

★ editorial

OUR PURPOSE

To actively influence and impact a better quality of life in Middle Tennessee

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GUEST EDITORIAL

U.S. government fares poorly on disclosure

On his first day in office in 2009, President Barack Obama promised that transparency would be one of the “touchstones of this presidency.”

Advocates for open government were ecstatic at the promise of less secrecy and the president’s directive to all government agencies that “in the face of doubt, openness prevails.”

Too bad the message got lost in the mail. Or the email. Even six years later, many federal agencies haven’t gotten it.

They slow-walk requests under the Freedom of Information Act (FOIA), which was passed a half-century ago to ensure public access to government business — which, in fact, is the people’s business.

Delays can last for years. Long before news broke this month that Hillary Clinton used private email for government business while she was secretary of state, The Associated Press had sought records from Clinton’s tenure. The AP made its first request five years ago. Last week, tired of waiting, it filed suit to force release.

How tenaciously does government guard its secrets? One group has been

FEDERAL AGENCY GRADES

Departments’ disclosure practices:

- » Agriculture, B
- » Social Security, B-
- » Justice, C
- » Homeland Security, D+
- » Transportation, D+
- » Treasury, D+

- » EPA, D
- » Veterans Affairs, D
- » Defense, D-
- » HHS, F
- » State, F

Source: The Center for Effective Government

battling the State Department for more than 13 years for details of phone conversations of former Secretary of State Henry Kissinger in the 1970s.

This arrogant attitude — that government information doesn’t belong to the people — extends even to issues of public safety.

Last year, after reports that 19 veterans died and dozens were injured by delays in medical screenings at VA hospitals, the Department of Veterans Affairs refused to release the names of the hospitals. The VA denied FOIA requests from a reporter. After a battle and pressure from Congress, the VA finally relented.

In general, agencies don’t relent. They deny all or key parts of requests, often by stretching the meaning of the law.

The government can, for instance, withhold information that reveals how policy decisions were reached — an exemption so subjective it can be stretched to cover just about anything. The Obama administration reduced use of such denials during its first two years. But in 2013, it used the exemption more than 81,000 times — an increase of 50 percent over George W. Bush’s last year in office.

When government opens public records, the benefits can be enormous. The

administration, to its credit, has decided to release data annually on what Medicare pays doctors — data that can reveal patterns of fraud and waste.

And while many agencies lag, 40 percent now have digital reading rooms with easy access to certain electronic records.

So how can more public records be made truly public?

For starters, Congress should pass a pending measure to establish a legal “presumption of openness” and place a time limit on government’s ability to withhold data under the much-abused decision-making exemption.

The rest will take strong leadership. Last week, during the flap over Clinton’s private email account, Obama repeated that his administration’s policy “is to encourage transparency.”

Obama is the boss of the bureaucracy. If he wants that message to get through to the entire government, he needs to do more than encourage. He needs to make it a priority.

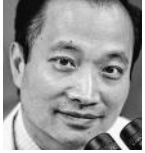
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TENNESSEE VOICES

Giving Tennesseans ‘right to try’ is right thing to do

Ming Wang, MD, Ph.D.

The United States of America is touted as being the freest and most advanced nation in the world. Millions immigrate to the land of opportunity every year, many searching for access to liberties not afforded to them in their native countries.



Wang

So why are Americans who have been diagnosed with terminal illnesses like stage IV cancer or ALS being forced to seek potentially lifesaving medications in foreign countries? Because the Food and Drug Administration has been one of the most bureaucratic, slowest and most ineffi-

cient medical treatment approval agencies in the world — and yet it still maintains a monopoly over medicinal access for the most revolutionary nation in the world.

As a former panel consultant to the U.S. FDA Ophthalmic Device Panel, I am intimately familiar with the FDA approval process for medical devices and drugs. The three-phase process established by the FDA has become encumbered by a vast amount of red tape.

Phase I focuses on safety and effectiveness before the clinical trial testing is conducted in phases II and III. In all, it takes 10-15 years and an average of \$800 million for a drug to become available to the public. Half a million cancer patients and thousands with other terminal illnesses

die each year waiting for access to already-developed drugs that have proven effective at treating or reversing their conditions in clinical trials.

The FDA has a “compassionate use” provision intended to provide expedited access to terminally ill patients, but it requires physicians, doctors and pharmaceutical manufacturers to pass through burdensome hoops before gaining access to much-needed medication. Although the FDA recently amended the application process for compassionate use to reduce the amount of doctor hours needed to complete the forms, applicants must still send their pleas to Washington and wait to hear whether they’ve been approved — a decision that can be rendered based on a subjective va-

riety of medical and non-medical factors. Since the FDA requires additional approval from an institutional review board, a doctor and a patient must then endure ongoing delays. That’s often time they simply don’t have.

In response to the FDA’s inefficient stranglehold over access to critical medications for our terminal patients, Tennessee legislators have filed “Right to Try” legislation similar to laws already passed in Colorado, Missouri, Michigan, Louisiana and Arizona. Right to Try would allow Tennesseans who have been diagnosed with a terminal illness access to experimental medications that have been deemed safe in phase I of the FDA approval process.

Rather than sending arduous applications up to

Washington at the whims of a federal bureaucracy, these patients can work with their doctors to request the medications directly from pharmaceutical manufacturers. Contrary to the mandate-heavy trends burdening much of our health care system, Right to Try is free from any mandates upon manufacturers or insurance companies to provide or cover the costs of investigational drugs.

While five states have passed Right to Try, it is expected that at least 22 others, including Tennessee, are poised to pass this critical reform in 2015. If the FDA cannot sufficiently accelerate the approval process, particularly for our terminally ill, the only option that our patients have is to pursue legislation at the state level that attempts to com-

pensate for these bureaucratic inefficiencies.

