

## **Opening Statement for HSGAC Hearing on “Modernizing the Government’s Classification System”**

**Twenty-six years ago, a bipartisan Senate Commission chaired by the late Senator Moynihan warned that excessive government secrecy and overclassification have significant consequences for the national interest. The Commission found that “secrecy is the ultimate mode of regulation ... for the citizen does not even know that he or she is being regulated”.**

**So, what happened in the decades since the Commission recommended Congress reassert its authority and reform the Executive Branch classification system? The problem got even worse.**

**Executive Branch officials from both political parties continue to arbitrarily overclassify government information to prevent oversight and withhold information from the public.**

**According to the National Archives and Records Administration, in 2017, over four million Americans with security clearances classified nearly 50 million documents, a system that cost American taxpayers over \$18 billion.**

**President Biden’s own Director of National Intelligence, Avril Haines, acknowledged the overclassification problem on numerous occasions. As Director Haines said in January of this year, “overclassification undermines the basic trust that public has in its government.”**

**There is no better example of the undermining of public trust than the federal government’s continued refusal to share with the American people information about the origins of the COVID-19 pandemic.**

**The Department of Energy recently shifted its position on COVID-19’s origins, and joined the FBI in concluding that the pandemic was most likely the result of a lab leak. The FBI Director later publicly confirmed the FBI’s position that the pandemic most likely originated from a lab leak.**

**If not for the transparency forced by the media reports, we wouldn’t be able to talk about these important developments today.**

**Recently, Congress showed strong, bipartisan support for the need for transparency on the origins of COVID-19 by unanimously passing a bill requiring the Director of the National Intelligence to declassify information from the Wuhan Institute of Virology and the origins of COVID-19. I am glad that President Biden signed the bill into law earlier this week.**

**However, President Biden only committed to declassifying and sharing information “consistent with [his] constitutional authority to protect against the disclosure of information**

that would harm national security.” Given the Administration’s track record on transparency, I am concerned that the President’s statement suggests he will not publicly release all the information that exists.

And it isn’t just classified information the Executive Branch is withholding from the American people on COVID origins. Nearly a dozen federal agencies – including the Departments of Health and Human Services, State, and Defense, as well as the FBI– refuse to disclose thousands of records in their possession relevant to the origins of COVID-19.

Many of these records are not even classified.

I sent dozens of letters for over two years to federal agencies requesting these records, only to be stonewalled. In fact, recently disclosed emails made available by the Freedom of Information Act actually show Defense Threat Reduction Agency employees scheming to obstruct my request for information on the origins of COVID-19.

The American people deserve transparency and accountability. If we are being asked to sacrifice those values in the name of “national security,” that definition should be narrowly tailored to protect only what is necessary to preserve our sources and methods.

In the Pentagon Papers case, Justice Potter Stewart remarked upon the wisdom of avoiding secrecy for its own sake. In his concurring opinion, Justice Stewart wrote, “when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion”.

I want to thank our consensus witness panel for being here today.

Mr. Chairman, I believe we have a unique opportunity to address overclassification by the Executive Branch in a bipartisan way, and I look forward to working with you on restoring transparency and accountability in government.