

## Rep. Jane Harman's Recommendations for the Declassification Policy Forum

The next terrorist attack in the United States will not be stopped by a bureaucrat in Washington, DC. It will be the local cop on the beat who is familiar with the rhythms and nuances of his or her own neighborhood who will foil that attack. I have worked tirelessly – first as Ranking Member of the House Intelligence Committee, and now as Chair of the Homeland Security Intelligence Subcommittee – to make sharing information with state and local law enforcement a priority for the federal government.

Effective sharing cannot occur under the practices encouraged by the current classification system. There are currently few incentives in place to foster a “need to share” mentality versus a “need to know” approach toward classification of information. Instead, the system creates a climate in which agencies over-classify virtually anything that moves. This has the potential to cause great harm if it bars local law enforcement – America’s first preventers – from accessing the information they need to detect and prevent or disrupt a potential an attack. In my view, classification should be used to protect sources and methods, not to protect agencies’ perceived turf or protect them from potential embarrassment.

My subcommittee has compiled a careful hearing record on this. We have listened to experts on information security paint a bleak picture of the toll that over-classification has taken both on taxpayers and on public safety. We have also heard from the ODNI, which agrees that current practices are inadequate. Most importantly, we have explored the challenges presented by over-classification with state and local law enforcement leaders – including Washington, DC Chief of Police Cathy Lanier – who have repeatedly expressed how over-classification makes their jobs harder. Local law enforcement needs information in a timely manner that allows them to know what to look out for, how to prepare for it, and how to stop it. This simply isn’t happening.

The safety and security of the American people rely upon having a classification system that is enforceable, understandable, and applicable to everyone. With this in mind, the Intelligence Community (IC) should take the following steps:

- **“Write to Release”:** Not all portions of a document require the same level of classification; local officials need to know about potential threats, but not the origins of such intelligence. Classified documents should contain portion markings, helping ensure individual pieces of information are not over-classified as a matter of practice and making it easier to identify and share information at appropriate levels. In February Congress passed H.R. 553, the Reducing Over-Classification Act, which would require to DHS to simultaneously create an unclassified version of all classified intelligence products. This standard should be expanded to apply across the entire IC.
- **Create consistent standards:** At the agency level and across the IC there exists a lack of consistency in addressing over-classification. Implementing uniform standards will eliminate confusion and allow for better coordination and training.
- **Provide better training:** Personnel who participate in the classification process should receive more rigorous training. Such training should be a prerequisite to obtaining classification authority and to renewing it each year. Penalties should exist for staff who repeatedly fail to comply with applicable classification policies.

- **Create auditing mechanism:** Agencies that classify documents should be subjected to random reviews of their classified products. Auditors should correct errors and recommend changes to avoid future mistakes.
- **Improve the mechanism for challenging classification levels:** The current process by which an individual can challenge the classification assigned to information is insufficient. End-users of intelligence should have a more streamlined process for requesting the information they need.
- **Electronically track intelligence dissemination:** Monitoring how and where classified information is disseminated could prove an invaluable tool in managing the proper classification and sharing of information with federal, state, local, tribal, and private sector partners.

More robust information sharing should be a cornerstone of American homeland security. Congress can be an invaluable partner to help achieve these improvements. I look forward to working on finally getting this right.