



FEDERATION OF AMERICAN SCIENTISTS

T: 202/546-3300
F: 202/675-1010

1717 K Street NW #209 Washington, DC 20036

www.fas.org
fas@fas.org

Board of Sponsors (Partial List)

- * Sidney Altman
- * Philip W. Anderson
- * Kenneth J. Arrow
- * Julius Axelrod
- * David Baltimore
- * Baruj Benacerraf
- * Paul Berg
- * Hans A. Bethe
- * J. Michael Bishop
- * Nicolaas Bloembergen
- * Norman Borlaug
- * Paul Boyer
- * Ann Pitts Carter
- * Owen Chamberlain
- * Morris Cohen
- * Stanley Cohen
- * Mildred Cohn
- * Leon N. Cooper
- * E. J. Corey
- * James Cronin
- * Johann Deisenhofer
- * Ann Druyan
- * Renato Dulbecco
- * Paul R. Ehrlich
- * George Field
- * Val L. Fitch
- * Jerome I. Friedman
- * Robert Furchgott
- * John Kenneth Galbraith
- * Riccardo Giacconi
- * Walter Gilbert
- * Donald Glaser
- * Sheldon L. Glashow
- * Marvin L. Goldberger
- * Joseph L. Goldstein
- * Roger C. L. Guillemin
- * Herbert A. Hauptman
- * Dudley R. Herschbach
- * Roald Hoffmann
- * John P. Holdren
- * David H. Hubel
- * Jerome Karle
- * Carl Kayesen
- * H. Gobind Khorana
- * Arthur Kornberg
- * Edwin G. Krebs
- * Willis E. Lamb
- * Leon Lederman
- * Edward Lewis
- * William N. Lipscomb
- * Jessica T. Mathews
- * Roy Menninger
- * Matthew S. Meselson
- * Mario Molina
- * Philip Morrison
- * Stephen S. Morse
- * Ferid Murad
- * Joseph E. Murray
- * Franklin A. Neva
- * Marshall Nirenberg
- * Douglas D. Osheroff
- * Arno A. Penzias
- * Martin L. Perl
- * George Rathjens
- * Burton Richter
- * Richard J. Roberts
- * J. Robert Schrieffer
- * Andrew Sessler
- * Phillip A. Sharp
- * K. Barry Sharpless
- * George A. Silver
- * Richard E. Smalley
- * Robert M. Solow
- * Jack Steinberger
- * Joseph Stiglitz
- * Henry Taube
- * Daniel Tsui
- * Charles H. Townes
- * Frank von Hippel
- * Robert A. Weinberg
- * Steven Weinberg
- * Storsten N. Wiesel
- * Alfred Yankauer
- * Herbert F. York
- * Nobel Laureate

October 22, 2003
(202)454-4691
saftergood@fas.org

Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 4322
Washington, DC 20530
By fax: (202)616-9898

Dear Sir:

I am writing to report a possible violation of law by Department of Justice (DoJ) officials involving the unauthorized withholding of information.

The matter concerns a DoJ report entitled "Support for the Department in Conducting an Analysis of Diversity in the Attorney Workforce" dated June 14, 2002. A copy of the report is posted in heavily censored form here:

<http://www.usdoj.gov/04foia/readingrooms/diversityanalysis.pdf>

The title page of the report indicates that "All excisions are made pursuant to Exemption 5 of the FOIA." As discussed below, I believe this statement to be materially false.

Due to a procedural flaw in redaction, a completely uncensored version of the report inadvertently became public shortly after publication. The uncensored version has been posted on the world wide web here:

<http://www.thememoryhole.org/feds/doj-attorney-diversity.htm>

Upon inspection, it appears that many if not most of the originally withheld portions are not properly exempt from disclosure under Exemption 5 of the FOIA, which pertains only to predecisional, deliberative material.

Far from being "deliberative," the withheld portions of the document are in large part factual in nature, presenting the findings of a survey. These are objective data that are clearly segregable from the advisory recommendations contained in the report (which may properly be exempt from disclosure).

The withholding of such information is a disservice to the important subject matter of the report. But more broadly, it calls into question the good faith of the Department's information policies as a whole.

The arbitrary withholding of information from the public is a terribly corrosive practice that undermines confidence in government.

The unintended disclosure of the full text of this report suggests that Department officials are routinely withholding information in bad faith, or that they are acting in ignorance of the binding disclosure requirements of the Freedom of Information Act.

I therefore request that the Office of the Inspector General review the passages in the DoJ diversity report that were intended to be withheld from public disclosure.

If you conclude that the withheld material was in fact subject to mandatory disclosure under the provisions of the Freedom of Information Act, I request that you take appropriate remedial action.

Respectfully,

Steven Aftergood
Senior Research Analyst