



August 30, 2018

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304 Russell Senate Office Building
Washington, DC 20510

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U.S. Senate Committee on Appropriation
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Washington, DC 20510

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U.S. Senate Select Committee on Intelligence
211 Hart Senate Office Building Washington, DC 20510

Hon. Mark Warner
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U.S. Senate Select Committee on Intelligence
211 Hart Senate Office Building
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224 Dirksen Senate Office Building
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Re: Support for S.Amdt.3876 to S.Amdt.3695, relating to security clearance

Dear Senators:

I write on behalf of the Bar Association of the District of Columbia's Committee on National Security Law, Policy & Practice in support for S.Amdt.3876 to S.Amdt.3695, an Amendment to H.R.6157, relating to security clearance processes.



The Committee has been deeply concerned about recent events which call into question the legitimacy of the security clearance process, and what appears to be the adoption of policies incorporating political views, or support for lawful activity, as appropriate factors in considering the revocation of security clearances. The Committee strongly endorses the views set forth in statements by former Intelligence officials:

We have never before seen the approval or removal of security clearances used as a political tool, as was done in this case.... As individuals who have cherished and helped preserve the right of Americans to free speech – even when that right has been used to criticize us ... Decisions on security clearances should be based on national security concerns and not political views.

The amendment proposed would simply ensure that status quo remains: that security clearances are governed by law and regulation, and that current, former and future individuals who are prepared to provide critical services to our nation's security do not need to fear political retribution or politics will be at issue.

The amendment, of course, may require fine tuning. For instance, it appears to prohibit the President from issuing new, or amending existing, Executive Orders governing security clearances. If construed in this manner, the amendment may present Constitutional separation of powers problems. But even in its current form, the amendment would be a much needed step towards protecting the institutional structures which are so important to our national security.

Regards,

Steven A. Cash
Co-Chairman

Committee on National Security Law, Policy & Practice