



First Amendment ALERT

Sen Christopher Bond (R-MO) has introduced S.3774, which would create this nation's first Official Secrets Act. The bill would permit criminal punishment for leaks of classified information, without regard to whether the information is a necessary part of public debate on foreign affairs or national security. It also would exempt the entire US Congress, where many of the leaks originate.

The federal government already has laws and regulations to control leaks by federal employees.

It also has a rampant and well-documented problem with overclassification of documents — something the Government Accountability Office called to the attention of Congress in 2004. Congress has done nothing to address the problem. Thousands of federal workers — as well as contractors with no responsibility under the Freedom of Information Act — have the ability to wield a classification stamp, but very few officials have the ability to declassify once information is no longer secret. Thus, information that is no longer sensitive and is already widely known to the enemy or is used on a partisan basis by the party in power remains classified. Leaking it could result in heavy fines and prison sentences.

Keeping the government's secrets is important. But until the classification system is fixed and a responsible means of airing critical information to the public is found — so that voters may evaluate and exercise their own First Amendment rights — an Official Secrets Act will inevitably be used — by both parties — to control debate and to selectively prosecute whistleblowers.

If your senator is on this list, please send a letter as soon as possible asking him or her to oppose the Official Secrets Act. If your senator is not on this list, please ask your senator to contact the Senate Judiciary Committee to say the bill should not be considered.

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