May 23, 2006

The Honorable Peter Hoekstra
Chairman
Permanent Select Committee on Intelligence
H-405, The Capitol
Washington, DC 20515

The Honorable Jane Harman
Ranking Member
Permanent Select Committee on Intelligence
H-405, The Capitol
Washington, DC 20515

Dear Chairman Hoekstra and Ranking Member Harman:

I am writing in reference to the Committee's review of unauthorized disclosures of classified information, and the related May 26 public hearing on the media.

Michigan's 300-plus newspapers recognize the government's duty to protect the national security, but we urge your Committee to avoid legislation criminalizing the "leak" of sensitive information to the press.

Throughout history, the press has served as a pillar of American society – informing the public on issues of great importance, and playing a vital role in maintaining transparency and public accountability – both of which are essential to the functioning of our democratic society. After all, government governs only with the consent of the governed, and that consent must be informed.

And throughout its history the press has been able to strike the proper balance between informing the public and respecting the government's need to protect national security and properly administer the law -- in many cases choosing to withhold publication of sensitive information.

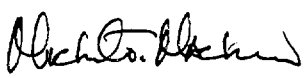
But any attempt to fundamentally alter the way newspapers uphold this balance would be detrimental to the public's right to know. The "leak" is actually an important instrument of communication, and government officials use it routinely -- whether it is by "whistleblowers" uncovering fraud, waste or abuse in government, or others in government who wish to keep the public informed of important or controversial actions. Maintaining a healthy democracy requires a clear channel of communication between the government and its people.

Furthermore, the government currently has at its disposal the proper tools for dealing with unauthorized leaks of classified information. Numerous statutes remain on the books and are used to effectively prevent or punish truly harmful disclosures. Formal sanctions, such as removal of security clearance or termination of employment, are also useful and have proven to be effective. We have no reason to believe that these provisions are insufficient.

We encourage your committee to not pursue legislation that would hinder the way newspapers have fulfilled their duty to the public since the inception of our Republic.

Thank you for your thoughtful consideration.

Respectfully,



Mike MacLaren
Executive Director
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