



The Environmental Law Center  
of the American Tradition Institute

## PRESS RELEASE

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Today, the Environmental Law Center filed a lawsuit against the Environmental Protection Agency (EPA) on behalf of the American Tradition Institute (ATI) in federal district court in Washington, DC. ATI seeks to compel EPA to end its eight-month stonewall of two requests under the Freedom of Information Act (FOIA) regarding EPA's close working relationship with two pressure groups with which EPA has uncomfortably close ties, at great taxpayer expense.

The complaint cited to journal papers and media reports in supporting its description that:

“These two groups are the subject of heightened public interest for their close relationships with Defendant. [American Lung Association, or ALA] presents a ‘prototypical transition...to an organization actively engaged in lobbying and seeking funding from both government agencies and private firms in return for promoting their agenda’, lobbies and litigates for greater authority for EPA, runs billboard campaigns against politicians who challenge EPA, and has received \$20,405,655 from EPA in the last 10 years for its programs. The Sierra Club employs a similar model and has close working relationships with senior Agency officials.”

The latter of course particularly refers to Sierra having promptly hired disgraced EPA Region 6 Administrator Al Armendariz, expressly to continue his work against a particular domestic industry (coal). Armendariz left EPA after a videotape revealed him acknowledging he expressed his “philosophy of enforcement” to EPA enforcement staff as akin to random crucifixions, used to keep subjects suitably respectful and “really easy to manage for the next few years.”

In an affidavit filed with yesterday's complaint, ATI informed the court that one of the two FOIA specialists assigned these distinct requests admitted that a supervisor instructed her and a colleague to perform no work on them. Following this, EPA constructed a *cul de sac* of refusing to perform a search for responsive records until ATI agreed to pay estimated fees -- which by law non-profits typically do not pay under FOIA -- but which estimates EPA then refused to provide.

“This is just the latest shoe to drop in a disturbing history by this administration to keep the taxpayers from learning ‘what their government is up to’, as the Supreme Court once noted about why we have the FOIA”, said ATI counsel Christopher Horner. Horner recently also exposed EPA administrator Lisa Jackson's use of a false-identity email account apparently to hide certain sensitive correspondence.

Horner continued, “Administration tactics we have found include senior government officials using false-identities, GMail, AOL and other private email accounts, private computers and servers, industry groups as go-betweens to avoid a paper trail, and even elaborate systems to destroy the government's copies of records that, apparently, would be problematic if the public learned of them.” Horner detailed these examples in a recently released book, *The Liberal War on Transparency*.

Director of ATI’s Environmental Law Center, David Schnare, PhD, a former EPA enforcement attorney who is now also lead counsel in ATI’s “gas chamber” case challenging EPA’s illegal human experimentation, noted “This is not the EPA I once knew. The Agency has a long history of public service, but is repeatedly failing to obey its own regulations – to the detriment of a public overwhelmed by a regulatory onslaught increasingly depriving the nation of jobs without meaningful protections in return.”

EPA owes requesting parties a substantive response within twenty working days, at minimum indicating an intention to process the request, followed by a statement of how many responsive records were found and an expected production timetable. Four months ago EPA agreed with ATI on appeal that the Agency had not responded, promised to do so, and proceeded to ignore the requests and each of ATI’s efforts to obtain cooperation. In short, EPA is stonewalling, with the added element of one of its employees having admitted to how the stonewall was orchestrated.

EPA now must come to court to defend the indefensible.

If you wish an interview with Mr. Horner or Dr. Schnare , please contact ATI at [info@atinstitute.org](mailto:info@atinstitute.org).

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