

AP IMPACT: A political filter for info requests

By TED BRIDIS (AP) – 1 day ago

WASHINGTON — For at least a year, the Homeland Security Department detoured hundreds of requests for federal records to senior political advisers for highly unusual scrutiny, probing for information about the requesters and delaying disclosures deemed too politically sensitive, according to nearly 1,000 pages of internal e-mails obtained by The Associated Press.

The department abandoned the practice after AP investigated. Inspectors from the department's Office of Inspector General quietly conducted interviews with employees last week to determine whether political advisers acted improperly.

The Freedom of Information Act, the main tool forcing the government to be more open, is designed to be insulated from political considerations. But in July 2009, Homeland Security introduced a directive requiring a wide range of information to be vetted by political appointees for "awareness purposes," no matter who requested it.

The government on Wednesday estimated fewer than 500 requests underwent such political scrutiny; the Homeland Security Department received about 103,000 total requests for information last fiscal year.

These special reviews at times delayed the release of information to Congress, watchdog groups and the news media for weeks beyond the usual wait, even though the directive specified the reviews should take no more than three days.

This, despite President Barack Obama's statement that federal workers should "act promptly" under the information law and Attorney General Eric Holder's assertion: "Unnecessary bureaucratic hurdles have no place in the new era of open government."

The foot-dragging reached a point that officials worried the department would get sued, one e-mail shows.

"We need to make sure that we flip these ASAP so we can eliminate any lag in getting the responses to the requesters," the agency's director of disclosure, Catherine Papoi, wrote to two of Secretary Janet Napolitano's staffers. "Under the statute, the requester now has the right to allege constructive denial and take us to court. Please advise soonest."

Under the directive, career employees were ordered to provide Napolitano's political staff with information about people who asked for records, such as where they lived and whether they were reporters, and details about their organizations.

If a member of Congress sought such documents, employees were told to specify Democrat or Republican.

A department spokesman, Sean Smith, said the mandatory reviews by political appointees never blocked records that otherwise would have been released.

E-mails obtained by AP do not show political appointees stopping records from coming out. Instead they point to acute political sensitivities that slowed the process, a probing curiosity about the people and organizations making the requests for records and considerable confusion.

The directive laid out an expansive view of what required political vetting.

Anything that related to an Obama policy priority was pegged for this review. So was anything that touched on a "controversial or sensitive subject," that could attract media attention or that dealt with meetings involving business and elected leaders.

Anything requested by lawmakers, journalists, activist groups or watchdog organizations had to go to the political appointees.

The Justice Department office that oversees the Freedom of Information Act across the federal government is unaware of other agencies with similar mandatory review policies, spokeswoman Gina Talamona said.

At Homeland Security, political staffers sometimes reviewed information requests as a way to anticipate troublesome public scrutiny.

One request sought data on expensive international travel by employees during the Bush administration. "Let's make sure we don't have a similar problem," Napolitano's chief of staff, Noah Kroloff, wrote in an e-mail in October to colleagues.

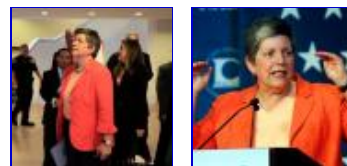
When the department released immigration records in September about President Barack Obama's father, Kroloff wrote: "We haven't released this yet have we? ... I'm hoping this was done in coordination with Sean (Smith), the WH and other relevant and interested parties."

AP Associated Press

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Secretary of Homeland Security Janet Napolitano waits for an elevator on Capitol Hill in Washington Wednesday, July 21, 2010. (AP Photo/Alex Brandon)



Map



The general counsel's chief of staff, John Sandweg, replied: "WH was made aware early and said treat it as normal."

The White House generally did not review Homeland Security information requests, the e-mails suggest, but there were exceptions. Requests to see documents about spending under the \$862 billion stimulus law and the calendars for Cabinet members were forwarded there.

In January, Papoi sent an e-mail revealing the frustration the rule was causing between political advisers and career employees in the office that enforces the FOIA.

"These people are going to be the death of me," Papoi wrote to Sandra Hawkins, that office's administration director. "I know, I know," Hawkins wrote.

Political staffers felt the tension. "They really hate us," Jordan Grossman, special assistant to the chief of staff, wrote to his boss, another political appointee.

Homeland Security rescinded the rule requiring prior political approval earlier this month, just as it delivered the 995 e-mails to AP. The department's spokeswoman, Amy Kudwa, said Wednesday that was a coincidence.

Now, records are submitted to Napolitano's political advisers three days before they are made public but can be released without their approval.

AP obtained the e-mails under the FOIA after the Office of Government Information Services mediated a dispute over access. AP's request for the e-mails was itself submitted for review by the political advisers.

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Homeland Security Department: <http://www.dhs.gov>

President Obama's order on the Freedom of Information Act:
http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment

Office of Government Information Services: <http://www.archives.gov/ogis/>

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