



“Unprecedented” Openness

An Associated Press Report Reveals That Obama Political Appointees Are Using Secret Email Accounts

Obama: “My Administration Is Committed To Creating An Unprecedented Level Of Openness In Government.” (President Barack Obama, “Memorandum For The Heads Of Executive Departments And Agencies: Transparency and Open Government,” [Press Release](#), 1/21/09)

- **White House Press Secretary Jay Carney: “We Are The Most Transparent Administration In History, Without Question.”** (Press Briefing, [James S. Brady Press Briefing Room](#), 9/28/11)

IT’S VERY TRANSPARENT: OBAMA APPOINTEES ARE USING SECRET EMAIL ACCOUNTS

The Associated Press Reveals That Some Of Obama’s Political Appointees, Including HHS Secretary Kathleen Sebelius, Are Using “Secret Governmental Email Accounts.” “Some of President Barack Obama’s political appointees, including the secretary for Health and Human Services, are using secret government email accounts they say are necessary to prevent their inboxes from being overwhelmed with unwanted messages, according to a review by The Associated Press.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

- **“At Least Two Other Senior HHS Officials — Including Donald Berwick, Former Head Of The Centers For Medicare And Medicaid Services, And Gary Cohen, A Deputy Administrator In Charge Of Implementing Health Insurance Reform — Also Have Secret Government Email Addresses, According To The Records Obtained By The AP.”** (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

Secret Email Accounts “Complicate An Agency’s Legal Responsibilities”

“Secret Email Accounts Complicate An Agency’s Legal Responsibilities To Find And Turn Over Emails In Response To Congressional Or Internal Investigations, Civil Lawsuits Or Public Records Requests.” “The secret email accounts complicate an agency’s legal responsibilities to find and turn over emails in response to congressional or internal investigations, civil lawsuits or public records requests because employees assigned to compile such responses would necessarily need to know about the accounts to search them. Secret accounts also drive perceptions that government officials are trying to hide actions or decisions.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

National Security Counselors Executive Director Ken McClanahan: “You Would Hope That Agencies Doing This Would Keep A List Of Aliases In A Desk Drawer, But You Know That Isn't Happening.” “‘What happens when that person doesn't work there anymore? He leaves and someone makes a request (to review emails) in two years,’ said Kel McClanahan, executive director of National Security Counselors, an open government group. ‘Who's going to know to search the other accounts? You would hope that agencies doing this would keep a list of aliases in a desk drawer, but you know that isn't happening.’” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

- **Agencies Say That Public And Non-Public Accounts Are Provided As Necessary Under Open Records Law, But The AP Couldn't “Verify” The Practice And After Reviewing “Hundreds Of Pages Of Government Emails Previously Released,” It Only Found One Instance.** “Agencies where the AP so far has identified secret addresses, including the Labor Department and HHS, said maintaining non-public email accounts allows senior officials to keep separate their internal messages with agency employees from emails they exchange with the public. They also said public and non-public accounts are always searched in response to official requests and the records are provided as necessary. The AP couldn't independently verify the practice. It searched hundreds of pages of government emails previously released under the open records law and found only one instance of a published email with a secret address: an email from Labor Department spokesman Carl Fillichio to 34 coworkers in 2010 was turned over to an advocacy group, Americans for Limited Government. It included as one recipient the non-public address for Seth D. Harris, currently the acting labor secretary, who maintains at least three separate email accounts.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)
- **“Google Can't Find Any Reference On The Internet To The Secret Address For HHS Secretary Kathleen Sebelius.”** (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)
- **“Congressional Oversight Committees Told The AP They Were Unfamiliar With The Non-Public Government Addresses Identified So Far By The AP.”** (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

THE OBAMA ADMINISTRATION IS CREATING OBSTACLES FOR *THE ASSOCIATED PRESS* TO OBTAIN THE EMAIL ADDRESSES OF ITS APPOINTEES

U.S. Agencies Are Stonewalling On The Fulfillment Of The AP's FOIA Request

Most U.S. Agencies Have Failed To Meet *The Associated Press*' FOIA Request To Turn Over Lists Of Political Appointees' Email Addresses. “The scope of using the secret accounts across government remains a mystery: Most U.S. agencies have failed to turn over lists of political appointees' email addresses, which the AP sought under the Freedom of Information Act more than three months ago.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

- **Ten Agencies Have Not Yet Turned Over Lists Of Email Addresses To The AP.** “Ten agencies have not yet turned over lists of email addresses, including the Environmental Protection Agency; the Pentagon; and the departments of Veterans Affairs, Transportation, Treasury, Justice, Housing and Urban Development, Homeland Security, Commerce and Agriculture. All have said they are working on a response to the AP.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

