

DARRELL ISSA COMPLAINS THAT JANET NAPOLITANO TOOK A WHOLE YEAR TO CHANGE MICHAEL CHERTOFF'S INEFFICIENT FOIA PROCESS

Darrell Issa has no credibility when it comes to matters of transparency. We've seen Issa's rank hypocrisy in the past. He dismissed concerns about Karl Rove doing business on RNC emails as a political stunt. And he suggested that apparently deliberate attempts to dismantle email archives at the White House was all about technology.

So I'm not surprised his loud complaints that Department of Homeland Security politicized the FOIA process turned out to be oversold.

As it happens, both Issa's and Elijah Cummings' reports on this seem to miss the forest for the trees.

At issue is the process by which top DHS officials review—and are alerted to—sensitive FOIA releases. The policy in place up until July 2010 was put in place in 2006. That is, under Michael Chertoff. As I understand it, when certain high level issues were due to be released, the Secretary's office (whether it be Chertoff or Janet Napolitano) would be emailed the materials for review. In some cases, that review identified additional information that, for legal FOIA reasons, needed to be redacted. In other case, this review process simply alerted the Secretary to something he or she would be asked about in the press.

In other words, Darrell Issa is complaining about a process—and a burdensome email review process—inherited from Michael Chertoff. Since then, DHS has introduced an intranet system that has gotten the Secretarial review time to one day.

In addition, Issa appears to ignore how DHS has gotten rid of the largest FOIA backlog in history. In 2006, according to Mary Ellen Callahan's testimony, DHS had a backlog of 98,000 requests. When Napolitano took over, that backlog was 74,000 requests. The backlog is now 11,000.

This is the kind of thing Darrell Issa is bitching about.

Now I do have certain questions about what sparked all of this. Issa first latched onto the issue after this AP report—the most serious allegations of which the AP subsequently admitted they could not confirm. Call me crazy, but given the centrality of bad blood between a few career staffers here, I'd suggest the original article came right out of that bad blood. (And perhaps not coincidentally, the article came out in the same month as DHS switched to the more efficient Intranet process.)

But it also sounds like the Napolitano was particularly concerned about being alerted to sensitive requests in the early years of the Administration.

Unless I missed it, no one mentioned this debacle, Napolitano's embarrassment with the release of a Bush-initiated report on right wing domestic extremism. Mind you, witnesses admitted that part of the concern arose from the release of information that had been generated under the Bush Administration, so it's possible that this report was the reason for the sensitivity.

But I wonder whether part of the problem here all stems from the fact that the Bush DHS initiated a study on right wing extremists that was subsequently spun as a Napolitano project.