

CLASSIFICATION IS NOT DECLASSIFICATION

Frank Rich has a column out that means well—but repeats a Cheney talking point in a way that does more harm than good. He focuses on the connection between Bush's revised Executive Order on classification and the CIA Leak argues that, when Bush gave Cheney classification authority equivalent to his own, he also gave him declassification authority equivalent to his own.

But few noticed another change inserted five times in the revised text: every provision that gave powers to the president over classified documents was amended to give the identical powers to the vicepresident. This unprecedented increase in vice-presidential clout, though spelled out in black and white, went virtually unremarked in contemporary news accounts.

Rich's construction here is uncharacteristically sloppy. Bush only explicitly gave Cheney the power to classify information (that is, to take unclassified information and make it classified). Here's the relevant passage from the Executive Order:

Sec. 1.3. Classification Authority.
(a) The authority to classify information originally may be exercised only by:

(1) the President and, in the performance of executive duties, the Vice President;

By using the phrase, "every provision that gave powers to the president over classified documents," Rich implies that this power included classification and declassification. But Bush did not revise the

key section of the EO that defined
Declassification Authority.

â€˜â€˜Declassification authorityâ€™â€™
means:

(1) the official who authorized the
original classification, if that official
is still serving in the same position;

(2) the originatorâ€™s current successor
in function;

(3) a supervisory official of either; or

(4) officials delegated declassification
authority in writing by the agency head
or the senior agency official.

In other words, while Bush gave Cheney the power
to classify information, he didn't change the
rule that only the originator, the successor,
the supervisor of the originator, or someone
specifically delegated can declassify
information. The claim—that Cheney has the
ability to declassify at will (as opposed to
classify at will)—is an error that TPMM made
last week as well.