

Statement of

# The Honorable Chuck Grassley

United States Senator  
Iowa  
June 6, 2006

Opening Statement of Senator Charles Grassley

Hearing Before the Senate Judiciary Committee

"Examining DOJ's Investigation of Journalists Who Publish Classified Information: Lessons from the Jack Anderson Case"

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Chairmen Specter, thank you for holding this important hearing today. As you know I am a firm believer in open government. When it comes to wrongdoing, corruption, fraud, and waste, sunshine really is the best disinfectant. I also believe that there are certain secrets the government needs to keep in order to safeguard national security. When wrongdoing is alleged in the national security arena, these two values can collide. Unfortunately, certain government officials can abuse the classification process to hide their wrongdoing from public scrutiny and turn the tables on those who would seek to expose politically embarrassing truths.

Jack Anderson specialized in exposing politically embarrassing truths. Sometimes that meant writing about things that some people wanted to hide from public scrutiny by claiming it was controlled national security information. Like journalists, members of Congress and our staff often receive information from whistleblowers trying to expose waste, fraud, or abuse in government. Sometimes the whistleblowers pay a heavy price for disclosing information that others in government are trying to hide. Being willing to pay that price and disclose the information anyway is an essential safety valve in any free society. The prospect that journalists who receive such information may also have to pay a price threatens to shut off that safety valve.

If there is information that would really harm national security in the Jack Anderson archives, then it deserves to be protected from public disclosure. If there is really evidence of a crime in those papers, then the FBI should have access to it. However, the FBI should be willing and able to demonstrate that it has a legitimate reason to access the documents. It needs something more than just an assertion that there may be classified materials in the files.

The Anderson family claimed that rather than demonstrating a real need for the documents, the FBI tried to access them by contacting Jack Anderson's widow. They contacted her without her son (and attorney) present in order to get her signature on a consent form that she did not fully understand. When First Amendment sensitivities are involved, I don't think that kind of shortcut is appropriate. Last month, I asked Director Mueller his views on this matter, and he declined to answer, saying he first needed to learn more about the facts and circumstances of Mrs. Anderson's contacts with the FBI. Perhaps the Justice Department has a better explanation today than they have offered, so far. In any event, I look forward to hearing the testimony of all the witnesses today and hopefully learning more about what happened and whether Justice Department policies permit what the FBI did.