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Statement of the Honorable Henry A. Waxman Hearing on Secrecy and the Bush Administration

April 11, 2002

Mr. Chairman, I want to commend you for holding today's hearing. And I want to thank the distinguished witnesses for appearing here today. What's at stake is extraordinarily important: the public's right to know how its government operates.

Unfortunately, the Bush Administration is undermining the public's right to know and Congress' responsibility to oversee the Administration.

Vice President Cheney chaired a task force to develop the administration's energy policy. One year ago next week, Rep. Dingell and I asked GAO to find out who attended the task force meetings, who were the professional staff, who did the task force members meet with, and what costs were incurred in the process. The Vice President's office has refused to comply with that request, forcing the Comptroller General to go to court.

Also one year ago, the Secretary of Commerce refused to release corrected census counts claiming they were deliberative documents. As a result, I and fifteen of my colleagues from this Committee were forced to go to court. The court granted summary judgement in our favor on January 18, 2002, and ordered Secretary Evans to turn over the adjusted census data. Despite the court order, the Administration continues to resist releasing this information.

In October 2001, Attorney General Ashcroft issued guidance to agencies on implementing the Freedom of Information Act. The thrust of that guidance was when you have discretion, use it to withhold documents. "[Y]ou can be assured the Department of Justice will defend your decisions," wrote the Attorney General.

The list goes on and on.

One particularly objectionable aspect of this secrecy campaign is the Bush executive order restricting access to presidential records, which is the subject of this hearing. In this executive order, the President tries to turn the law upside down, making it more difficult to get access to presidential records.

The first victims of this attack are the historians who pour through thousands of pages of documents to piece together the story of what happened within past administrations. Our witnesses today can each speak to how important these records are to their work. Ultimately, however, the real victims are the American people, who are denied their right to an open government.

There is a bipartisan consensus that the President's executive order was a serious mistake. I am very pleased that I will be joining with subcommittee chairman Horn, subcommittee ranking member Schakowsky, and full committee chairman Burton in introducing the Presidential Records Act Amendments of 2002. This legislation will nullify the President's executive order and codify in statute procedures based on the Reagan executive order that are designed to expedite the release of presidential records.

I look forward to the testimony today, and I hope that my colleagues on the Committee will join Reps. Horn, Schakowsky, Burton, and me in supporting our important open-government legislation.