- **“In Addition To The Email Addresses, The AP Also Sought Records Government-Wide About Decisions To Create Separate Email Accounts. But The FOIA Director At HHS, Robert Eckert, Said The Agency Couldn't Provide Such Emails Without Undergoing ‘An Extensive And Elongated Department-Wide Search.’”** (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

“The Health And Human Services Department Initially Turned Over To The AP The Email Addresses For Roughly 240 Appointees — Except None Of The Email Accounts For Sebelius, Even One For Her Already Published On Its Website.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

Despite Its Own Rules Limiting What It Can Charge News Organizations For Fulfillment Of FOIA Requests, The Labor Department Asked The AP To Pay Over \$1.03 Million For A List Of Email Addresses. “The Labor Department initially asked the AP to pay just over \$1.03 million when the AP asked for email addresses of political appointees there. It said it needed pull 2,236 computer backup tapes from its archives and pay 50 people to pore over old records. Those costs included three weeks to identify tapes and ship them to a vendor, and pay each person \$2,500 for nearly a month's work. But under the department's own FOIA rules — which it cited in its letter to the AP — it is prohibited from charging news organizations any costs except for photocopies after the first 100 pages. The department said it would take 14 weeks to find the emails if the AP had paid the money.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

- **The Labor Department “Later Acknowledged That The \$1.03 Million Bill Was A Mistake And Provided The AP With Email Addresses For The Agency's Senate-Confirmed Appointees, Including Three Addresses For Harris, The Acting Secretary.”** “Fillichio later acknowledged that the \$1.03 million bill was a mistake and provided the AP with email addresses for the agency's Senate-confirmed appointees, including three addresses for Harris, the acting secretary. His secret address was harris.sd(at)dol.gov. His other accounts were one for use with labor employees and the public, and another to send mass emails to the entire Labor Department, outside groups and the public. The Labor Department said it did not object to the AP publishing any of Harris' email addresses.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

UNDER OBAMA, AN ORGANIZATION IS LUCKY IF IT EVEN SEES A RESPONSE TO ITS FOIA REQUEST

In A Recent Transparency Dodge, The Department Of Veterans Affairs Cited The Sequester For Its Failure To Respond To FOIA Requests, Even Though It Is Exempt From The Sequester

The Department Of Veterans Affairs Tried To Blame Its Failure To Respond To FOIA Requests Made In December 2011 On Sequester Cuts, Even Though The Department Was Exempted From Sequestration. “Federal agency managers have told President Barack Obama that the budget cuts known as sequestration would likely cause mass layoffs, jeopardize military medical care and cut nutrition assistance to poor children. The spending cuts, which may total \$1.2 trillion over nine years, can also make a handy excuse for delaying departmental duties. The Department of Veterans Affairs, which Obama exempted from sequestration to protect veterans, last week tried blaming the cuts for its failure to respond to a Freedom of Information Act request we filed with the agency in December 2011.” (Kathleen Miller, “Veterans Agency, Exempt From Cuts, Attempts To Cite Cuts For Delay,” [Bloomberg](#), 6/3/13)

- **Bloomberg's FOIA Request Was For Documents Detailing “Hundreds Of Millions Of Dollars In Potentially Illegal VA Spending.”** “We wanted access to all documents detailing hundreds of

millions of dollars in potentially illegal VA spending with a pharmaceutical supplier. A lot has happened in the 17 months since the request was filed. The VA awarded a \$31.6 billion contract to McKesson Corp., which may have benefited from the questioned spending, in April 2012. Federal agencies began implementing the automatic budget cuts on March 1 of this year. And the VA still hasn't given us access to all the documents sought." (Kathleen Miller, "Veterans Agency, Exempt From Cuts, Attempts To Cite Cuts For Delay," [Bloomberg](#), 6/3/13)

FOIA Requests Are Not A Priority For Obama Officials

Last Year, The Obama Administration Responded To FOIA Requests At The Rate As It Did In The Same Previous Three Years, Fulfilling All Or Part Of 65 Percent Of The Requests And Rejecting More Than One Third. "The AP's analysis showed the government released all or portions of the information that citizens, journalists, businesses and others sought at about the same rate as the previous three years. It turned over all or parts of the records in about 65 percent of requests. It fully rejected more than one-third of requests, a slight increase over 2011, including cases when it couldn't find records, a person refused to pay for copies or the request was determined to be improper." (Jack Gillum and Ted Bridis, "FOIA Requests Being Denied More Due To Security Reasons Than Any Time Since Obama Took Office," [The Associated Press](#), 3/11/13)

