



Society of Environmental Journalists

P.O. Box 2492

Jenkintown PA 19046 USA

Phone: (215) 884-8174 • Fax: (215) 884-8175

sej@sej.org • www.sej.org

Board of Directors

President: Jeff Burnside
KOMO-TV, Seattle

Vice President, Programs
Jennifer Bogo
Popular Science

Vice President, Membership
Kate Sheppard
Huffington Post

Treasurer: Don Hopey
Pittsburgh Post-Gazette

Secretary: Christy George
Independent Producer

Imelda Abano
Philippine Enquirer

Ashley Ahearn
KUOW-FM, Seattle

Douglas Fischer
dailyclimate.org

Elizabeth Grossman
Freelance Journalist

Robert McClure
InvestigateWest

Susan Moran
Independent Journalist

Mark Schleifstein
NOLA.com | The Times-Picayune

Roger Witherspoon
Freelance Journalist

*Representative for Academic
Membership:* David Poulson
Michigan State University

*Representative for Associate
Membership:* Meaghan Parker
Woodrow Wilson Center

Founding President: Jim Detjen
MSU Knight Chair (retired)

SEJournal Editor
A. Adam Glenn, *CUNY*

Executive Director
Beth Parke

The Honorable Barack Obama
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

October 23, 2014

Dear President Obama:

As a journalism organization dedicated to transparency and open government, the Society of Environmental Journalists (SEJ) applauded the memo issued on the first full day of your presidency, directing agencies to adopt a presumption in favor of disclosure under the Freedom of Information Act (FOIA). Our hopes were lifted when you pledged that your administration would be the most transparent in modern history. Today, more than five years later, we face many challenges in fulfilling your day-one commitment.

SEJ is an educational membership association of more than 1200 journalists, students and educators seeking to improve environmental coverage, to advance public understanding of critically important issues. Through our Freedom of Information Task Force, we advocate information policies that make reporting on government activities more robust.

We have been encouraged this year to see bipartisan bills that would strengthen the Freedom of Information Act moving in both House (HR 1211) and Senate (S 2520) moving in Congress. But without an extra impetus, no such legislation may be enacted in the 113th Congress. It surprises us to note that your administration has not taken a public position on these bills, and we hope you can offer leadership that will make a difference.

We are aware of similar urgings from a coalition of open-government groups organized by OpenTheGovernment.org. With this letter, we want to reinforce the legislative agenda they have urged you to support as legislation to improve FOIA is pending. We summarize:

1. The presumption of disclosure must be codified if your commitment to an open government is to survive your presidency.
2. The foreseeable harm standard mandated by Attorney General Eric Holder's March 19, 2009 memorandum to heads of all executive departments and agencies also must be codified.
3. Exemption 5 of the FOIA – which authorizes agencies to withhold inter- and intra-agency memoranda that fall within civil discovery privileges – must be amended to



*Strengthening the quality, reach and viability of journalism across all media
to advance public understanding of environmental issues*

add a public interest balancing test, at least for material protected by the deliberative process privilege.

4. Information created 25 or more years before the date of any FOIA request should not be subject to withholding under FOIA exemption 5.

5. The FOIA must be amended to implement the clear congressional intent of the 2007 FOIA amendments that agencies that delay responding to FOIA requesters past the statutory deadlines cannot charge fees.

6. Legislation is needed to enhance and expand the role of the Office of Government Information Services (OGIS).

Taking a position on these questions now would demonstrate that you are serious about your stated goal of more open government. It would also provide the leadership that Congress sometimes needs to get even uncontroversial things done. Legislation is needed to permanently accomplish the goals set forth above. Accomplishing them would be a valuable legacy for your administration.

We look forward to hearing from your administration on these issues that are essential to open government and the public interest, and stand ready to work with you on any of them.

Sincerely,

Jeff Burnside, President

Society of Environmental Journalists