



Patriciak Hirsch
01/14/02 01:43 PM

To: Alan Margolis/DC/USEPA/US
cc:
Subject: FYI

my first question for you tomorrow is what can we do to educate this person who obviously doesnt know anything about foia!!!!

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01/14/02 01:24 PM

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Subject: FYI

>>Sunday, January 6, 2002 (SF Chronicle)
>>EDITORIALS/On the Public's Right to Know/The day Ashcroft censored
Freedom
>>of Information
>>
>>
>> THE PRESIDENT DIDN't ask the networks for television time. The
attorney
>>general didn't hold a press conference. The media didn't report any
>>dramatic change in governmental policy. As a result, most Americans
had no
>>idea that one of their most precious freedoms disappeared on Oct. 12.
>> Yet it happened. In a memo that slipped beneath the political
radar, U.S.
>>Attorney General John Ashcroft vigorously urged federal agencies to
resist
>>most Freedom of Information Act requests made by American citizens.
>> Passed in 1974 in the wake of the Watergate scandal, the Freedom of
>>Information Act has been hailed as one of our greatest democratic
reforms.
>>It allows ordinary citizens to hold the government accountable by
>>requesting and scrutinizing public documents and records. Without it,
>>journalists, newspapers,
>> historians and watchdog groups would never be able to keep the
government
>>honest. It was our post-Watergate reward, the act that allows us to
know
>>what our elected officials do, rather than what they say. It is our
>>national sunshine law, legislation that forces agencies to disclose
their
>>public records and documents.
>> Yet without fanfare, the attorney general simply quashed the FOIA.
The
>>Department of Justice did not respond to numerous calls from The
Chronicle
>>to comment on the memo.
>> So, rather than asking federal officials to pay special attention
>>when the
>>public's right to know might collide with the government's need to
>>safeguard our security, Ashcroft instead asked them to consider whether
>>"institutional, commercial and personal privacy interests could be
>>implicated by disclosure of the information." Even more disturbing, he

>>wrote:
>> "When you carefully consider FOIA requests and decide to withhold
>>records,
>>in whole or in part, you can be assured that the Department of Justice
>>will defend your decisions unless they lack a sound legal basis or
>>present
>>an unwarranted risk of adverse impact on the ability of other agencies
>>to
>>protect other important records."
>> Somehow, this memo never surfaced. When coupled with President
>>Bush's
>>Nov.
>>1 executive order that allows him to seal all presidential records
>>since
>>1980, the effect is positively chilling.
>> In the aftermath of Sept. 11, we have witnessed a flurry of federal
>>orders
>>designed to beef up the nation's security. Many anti-terrorist measures
>>have carefully balanced the public's right to know with the
>>government's
>>responsibility to protect its citizens.
>> Who, for example, would argue against taking detailed plans of
>>nuclear
>>reactors, oil refineries or reservoirs off the Web?
>> No one. Almost all Americans agree that the nation's security is
>>our
>>highest priority.
>> Yet half the country is also worried that the government might use
>>the
>>fear of terrorism as a pretext for protecting officials from public
>>scrutiny.
>> Now we know that they have good reason to worry. For more than a
>>quarter
>>of a century, the Freedom of Information Act has ratified the public's
>>right to know what the government, its agencies and its officials have
>>done. It has substituted transparency for secrecy and we, as a
>>democracy,
>>have benefited from the truths that been extracted from public records.
>> Consider, for example, just a few of the recent revelations --
>>obtained
>>through FOIA requests -- that newspapers and nonprofit watchdog groups
>>have been able to publicize during the last few months:
>> -- The Washington-based Environmental Working Group, a nonprofit
>>organization, has been able to publish lists of recipients who have
>>received billions of dollars in federal farm subsidies. Their Web site,
>>www.ewg.org, has not only embarrassed the agricultural industry, but
>>also
>>allowed the public to realize that federal money -- intended to support
>>small family farmers -- has mostly enhanced the profits of large
>>agricultural corporations.
>> -- The Charlotte Observer has been able to reveal how the Duke
>>Power Co.,
>>an electric utility, cooked its books so that it avoided exceeding its
>>profit limits. This creative accounting scheme prevented the utility
>>from
>>giving lower rates to 2 million customers in North Carolina and South
>>Carolina.
>> -- USA Today was able to uncover and publicize a widespread
>>pattern of
>>misconduct among the National Guard's upper echelon that has continued
>>for

>>more than a decade. Among the abuses documented in public records are the
>>inflation of troop strength, the misuse of taxpayer money, incidents of
>>sexual harassment and the theft of life-insurance payments intended for
>>the widows and children of Guardsmen.
>> -- The National Security Archive, a private Washington-based
research
>>group,
>> has been able to obtain records that document an unpublicized event
>>in our
>>history. It turns out that in 1975, President Gerald Ford and
Secretary of
>>State Henry Kissinger gave Indonesian strongman Suharto the green
light to
>>invade East Timor, an incursion that left 200,000 people dead.
>> -- By examining tens of thousands of public records, the
Associated Press
>>has been able to substantiate the long-held African American allegation
>>that white people -- through threats of violence, even murder --
cheated
>>them out of their land. In many cases, government officials simply
>>approved the transfer of property deeds. Valued at tens of million of
>>dollars, some 24,000 acres of farm and timber lands, once the property
of
>>406 black families, are now owned by whites or corporations.
>> These are but a sample of the revelations made possible by recent
FOIA
>>requests. None of them endanger the national security. It is important
to
>>remember that all classified documents are protected from FOIA requests
>>and unavailable to the public.
>> Yet these secrets have exposed all kinds of official skullduggery,
>>some of
>>which even violated the law. True, such revelations may disgrace public
>>officials or even result in criminal charges, but that is the
consequence
>>-- or shall we say, the punishment -- for violating the public trust.
>> No one disputes that we must safeguard our national security. All
of us
>>want to protect our nation from further acts of terrorism. But we must
>>never allow the public's right to know, enshrined in the Freedom of
>>Information Act, to be suppressed for the sake of official convenience.

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