

Sharyl Attkisson

Good afternoon.

The Freedom of Information Act or FOIA should be one of the most powerful tools of the public and the press in a free and open society. Instead, it's largely a pointless, useless shadow of its intended self.

Federal bureaucrats paid tax dollars to act on our behalf routinely break the law with impunity, treating public material as if it's confidential, secret information to be controlled by a chosen few. They withhold it from us, its rightful owners, while sharing it with select partners such as corporations or other so-called "stakeholders."

In October, I filed a FOIA request when the CDC was not forthcoming about the epidemic of Enterovirus EV-D68 possibly linked to the deaths of 14 children and 115 paralyzed children.

In December, long past the supposed 20-day response time, I asked about the status. CDC answered incredibly that officials were just too busy with the Ebola crisis to fulfill my FOIA on EV-D68. Even now with the excuse of the Ebola crisis over, I still haven't been given any EV-D68 information eight months after I asked.

In 2013, the Defense Department finally responded to a FOIA request I'd made in 2003. Too late to be of use for the news story I was working on back then.

Filing a lawsuit against the government takes too much time and money, and the agencies still play the delay game in court. In court, the Justice Department—itsself among the worst of FOIA offenders—spends our tax dollars defending the offending federal agencies.

In one lawsuit I filed, the FBI spent months repeatedly claiming it didn't have information it had previously acknowledged having in writing.

I also filed a lawsuit for HealthCare.gov material I sought in 2012. Apparently the government didn't bother to start looking for documents I requested back in 2012—only now in 2015 are they doing so under court pressure. Documents provided so far are redacted beyond reason.

In 2014, when the State Department finally sent some documents responsive to a request I made in 2012, most of the content of relevant emails is redacted with the exception of the address line.

It should come as no surprise that federal agencies often treat Congress with the same disdain and lack of transparency. They guard and redact information as if Congress is the enemy rather than representatives of the rightful owners of the information. Federal officials create strict rules and reading rooms where members of Congress or staff may be allowed limited glimpses of requested material during certain hours of the day, all while under the watchful eye of a federal agency representative. Members of Congress may be forbidden from making copies. Sometimes note-taking is prohibited. This is not transparency.

The FOIA process is improperly politicized. Federal agency press flacks are notified and intervene when FOIA requests for possibly embarrassing information are made. FOIA law does not permit this political intervention, but it's routinely done.

Federal agencies increasingly employ new tactics to obfuscate and delay.
They say they don't understand the request.
They claim it's too broad.
They say a search would be unreasonable.

When they do provide a sensitive document, they redact nearly everything under exemptions such as b(5)—so overused, it's now nicknamed the "withhold it because you want to" exemption.

They claim they lack funding and staff. But they have created their own FOIA backlog by putting simple requests that should be fulfilled without requiring a FOIA to the end of a long FOIA queue.

Even when a court finds a federal agency violated FOIA law, the government pays any fines and costs with your tax dollars, so there's no deterrent to keep them from repeating the bad behavior.

Fixing FOIA is no easy task. We have learned that some federal officials use other tactics to avoid disclosure of their public actions. Some use private emails, personal servers, pseudonyms, text messages, all of which end up creating records that are not produced for FOIA requests. They instruct subordinates not to put public business in writing on email. And federal officials routinely fail to follow public records laws that require that they make a written record of verbal meetings for the public record.

In short, FOIA law was intended to facilitate the timely release of public information. Instead, federal officials have perverted it and use it to obfuscate, obstruct and delay. The broken system is not by accident, it's by design.

In my view, the only thing that could change things would be meaningful criminal penalties for violators.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name:

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2012. Include the source and amount of each grant or contract.

Ø

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

Ø

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2012, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

Ø

I certify that the above information is true and correct.

Signature:

Shayl Carrison

Date:

6/27/15

Sharyl Attkisson

Sharyl Attkisson is a five-time Emmy Award winner and recipient of the Edward R. Murrow award for investigative reporting. This Fall, she will host a new, national Sunday morning news program that focuses on investigative and accountability reporting.

Attkisson authored the New York Times bestseller *Stonewalled*. For thirty years, she was a correspondent and anchor at CBS News, PBS, CNN and in local news.

In 2013, she received an Emmy Award for Outstanding Investigative Journalism for her reporting on “The Business of Congress,” which included an undercover investigation into fundraising by Republican freshmen. She received two other Emmy nominations in 2013 for “Benghazi: Dying for Security” and “Green Energy Going Red.” Additionally, Attkisson received a 2013 Daytime Emmy Award as part of the *CBS Sunday Morning* team’s entry for Outstanding Morning Program for her report: “Washington Lobbying: K-Street Behind Closed Doors.”

In September 2012, Attkisson received the Emmy for Outstanding Investigative Journalism and the RTNDA Edward R. Murrow Award for Excellence in Investigative Reporting for the “Gunwalker: Fast and Furious” story.

Attkisson received an Investigative Emmy Award in 2009 for her exclusive investigations into TARP and the bank bailout. She received an Investigative Emmy Award in 2002 for her series of exclusive reports about mismanagement at the Red Cross.

Attkisson is one of the few journalists to have flown in a B-52 on a combat mission (over Kosovo) and in an F-15 fighter jet Combat Air Patrol flight.

Awards List:

2015

Kenneth Y. Tomlinson Award for Outstanding Reporting

"Courage in the Face of Power" Award, Weyrich Awards

2014

Pillar Human Rights Journalism Award for “Fearless Reporting in the Face of Government Retaliation.”

2013

Investigative Emmy Award for "Investigating Congress."

Investigative Emmy Award nomination for "Benghazi: Dying for Security."

Emmy Award nomination for "Green Energy Going Red."

Daytime Emmy Award as part of CBS Sunday Morning team Outstanding Morning Program for "Washington Lobbying: K-Street Behind Closed Doors."

Integrity in Journalism Award

Brian Terry Courage in Journalism and Reporting Award

Finalist, Gerald Loeb Business Awards for "The Business of Congress"

2012

Emmy Award for Outstanding Investigative Journalism for "Gunwalker: Fast and Furious."

RTNDA Edward R. Murrow Award for Excellence in Investigative Reporting for "Gunwalker: Fast and Furious."

2011

Emmy Award Nomination for Investigations of Congress: "Follow the Money."

Emmy Award Nomination for Investigating Aid to Haiti earthquake victims.

2010

Emmy Award for Outstanding Investigative Reporting of a Business News Story for series on the Bush Administration's Bait-and-Switch on TARP and the Bank Bailout.

Investigative Reporter and Editors Finalist Award for "Investigating TARP."

Loeb finalist for Television Breaking News for "Follow the Money: Bailout Investigation."

2009

Emmy Award Nomination for "Follow the Money."

2008

RTNDA-Edward R. Murrow Award for Overall Excellence (CBS team award)

2005

RTNDA-Edward R. Murrow Award for Overall Excellence (CBS team award)

2003

Emmy Award Nomination for Investigating Dangers of certain prescription drugs and vaccines; and conflicts of interest in medical industry.

2002

Emmy Award for Outstanding Investigative Journalism for series on mismanagement at the Red Cross: "Red Cross Under Fire."

2001

Emmy Award Nomination for "Firestone Tire Fiasco."

Civil Justice Foundation Special Commendation for Firestone Tire coverage.

2000

Investigative Reporter and Editors Finalist Award for series on the dangers of certain prescription drugs and vaccines.

Attkisson received several other awards for her reporting and producing, including a New York Black Journalists Association public service award, a Mature Media National Award, a Florida Emmy Award, a Sigma Delta Chi Award and a Florida Communicator's Award.