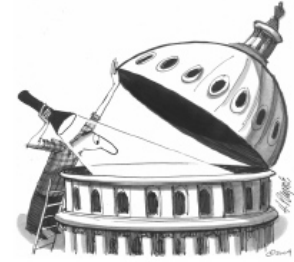


The Sunshine in Government Initiative



For Immediate Release

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Bill Seeks to Hide Pentagon Misconduct from the Public Eye

Pending FOIA exemption for Defense Intelligence Agency documents goes too far

WASHINGTON (Dec. 13, 2005) – Media groups are opposing federal legislation Tuesday that would allow the Defense Department to withhold from public disclosure unclassified information on prisoner abuses and employee misconduct.

The 2006 Defense Authorization Act (S. 1042) contains a provision that would give the Defense Intelligence Agency (DIA) a blanket exemption from the Freedom of Information Act for unclassified or declassified operational files. The defense bill is pending in a Senate/House conference.

The same FOIA exemption is also included in the Senate’s 2006 Intelligence Authorization Act (S. 1803).

Files in this category recently released under FOIA include reports detailing abuses of detainees in Iraq, illegal detainment of non-combatants, criminal misconduct by DIA employees and unfair treatment of DIA officers who reported mistreatment.

The Sunshine in Government Initiative, a coalition of nine of the nation’s leading media groups, has joined other advocacy groups in asking that the exemption be removed from both bills.

“The exclusion of these DIA records from FOIA would seriously impact the public’s right to know and should not be done without public hearings and full public debate,” said the Sunshine in Government Initiative Tuesday in a letter to Congress.

The DIA sought a similar provision in 2000, but Congress rejected it.

While the CIA enjoys a broad FOIA exemption for its operational files due to the clandestine nature of its methods, the DIA collects much of its information through open sources and routinely declassifies and releases documents. Declassified material has proven extremely valuable to informed debate on government policy.

Any documents the DIA has legitimately classified to protect national security would already be covered by the standard FOIA exemptions. Therefore, the FOIA exemption being proposed

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in the authorization bill would pertain only to unclassified or declassified material. Because federal law prevents government agencies from classifying material to conceal illegal or embarrassing activity, this exemption could shield such activity against public or congressional scrutiny.

The Sunshine in Government Initiative supports policies that ensure the government is accessible, accountable and open. The group's members include the American Society of Newspaper Editors, The Associated Press, Coalition of Journalists for Open Government, National Newspaper Association, Newspaper Association of America, Radio-Television News Directors Association, Society of Professional Journalists, The Reporters Committee for Freedom of the Press, and the Association of Alternative Newsweeklies.

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