

TOM DAVIS, VIRGINIA,  
CHAIRMAN

CHRISTOPHER SHAYS, CONNECTICUT  
DAN BURTON, INDIANA  
ILEANA ROS-LEHTINEN, FLORIDA  
JOHN M. McHUGH, NEW YORK  
JOHN L. MICA, FLORIDA  
GIL GUTKNECHT, MINNESOTA  
MARK E. SOUDER, INDIANA  
STEVEN C. LATOURETTE, OHIO  
TODD RUSSELL PLATTS, PENNSYLVANIA  
CHRIS CANNON, UTAH  
JOHN J. DUNCAN, JR., TENNESSEE  
CANDICE MILLER, MICHIGAN  
MICHAEL R. TURNER, OHIO  
DARRELL ISSA, CALIFORNIA  
VIRGINIA BROWN-WAITE, FLORIDA  
JON C. PORTER, NEVADA  
KENNY MARCHANT, TEXAS  
LYNN A. WESTMORELAND, GEORGIA  
PATRICK T. McHENRY, NORTH CAROLINA  
CHARLES W. DENT, PENNSYLVANIA  
VIRGINIA FOXX, NORTH CAROLINA

ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6074  
FACSIMILE (202) 225-3974  
MINORITY (202) 225-5051  
TTY (202) 225-6852

<http://reform.house.gov>

HENRY A. WAXMAN, CALIFORNIA,  
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA  
MAJOR R. OWENS, NEW YORK  
EDOLPHUS TOWNS, NEW YORK  
PAUL E. KANJORSKI, PENNSYLVANIA  
CAROLYN B. MALONEY, NEW YORK  
ELIJAH E. CUMMINGS, MARYLAND  
DENNIS J. KUCINICH, OHIO  
DANNY K. DAVIS, ILLINOIS  
WM. LACY CLAY, MISSOURI  
DIANE E. WATSON, CALIFORNIA  
STEPHEN F. LYNCH, MASSACHUSETTS  
CHRIS VAN HOLLEN, MARYLAND  
LINDA T. SANCHEZ, CALIFORNIA  
C.A. DUTCH RUPPERSBERGER,  
MARYLAND  
BRIAN HIGGINS, NEW YORK  
ELEANOR HOLMES NORTON,  
DISTRICT OF COLUMBIA

BERNARD SANDERS, VERMONT,  
INDEPENDENT

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,  
AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut  
Chairman

Room B-372 Rayburn Building  
Washington, D.C. 20515  
Tel: 202 225-2548  
Fax: 202 225-2382

## Statement of Rep. Christopher Shays March 2, 2005

The Cold War cult of secrecy remains largely impervious to the new security imperatives of the post-9/11 world. Overclassification is a direct threat to national security.

Last year, more federal officials classified more information, and declassified less, than the year before. In our previous hearing on official secrecy policies, the Department of Defense (DOD) witness estimated that fully half of all the data deemed “Confidential,” “Secret” or “Top Secret” by the Pentagon was needlessly or improperly withheld from public view. Further resisting the call to move from a “need to know” to a “need to share” standard, some agencies have become proliferators of new categories of shielded data. Legally ambiguous markings like “Sensitive but Unclassified”, “Sensitive Homeland Security Information” and “For Official Use Only” create new bureaucratic barriers to information sharing. These pseudo-classifications can have persistent and pernicious practical effects on the flow of threat information.

The National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) concluded that, “Current security requirements nurture overclassification and excessive compartmentation of information among agencies. Each agency’s incentive structure opposes sharing, with risks (criminal, civil and internal administrative sanctions) but few rewards for sharing information. No one has to pay the long-term costs of over-classifying information, though these costs... are substantial.”

Those costs are measured in lives as well as dollars. Somewhere in the vast cache of data that never should have been classified, and may never be declassified, is that tiny nugget of information that, if shared, could be used to detect and prevent the next deadly terrorist attack.

Recently enacted reforms should help focus and coordinate disparate elements of the so-called "intelligence community" to broaden our view of critical threat information. The previously ignored, and still unfunded, Public Interest Declassification Board has new authority to push for executive branch adherence to disclosure standards, particularly with regard to congressional committee requests.

But those promising initiatives still confront deeply entrenched habits and cultures of excessive secrecy. The 9/11 Commission successfully worked through security barriers to access and publish the information they needed. But as soon as the Commission's legal mandate expired, heavy-handed classification practices reasserted themselves. As a result, release of the final staff report on threats to civil aviation was delayed. And the version finally made public contains numerous redactions, some of which needlessly seek to shield information already released by other agencies.

The Cold War was a struggle of the Industrial Age. The global war against terrorism is being waged, and must be won, by the new rules of the Information Age. Data and knowledge are the strategic elements of power. With just a few keystrokes, individuals and groups can now acquire technologies and capabilities once the sole province of nation-states. Modern, adaptable networks asymmetrically attack the rigid, hierarchical structures of the past.

In this environment, there is security in sharing, not hoarding, information that many more people need to know. We asked our witnesses this afternoon to help us assess the impact of current access restrictions on efforts to create the trusted networks and new information sharing pathways critical to our national security. We look forward to their testimony.