

Dec. 13, 2005

Honorable Thomas Davis
Chairman
House Government Reform Committee
2157 Rayburn House Office Building
Washington, D.C.

Dear Chairman Davis:

The Sunshine in Government Initiative a media coalition committed to strengthening the Freedom of Information Act (FOIA) opposes Sec. 434 of S. 1803, the Senate's 2006 Intelligence Authorization legislation. We urge you to oppose inclusion of this provision in the conference report.

Sec. 434 would allow the Defense Intelligence Agency (DIA) to exempt unclassified DIA operational files from coverage under the FOIA. FOIA requests for these files have yielded information concerning torture, abuse or other mistreatment of detainees in U.S. custody. This exemption would deny the public access to this important information. In 2000, the DIA sought a similar exemption and the Congress rejected this proposal in favor of openness. It should do so again.

While operational CIA files are exempt from FOIA, the policy for that exemption does not apply here. Unlike the CIA, the DIA relies heavily on open sources in operational documents. It releases important operational records that include unclassified information or information that has been declassified. Any document the DIA has legitimately classified to protect national security would be covered under FOIA's national security exemption.

We urge you to oppose the exclusion of these DIA records from FOIA, which would seriously impact the public's right to know.

Sincerely,

American Society of Newspaper Editors
Association of Alternative Newsweeklies
Coalition of Journalists for Open Government
National Newspaper Association
Newspaper Association of America
Radio-Television News Directors Association
The Reporters Committee for Freedom of the Press