

## Government 94jb: Secrecy and Transparency

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### CONGRESSIONAL HEARING: OVERSIGHT OF SECRECY IN THE NATIONAL SECURITY STATE

#### Summary:

In this activity, students will conduct a hearing before a congressional committee on the dilemma of state secrecy. With reference to the assigned reading from Rahul Sagar, *Secrets and Leaks* (Princeton 2013) (pp. 1-50), students will interrogate the various oversight mechanisms available and identify their strengths and weaknesses. The challenge posed by Sagar is to locate an oversight model that is: (i) effective at protecting against abuses of state secrecy; (ii) credible as an independent check on the national security state; and (iii) legitimate as an exercise of public power. Can we meet that challenge in this activity?

#### Activity:

- Split the students into two groups. The first group will act as members of Congress presiding at the hearing. The second group will act policy experts who will testify as witnesses at the hearing.
- Give each group of students 10-15 minutes to prepare by discussing the reading and their ideas. The first group should brainstorm questions they wish to ask the policy experts about the various oversight mechanisms. The second group should identify which proposals they wish to recommend, analyze, and/or criticize. It is fine (and actually helpful) if students within each group disagree amongst themselves.
- Allow the students acting as members of Congress to convene the hearing. They should call witnesses in whichever order they see fit. For a full conversation in which each student has a chance to participate, allow at least 30 minutes.
- The instructor should act as the public audience, watching but not interrupting the proceedings. In order to help the students appreciate the burdens of deliberating and trying to make policy in the public eye, they should imagine that the proceedings are being broadcast and recorded for all to see (including their constituents, colleagues, etc.).
- After the hearing concludes, students should have a chance to reflect as a group about the substance of the discussion—which oversight model is best—and about the experience of public policymaking. Allow 10-15 minutes for this final portion of the activity.

#### Learning Objectives:

1. *Understanding the Dilemma of State Secrecy.* Students will gain a keener understanding of the dilemma of state secrecy as outlined by Sagar. They will recognize the tension between the necessity of secrecy and the need for democratic oversight. They will understand the advantages and disadvantages associated with oversight by courts, by Congress, and by whistleblowers and leakers.
2. *Appreciating the Challenges of Policymaking Before an Audience.* Students will gain a visceral experience of the difficulty of making policy in public. They will recognize the

possible tension between trying to appeal to constituents on the one hand, and honestly assessing the strengths and weaknesses, or costs and benefits, of various policy options on the other.