



U.S. Senator Russ Feingold Wisconsin

Press Release of Senator Feingold

Statement of U.S. Senator Russ Feingold on the Obama Administration's New Policy on the State Secrets Privilege

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Washington, D.C. - Today, the Obama administration released details about its new policy on invoking the state secrets privilege. Senator Russ Feingold, a cosponsor of the State Secrets Protection Act, legislation to provide guidance to federal courts considering cases in which the government has asserted the state secrets privilege, made the following statement:

“The Bush administration's approach to state secrets was wrong-headed, causing significant public distrust and potentially shielding government wrongdoing and embarrassing mistakes behind a questionable legal doctrine. While I am pleased that the Obama administration recognizes that the Bush approach was a mistake, its new policy is disappointing because it still amounts to an approach of ‘just trust us.’ Independent court review of the government's use of the state secrets privilege is essential. I urge the administration to work with Congress to develop legislation that sets reasonable limits on the privilege and will not be subject to change under each successive president.”

The state secrets privilege was invoked several times by the Bush administration in cases that challenged several controversial programs including the warrantless wiretapping program, rendition and interrogation programs. The Obama administration continued to invoke the privilege after taking power, which Senator Feingold has [criticized](#).