In 2012, The Associated Press Report Found That The Government "Generally Took Longer" To Answer FOIA Requests. "The AP's analysis also found that the government generally took longer to answer requests. Some agencies, such as the Health and Human Services Department, took less time than the previous year to turn over files." (Jack Gillum and Ted Bridis, "FOIA Requests Being Denied More Due To Security Reasons Than Any Time Since Obama Took Office," [The Associated Press](#), 3/11/13)

- **"The Rate At Which The Government Granted So-Called Expedited Processing, Which Moves An Urgent Request To The Front Of The Line For A Speedy Answer, Fell From 24 Percent In 2011 To 17 Percent Last Year."** (Jack Gillum and Ted Bridis, "FOIA Requests Being Denied More Due To Security Reasons Than Any Time Since Obama Took Office," [The Associated Press](#), 3/11/13)
- **In 2012, The Obama Administration Waived Costs In 59 Percent Of FOIA Requests, Down From 64 Percent In 2011.** "Under increased budget pressure across the government, agencies more often insisted that people pay search and copying fees. It waived costs in 59 percent of requests, generally when the amount was negligible or the release of the information is in the public interest, a decline from 64 percent of cases a year earlier. At the Treasury Department, which faced questions about its role in auto bailouts and stimulus programs during Obama's first term, only one in five requests were processed at no charge. A year earlier, it granted more than 75 percent of fee waivers. The CIA denied every request last year to waive fees." (Jack Gillum and Ted Bridis, "FOIA Requests Being Denied More Due To Security Reasons Than Any Time Since Obama Took Office," [The Associated Press](#), 3/11/13)

IT'S NO WONDER THE OBAMA ADMINISTRATION WAS RELUCTANT TO RESPOND TO A FOIA REQUEST ASKING FOR EMAIL ACCOUNTS USED BY ITS EMPLOYEES

The AP Asked For Email Address Of Obama Appointees After It Was Revealed That Former EPA Administrator Lisa Jackson Created An Email Alias Under The Name Of "Richard Windsor"

The AP Asked For Appointee Email Addresses After It Was Revealed Last Year That Then-EPA Administrator Lisa Jackson Used Separate Email Accounts At Work. "The AP asked for the addresses following last year's disclosures that the former administrator of the Environmental Protection Agency had used separate email accounts at work. The practice is separate from officials who use personal, non-

government email accounts for work, which generally is discouraged — but often happens anyway — due to laws requiring that most federal records be preserved.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

The EPA Inspector General Is Investigating Jackson’s Use Of An Email Account Under The Name Of “Richard Windsor.” “Late last year, the EPA’s critics — including Republicans in Congress — accused former EPA Administrator Lisa Jackson of using an email account under the name ‘Richard Windsor’ to sidestep disclosure rules. The EPA said emails Jackson sent using her Windsor alias were turned over under open records requests. The agency’s inspector general is investigating the use of such accounts, after being asked to do so by Congress.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

- **After Initially Arguing That The Email Account Was Used Only For Routine Business, It Was Revealed That Jackson Has Used Account To Correspond With “Environmentalists Outside Government.”** “An EPA spokeswoman described Jackson’s alternate email address as ‘an everyday, working email account of the administrator to communicate with staff and other government officials.’ It was later determined that Jackson also used the email address to correspond sometimes with environmentalists outside government and at least in some cases did not correct a misperception among outsiders they were corresponding with a government employee named Richard Windsor.” (Jack Gillum, “Top Political Appointees Use Secret Email Accounts,” [The Associated Press](#), 6/4/13)

Obama’s Former Deputy Chief Of Staff Used His Private Email Account To Conduct Government Business During The ObamaCare Negotiations

As Obama’s Deputy Chief Of Staff, Jim Messina Used His Personal Email Address Instead Of His White House Address To Conduct Government Business. “The interactions between the Finance Committee and PhRMA were detailed in an earlier report from the Energy and Commerce Committee, but Messina’s use of his private email address — at issue because he was conducting government business on a non-government, undisclosed account — is a new revelation.” (Jennifer Epstein, “GOP: W.H., Messina ‘Failed’ On Transparency,” [Politico](#), 7/31/12)

- **Messina To PhRMA, From His Personal Account Days Before ObamaCare Passed: “I Will Roll [P]elosi To Get The 4 Billion.”** “‘I will roll [P]elosi to get the 4 billion,’ Messina wrote Pharmaceutical Research and Manufacturers of America (PhRMA) lobbyist Jeffrey Forbes from his personal account just days before the Affordable Care Act cleared Congress in March 2010. ‘As you may have heard I am literally rolling over the house. But there just isn’t 8-10 billion.’” (Jennifer Epstein, “GOP: W.H., Messina ‘Failed’ On Transparency,” [Politico](#), 7/31/12)