

**Statement of Rep. Henry A. Waxman**  
**Subcommittee on National Security, Emerging Threats, and International Relations**  
**“Drowning in a Sea of Faux Secrets:**  
**Policies on Handling of Classified and Sensitive Information”**  
**March 14, 2006**

Thank you, Mr. Chairman, for holding this important hearing.

This week is “sunshine week,” so it is particularly appropriate that we are focusing today on openness and transparency in government as bedrock principles of our democracy.

Unfortunately, sunshine rarely penetrates inside the current Administration. The Bush Administration’s penchant for secrecy is legendary, and the examples are numerous. The Vice President refused to reveal which campaign contributors and energy executives had special access to his energy task force. The President rolled back Reagan-era regulations for the release of Presidential records. The Department of Health and Human Services withheld estimates of the true cost of the Medicare prescription drug legislation. And the Defense Department redacted hundreds of Halliburton overcharges from audits given to the United Nations.

In September 2004, I released a comprehensive report on secrecy in the Bush Administration. The report found that the nation’s open government laws had been repeatedly eroded during the first four years of the Bush Administration, while the laws authorizing secret government action had been systematically expanded. These trends have continued — and worsened — in the months since I released the report.

Last month, researchers discovered that the Administration has been secretly removing thousands of previously declassified documents that had been publicly available on the shelves of the National Archives. Some of these documents were more than 50 years old and already had been published in books and journals.

According to these researchers, one of these documents is a 1948 memorandum regarding delays in implementing “Project Ultimate,” a CIA program to drop propaganda leaflets out of hot

air balloons to the citizens of Eastern Europe. This memo was published in a 1996 State Department volume.

Yet incredibly, this 58-year-old document has now been removed from the shelves, according to the researchers.

There are a lot of questions about the administration's actions to which we don't yet have the answers. Who oversees this program? Under what legal authority are they operating? And why is the order governing this program evidently still classified?

I hope we can begin to get answers to these questions at today's hearing.

Another important issue we will consider today is the Administration's abuse of designations such as "sensitive but unclassified" to block the public release of government information. Many of these designations have no basis in statute, no criteria for use, and no limitations on who can withhold documents using these designations.

Last year, the Chairman and I sought documents from three agencies — the Defense Department, the State Department, and the Department of Homeland Security — that had been restricted as "Sensitive but Unclassified" or "For Official Use Only." To date, we have received none of these documents.

It is particularly telling that in their responses, the agencies claimed they had no way to provide such information because they don't keep track of it. As another agency wrote: "There is no regulatory or other national policy governing the use of For Official Use Only designation, as opposed to the controls on classified national security information."

A year ago, I wrote to the Chairman about abuses of pseudo-classifications. My letter described specific examples where documents were restricted from public dissemination because they would be embarrassing, not because they would jeopardize national security. Today, we will hear from GAO about the results of its investigation into the management of these types of

documents by two agencies: the Department of Energy and the Department of Defense. As GAO will testify, neither of these departments has clear policies regarding the designations and neither has adequate oversight of their use.

I have been vocal in my criticism of the Republican Congress for failing to conduct meaningful oversight of the Bush Administration. The refusal of Congress to fulfill its constitutional oversight responsibilities undermines accountability. And it creates a climate in which secrecy flourishes. This hearing won't undo the consequences of years of neglect, but at least it is a step in the right direction.

Mr. Chairman, I thank you for holding this hearing on openness in government. I look forward to the testimony of today's witnesses.