



Written by [Michael Tennant](#) on November 20, 2012

House Committee Investigates EPA's Secret E-mail Accounts

Citing “a pattern of behavior directed at subverting transparency,” the House Committee on Science, Space, and Technology is requesting information from Environmental Protection Agency (EPA) administrator Lisa Jackson (pictured) concerning secret e-mail accounts she and other senior EPA officials are allegedly using to circumvent federal openness laws.



According to a lawsuit filed by the Competitive Enterprise Institute (CEI), Jackson has used e-mail accounts under more than one alias, among them “Richard Windsor,” enabling her to make policy away from public view. Considering that Jackson has been hailed by [Rolling Stone](#) as the EPA’s “most progressive chief ever — and one of the most powerful members of Obama’s Cabinet,” this is certainly cause for concern.

CEI’s Christopher Horner discovered the deception while researching for his recently published book *The Liberal War on Transparency*. In his book he “revealed the existence of a series of black, or ‘alias’ email accounts used by EPA administrators,” Horner blogged at [National Review Online](#). “These were actively instituted by none other than [former EPA administrator] Carol Browner, who designed her own secret address, for an account that I also learned was set to ‘auto-delete.’”

You remember Ms. Browner? She’s the lady who suddenly ordered her computer hard drive be reformatted and backup tapes be erased, just hours after a federal court issued a “preserve” order that her lawyers at the Clinton Justice Department insisted they hadn’t yet told her about? She’s the one who said it didn’t matter because she didn’t use her computer for email anyway? Yes, that one.

Concealing and destroying official communications, therefore, appears to be a way of life at the EPA. Since his book was published, Horner wrote, “not one but *two* former fairly senior EPA officials have contacted me to provide the alias used by [Jackson] to keep her mail secret. I was told it was ‘one of the alternate email addresses she used.’”

CEI filed three separate Freedom of Information Act (FOIA) requests for documents related to the alias accounts in May, then filed suit after the EPA stonewalled. “The agency has yet to produce any documents in response to the FOIAs, claiming it cannot do so until CEI provides assurance that it will pay any costs incurred in researching and reproducing relevant documents,” reported the [Washington Examiner](#). “The CEI suit points out that it can’t provide such assurance since EPA has never given an



estimate of the costs.”

The House Science Committee, chaired by Rep. Ralph Hall (R-Texas), is investigating CEI’s allegations.

“Federal law requires agencies to preserve all internal records associated with agency activities and prohibits the use of private email accounts for Government business, absent agency procedures to ensure tracking and storage of messages over such accounts,” the committee said in a [press release](#).

“The use of alias and private accounts that are hidden from staff responsible for retaining and providing access to records calls into question the fidelity of previous responses to not only the public through FOIA, but also to the Office of the Inspector General as well as Congress.”

The committee sent [letters](#) to Jackson; White House Counsel Kathryn Ruemmler; and the inspectors general (IG) of the EPA, the Department of Commerce (DOC), and the Department of Energy (DOE). The committee is seeking documents from Jackson specifically related to the alleged alias accounts; the remaining letters ask for “a review of how the various agencies are complying with the law and fulfilling the President’s transparency pledge,” according to the press release.

The letters note that while Obama promised “an unprecedented level of openness in Government,”

actions by the Administration on transparency have fallen far short of the President’s rhetoric, in many instances trending *away* from transparency and toward greater secrecy.... This behavior appears to violate the Federal Records Act (FRA), and perhaps the Presidential Records Act (PRA), the Freedom of Information Act (FOIA), as well as many other statutes designed to facilitate transparency and oversight.

The panel cites several examples of such behavior.

First, of course, are the alleged secret e-mail accounts at the EPA. “The use of these accounts,” the letters state, “could seriously impair records collection, preservation, and access, therefore compromising transparency and oversight,” a violation of the FRA.

Then there is the National Oceanic and Atmospheric Administration’s (NOAA) attempt to withhold from public view all agency records related to work performed by one of its employees, Dr. Susan Solomon, by claiming she was “detailed” to the Intergovernmental Panel on Climate Change. The DOC’s IG “found no evidence” of such detailing and concluded that “NOAA did not adequately process these FOIA requests.”

“At least fourteen DOE officials used non-government accounts to communicate about the loan guarantee program and other public business,” the committee writes, quoting the House Energy and Commerce Committee. “In several instances,” the panel adds, “Jonathan Silver, the DOE Loan Program Office Director, explicitly directed others to keep loan guarantee communications secret by not linking public and private email accounts, and sent emails detailing official government business using his private email account.”

The White House Office of Science and Technology Policy (OSTP) has also been caught “conduct[ing] official business on a private account,” the letters report. After one OSTP official was reprimanded for doing this and all staffers were reminded to avoid it, another one proceeded to do the same thing. What’s more, his e-mail suggested that he and his correspondent conduct an official meeting at a coffee shop near the White House rather than within the confines of the executive mansion to avoid both the hassle of getting through White House security and the requirement to appear on the White House visitor log. This, the committee observes, also fits a pattern of holding meetings, arranged via private e-



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mail accounts, with lobbyists in locations outside the White House “in order to evade disclosure on White House visitor logs,” as reported by the [New York Times](#) in 2010.

“All of these incidents point to a pattern of behavior directed at subverting transparency,” the committee quite logically concludes.

How much success the committee — or CEI, via its lawsuit — will have in wresting documents from the Obama administration remains to be seen. The administration has been far from forthcoming in other cases, and with things such as “cap-and-trade” at stake, it is unlikely to be any more so in this instance. Besides, with Obama safely reelected and the Senate in Democrats’ hands for at least two more years, what does the administration have to lose by clamming up?

Photo of EPA Administrator Lisa Jackson: AP Images



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