April 23, 2013

Re: Security Classification Reform Steering Committee

Dear President Obama:

The undersigned organizations, which support greater openness in government, urge you to promptly establish and provide active White House leadership for a Security Classification Reform Steering Committee to help correct what you have called "the problem of overclassification."

As you know, the national security classification system sweeps in far too much information that should actually be available to the public, creating unnecessary barriers to public deliberation on many policy issues in counterterrorism, intelligence policy, and the conduct of foreign affairs. As public frustration over unjustified secrecy mounts, respect for the security classification system plummets, placing genuinely sensitive information at risk. Yet up to now, no constructive resolution of this impasse has emerged.

In principle, classification authority should be used with precision and only when absolutely necessary to protect the security of the United States. In practice, however, classification activity has been dramatically on the rise for many years, with over 92 million decisions to classify information in fiscal year 2011 alone. Declassification procedures cannot possibly keep pace, especially given the legal and bureaucratic obstacles to declassification that currently exist. This approach is unsustainable and counterproductive.

For these reasons, we welcomed the reforms you made to the classification system in December 2009 through Executive Order 13,526 – as well as your decision to charge the Public Interest Declassification Board (PIDB) with developing recommendations for a "more fundamental transformation" of the classification system. We also were deeply appreciative of the conscientious and transparent manner in which the PIDB approached its task. The PIDB has now issued the recommendations you requested, prefaced by the stark conclusion that "present practices for classification and declassification of national security information are outmoded, unsustainable and keep too much information from the public."

While we do not favor all of the individual recommendations contained in the PIDB's report, and would add others that were not included, one of the recommendations that we do support is the PIDB's first proposal: the creation of a White House-led Security Classification Reform Steering Committee to lead a systematic program of classification reform. The PIDB has provided a useful diagnosis of "the problem of overclassification." But the Board itself is only an advisory body. It can suggest potential remedies, but it is not in a position to prescribe or deliver them. That will require an exercise of presidential authority. A presidentially-appointed Steering Committee would provide a mechanism for identifying and coordinating needed changes and for overcoming internal agency obstacles to change. It would also reflect the urgency of reining in a classification system that is largely unchecked.

Furthermore, we know from experience that the successful implementation of systemic reform proposals will require two things: strong White House leadership, and agency "buy-in." It is essential that the White House take ownership of the reform effort going forward and that senior agency officials be closely involved in the decisions that are made. The Steering Committee provides the vehicle by which such engagement can occur, and a forum for continuing refinement and oversight of the reform process.

Of course, merely appointing a group called the "Security Classification Reform Steering Committee" will not itself accomplish these goals. To be successful, the committee must have active, high-level White House participation and support. It must include (as the PIDB recommended) not only senior agency officials charged with ensuring the security of sensitive documents, but also those charged with ensuring public access to government information. And, in accordance with the PIDB's observation that the committee's processes must be "transparent" and earn public support, the committee should engage the public, much as the PIDB itself did when developing its recommendations.

In closing, transformation of the classification system has become a democratic and security imperative, and the critical moment in this effort has now come. We believe that a Steering Committee can be the key to the success of classification reform if it is properly constituted and given a clear mandate to reduce the size and scope of the national security classification system.

Respectfully,

Advocacy for Principled Action in Government
American Association of Law Libraries
American Booksellers Foundation for Free Expression
American Civil Liberties Union
American Library Association
Association of Research Libraries
Bill of Rights Defense Committee
The Brennan Center for Justice
Center for Democracy & Technology
Center for Effective Government
Center for Media and Democracy
Center for National Security Studies
Citizens for Responsibility and Ethics in Washington
The Constitution Project
Council on American-Islamic Relations
Cyber Privacy Project
Defending Dissent Foundation
Demand Progress
Electronic Frontier Foundation
Electronic Privacy Information Center
Essential Information
The Federation of American Scientists
Freedom of the Press Foundation
Government Accountability Project
iSolon.org
The National Security Archive
National Security Counselors
OpenTheGovernment.org
Progressive Librarians Guild
Project On Government Oversight
Society of American Archivists

cc: John P. Fitzpatrick, Director, Information Security Oversight Office
The Honorable Nancy Soderberg, Chair, Public Interest Declassification Board