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ACLU Says Homeland Security Department Long on Secrecy, Short on Needed Accountability

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WASHINGTON – The American Civil Liberties Union today said that the Bush Administration’s legislative proposal to create a new cabinet-level Homeland Security Department would establish an agency long on secrecy and short on much needed accountability. The Administration’s plan, the ACLU said, represents a threat to the American tradition of open government.

“If you like the idea of a government agency that is 100 percent secret and 0 percent accountable, you’ll love the new Homeland Security Department,” said Timothy Edgar, an ACLU Legislative Counsel. “The Administration’s plan exempts the new agency from a host of laws designed to keep government open and accountable and to protect whistleblowers.”

The Administration’s Homeland Security Department proposal was the subject today of a hearing in the Senate Governmental Affairs Committee, chaired by Sen. Joseph Lieberman (D-CT); the House Government Reform Committee will examine the proposal this afternoon.

The ACLU applauded Congress’ initiative in holding hearings this week, and urged that Members ask hard questions of the proposal such as those posed earlier this week by Republican Sen. Charles Grassley of Iowa. Of most concern to the ACLU (and, intriguingly, to Senator Grassley) are elements of the plan that would:

- **Hobble FOIA** -- Any information voluntarily submitted to the department about terrorist threats to the nation’s infrastructure are exempt from Freedom of Information Act disclosure, essentially eliminating the agency’s responsibility to answer public questions about how well it is addressing these threats.
- **Limit citizen input** – Advisory committees to the department, which normally include citizen input, would be immune from this requirement, further undercutting the agency’s accountability to the public.
- **Lacks strong oversight** – Given the enormous potential power of the proposed agency, its Inspector General must not be hampered like those in other federal agencies. Currently, the cabinet secretary in charge would have veto power over the IG’s audits and investigations.
- **Muzzle whistleblowers** – Employees of the new agency could be stripped of the protections contained in the federal Whistleblower Protection Act, eliminating guarantees that -- were the agency to overreach its mandate or engage in questionable activities – it could be found out and held accountable to the American public. Protection for the bravery like that displayed by FBI Agent Coleen Rowley would not exist in the new agency.
- **Threaten personal privacy** – Many of the information sharing provisions in the plan are vague and do not protect privacy.

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