Government Initiative

The Sunshine in Government Initiative (SGI) is a coalition of media groups committed to promoting policies that ensure the government is accessible, accountable and open. Public oversight is the ultimate safeguard of democracy. This is not an issue just for the media. It is the inalienable right of citizens to examine and judge their government; and that right is served when news media act on behalf of the public to gain access to information.

Members of SGI include: American Society of Newspaper Editors, The Associated Press, Association of Alternative Newsweeklies, Coalition of Journalists for Open Government, National Newspaper Association, Newspaper Association of America, Radio-Television News Directors Association, Reporters Committee for Freedom of the Press, and Society of Professional Journalists.

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