



# For Congress, ‘it’s classified’ is new equivalent of ‘none of your business’

By: Ali Watkins- July 30, 2013

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The Senate Select Committee on Intelligence reportedly gave its approval last week to an Obama administration plan to provide weapons to moderate rebels in Syria, but how individual members of the committee stood on the subject remains unknown.

There was no public debate and no public vote when one of the most contentious topics in American foreign policy was decided – outside of the view of constituents, who oppose the president’s plan to aid the rebels by 54 percent to 37 percent, according to a Gallup Poll last month.

In fact, ask individual members of the committee, who represent 117 million people in 14 states, how they stood on the plan to use the CIA to funnel weapons to the rebels and they are likely to respond with the current equivalent of “none of your business:” It’s classified.

Those were, in fact, the words Sen. Dianne Feinstein, D-Calif., chair of the committee, used when asked a few days before the approval was granted to clarify her position for her constituents. She declined. It’s a difficult situation, she said. And, “It’s classified.”

She was not alone. In a string of interviews over days, members of both the Senate intelligence committee or its equivalent in the House were difficult to pin down on their view of providing arms to the rebels. The senators and representatives said they couldn’t give an opinion, or at least a detailed one, because the matter was classified.

It’s an increasingly common stance that advocates of open government say undermines the very principle of a representative democracy.

“It’s like a pandemic in Washington, D.C., this idea that ‘I don’t have to say anything, I don’t have to justify anything, because I can say it’s secret,’” said Jim Harper, director of information policy studies at the Cato Institute, a Washington-based libertarian think tank.

“Classified” has become less a safeguard for information and more a shield from accountability on tough subjects, said Steven Aftergood, the director of the Federation of American Scientists’ Project on Government Secrecy.

“Classification can be a convenient pretext for avoiding difficult questions,” he said. “There’s a lot that can be said about Syria without touching on classified, including a statement of general principles, a delineation of possible military and diplomatic options, and a preference for one or the other of them. So to jump to ‘national security secrecy’ right off the bat looks like an evasion.”

Syria is not the only topic where public debate has been the exception because a matter was classified. Sen. Ron Wyden, D-Ore., spoke last week about the frustration he felt because he could not tell his constituents that he believed secret rulings from the Foreign Intelligence Surveillance Court had expanded the collection of telephone and Internet data far beyond what many in Congress thought they had authorized.

“Months and years went in to trying to find ways to raise public awareness about secret surveillance authorities within the confines of classification rules,” Wyden said at the Center for American Progress, a liberal Washington think tank. Had it not been for a leak of a secret court order on the collection of cellphone metadata by former National Security Agency contract worker Edward Snowden, the program might still be beyond discussion, Wyden noted.

But the classification barrier may not be as watertight as committee members make it out to be. Senate Resolution 400, which established the intelligence committee in 1976, has a section specifically devoted to committee oversight of the classification system, which is directed by the executive branch. If a member of the committee feels that classified information is of valid public interest, he or she can ask that it be declassified.

“The Select Committee may, subject to provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such a disclosure,” the resolution reads.

When Wyden was asked if he ever used that provision to attempt to get information declassified during his time on the committee, he said “I don’t know which specific provision you’re talking about.”

Certainly, trying to determine how individual committee members feel about Syria policy can be frustrating. Sens. Susan Collins, R-Maine, and Mark Warner, D-Va., refused to state a clear opinion, citing classification.

Others expressed general opinions, though they would say nothing about just what the Obama administration had proposed. Sometimes it was difficult to know from their comments if they were in favor or opposed. “I’m worried we’re behind the curve,” said Sen. Tom Coburn, R-Okla., “(We should get involved) only if we’re ahead of the curve.”

A rare exception was Sen. Angus King, an independent from Maine. He spoke candidly about his personal views on American involvement. “We need to be involved to some extent in helping out the opposition,” he said. He called training an imperative, said anti-tank weapons need to be included in any arms shipments, and he hinted that the U.S. should consider strikes against some Syrian government resources, if that became necessary.

The answer didn’t reveal any details of the administration’s plans, but it did offer a clear picture of where he stood. Later, King explained what he thought were the rules about discussion of Syria.

“I think the specifics of the administration’s plan, and the specifics of the actions of the committee, are classified, and should remain confidential,” he said. As for members’ opinions, however, that’s not classified.

But, he said, “That’s their call” on whether to talk about it or not.

Harper, of the Cato Institute, said the tendency for lawmakers to cite classification also sheds light on a pattern of legislative deference to the executive branch, which determines what is and isn’t classified, that undercuts the concept of checks and balances.

“The government works because of a chain of oversight,” Harper said. “Secrecy gets in there and it breaks those chains. So the public can’t oversee Congress. Congress can’t oversee the executive branch. Within executive branch agencies, oversight breaks down. It’s utterly corrosive of democratic processes that we otherwise take for granted.”

Refusing to state an opinion on a classified matter robs people of the chance to objectively assess whether an elected official is representing their interests.

“Nobody’s opinion is classified,” said Aftergood. “There may be specific facts or details of either military operations or intelligence sources that are properly classified, but one’s opinion about current events or about preferred outcomes is absolutely not classified.

“And to say that it is is disingenuous or dishonest.”