

12 May 2009

Laurence Summers, Chair
The White House - National Economic Council
1650 Pennsylvania Avenue
Washington, DC 20500

Fax: 202-456-3341

re: FOIA Request & Non-Response

Dear Mr. Summers, et al.:

On May 7 I presented a Freedom of Information Request by fax, and sent it by certified mail; on May 11 White House Asst. Counsel Blake Roberts called with a reply by phone: He commended my interest in the National Economic Council, assured that better public information was forthcoming on-line, and stated that the Executive Office of the President was "excepted" from FOIA - *so no documents would be provided*.

I then asked that this denial be conveyed by letter, stating exclusions & authorities... he refused this also, saying that he had called as a courtesy, however EOP was not required to make any Response under FOIA rules, so none would be sent.

- I believe that this interpretation of FOIA exceptions is overbroad, at risk of arbitrary closure of policymaking records in Executive agencies, and a critical loss of transparency: It is reasonable to protect staff colloquy and counsel *within* such agencies - not to wholly insulate their factual grounds, proceedings, and policy decisions from public disclosure.

The Act as amended explicitly includes the Executive Office of the President within the definition of "agency", for its purposes. 5 U.S.C. 552(f)(1). Note also that President Obama took a strong stand for openness under FOIA, as one of his first acts in office:

"All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA." (Memorandum for the Heads of Executive Departments and Agencies; January 21, 2009.)

My Request honors advisory privilege in EOP, narrowly addressing *"only 'official' presentments and final actions of the NEC"*—which are inherently public actions, fully within the intent of FOIA. Moreover given the exigent nature of economic policy formations advanced by this agency, they are matters of compelling public interest.

I have brought substantial research and experience to the NEC, in the *"Industrial Disease"* essay and related writings since March, with more to come. Among able observers I join a consensus of concern over new policy missteps, and missed opportunities. We need a serious public dialogue on the shape of the future economy, but this cannot be meaningful without accountability on the NEC's premises, priorities, and work products.

Please reconsider your FOIA position, and Respond accordingly.

Respects,

Scott C. Addison ~ St. Louis, MO