

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

The Constitution Project Joins the ACLU in Urging Congress to Rein in Excessive Government Secrecy

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WASHINGTON— Today, The Constitution Project (TCP) welcomed the release of the American Civil Liberties Union's (ACLU) report, [*Drastic Measures Required: Congress Needs to Overhaul U.S. Secrecy Laws and Increase Oversight of the Secret Security Establishment*](#). This comprehensive report shines a spotlight on the growing problem of excessive government secrecy through its examination of such practices as the over-classification of government records and the continuing misuse of the state secrets privilege.

The unchecked over-classification of information and overuse of the state secrets privilege undermine the accountability and transparency essential to a well-functioning democracy. Classifying information unnecessarily also raises significant national security concerns because the greater the volume of classified documents, the greater the risk that they will be mishandled or released. TCP joins the ACLU in calling on the government to reform its secrecy policies through increased information sharing among agencies and across branches of government and increased disclosure of government-held information to the public.

"The Obama administration's stated commitment to transparency evaporates the moment anyone suggests that national security is involved. But we believe that protecting our national security interests and embracing a government culture of openness and accountability are not mutually exclusive ideals," said Sharon Bradford Franklin, TCP Senior Policy Counsel. "We join in the new report's call for Congress to act to rein in government secrecy," Ms. Franklin added.

In December 2009, President Obama issued Executive Order 13526, which included provisions to address the problem of over-classification. However, while the issuance of this Order was an important first step, TCP agrees with the ACLU's assessment that it did not go far enough and further change is needed. TCP also supports the report's conclusion that legislative action is now needed to reform the state secrets privilege and restore the role of courts in overseeing these secrecy claims.

In July 2009, The Constitution Project's (TCP) bipartisan Liberty and Security Committee published a report entitled [Reining in Excessive Secrecy: Recommendations for Reform of the Classification and Controlled Unclassified Information Systems](#), including eighteen sweeping recommendations designed to improve the classification system. In addition, in 2007, TCP's Liberty and Security Committee released [Reforming the State Secrets Privilege](#), which urges that independent judges should review state secrets claims to ensure proper oversight and reduce unnecessary secrecy.

Established in 1997, The Constitution Project (TCP) is known for its ability to bring together unlikely allies—experts and practitioners from across the political spectrum—in order to promote and safeguard America's founding charter. TCP is working to reform the nation's broken criminal justice system and to strengthen the rule of law by undertaking scholarship, consensus policy reforms, advocacy and public education. TCP was born out of the belief that we must cast aside the labels that divide us, in order to keep our Constitution and our democracy strong.