Understanding that drugs made available under Right to Try have passed the FDA’s safety testing phase, there is no excuse that potentially lifesaving treatments are withheld from patients with proper medical guidance and the supervision of physicians. Tennessee should become the next Right to Try state. It is the right thing to do for our most vulnerable.

Ming Wang, MD, Ph.D., is the director of Wang Vision 3D Cataract & LASIK Center, clinical associate professor of ophthalmology of the University of Tennessee and former panel consultant to the U.S. FDA Ophthalmic Device Panel. He can be reached at drwang@wangvisioninstitute.com, 615-321-8881 and www.wangcataractLASIK.com.

LETTERS TO THE EDITOR

Drop salt and improve roads

If you drive around Nashville, you will see signs warning you of potholes. Some are very rough and you can’t dodge them if someone is in the lane next to you.

Granted, we have had a very unusual three weeks of snow and cold, but that is not the main problem with potholes. It is the use of salt. Salty water freezes about 4 or 5 degrees lower than fresh water. Salt is not effective much below 26 degrees on the road surface.

When the ambient temperature falls well below that, the road temperature follows suit, and what you end up with is new ice that has frozen at a lower temperature than if no salt were used.

Salt forms a mild solution of hydrochloric acid, which can destroy the road surface and exposed vehicle parts. Plus, it eventually runs off in sewers and drains and into streams, where it lowers the pH of the water. Tire centers and alignment shops love it.

Calcium chloride works much better than sodium chloride, but is more expensive. The best choice is sand and/or crushed limestone.

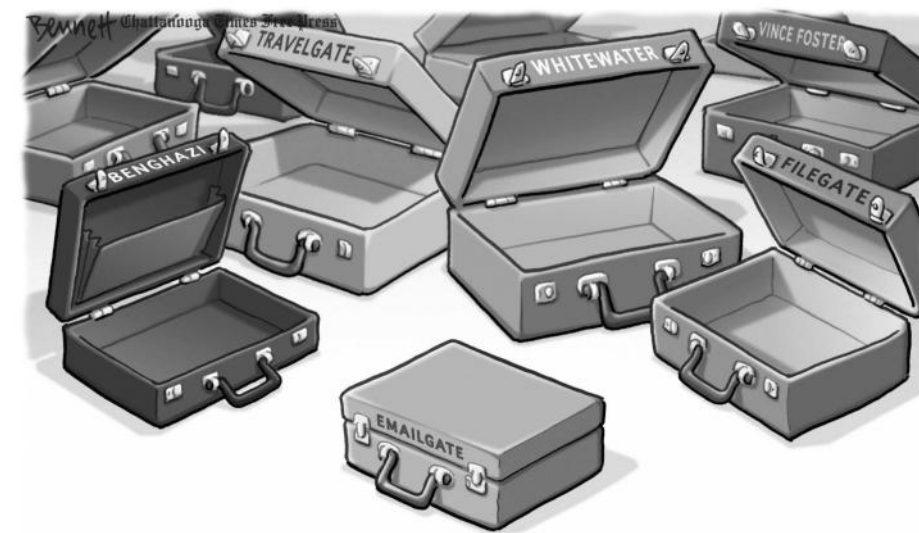
Jurisdictions that disallow salt don’t have pothole problems or environmental issues. In the long run, it is cheaper than salt. I suspect that the salt and salt equipment industries are big supporters of state and city government. However, I don’t know that for a fact.

VICTOR HUNDT
Franklin 37069

Why so many gun bills?

Re: “Guns-in-parks, other gun bills advance,” March 11.

Just when I thought that Tennessee



Hillary's Baggage

lawmakers might be getting their act together, they’re off again, supplying material for the late-night-comedy talk shows. Our lawmakers are bound and determined to keep Tennessee the laughingstock of the country.

It kind of makes you wonder: Who are they afraid of? Could it be the young mothers pushing strollers in the parks, or the elderly walking their dogs? Or maybe it’s the junior high kids on outings, or perhaps the joggers.

If you were to tell me they’re going to allow guns in the General Assembly, that would make more sense. Knowing people can pack heat there might reassure those timid souls.

Personally, I think they’ve been

bought and paid for by lobbyists for the firearms industry. The implied threat is: Pass our bill or, come next primary, instead of giving you a hefty campaign contribution, we’ll donate it to your opponent.

There are more important problems waiting for the legislature to solve — problems dealing with education, bullying in school, mass transit, immigration and the lack of sidewalks contributing to childhood obesity. Perhaps gun bills serve to obscure the real problems they aren’t savvy enough to solve.

RICHARD ROMFH
Nashville 37221

Column affirms truth about Andrew Jackson

Re: “Jackson most infamous as anti-Native American president,” by Albert Bender, March 15.

Thank you to Mr. Bender for sharing some truthful history of Andrew Jackson and his sad treatment of American Indians.

The Hermitage is the last place any person should go for an understanding regarding Jackson and the events of this period involving Native Americans.

If the Indian Removal Act did not happen by fiat, it was the closest you can get, with Jackson coercing Congress to approve it. The events and actions during Jackson’s time, and the centuries of genocide against American Indians, are not open to interpretation — they were clear. Mr. Kittell wants to excuse Jackson because you cannot remove a man from his time. Many people have stood up to injustice during their time and are commended for it. Jackson is definitely not one of them.

If a person wants to know the truth about this unfortunate period in American history, they should take a trip to Oklahoma. Stop in Tahlequah, Muskogee and other cities and visit any number of Indian centers and museums.

Mr. Kittell points out that Jackson was an inspiration and revered by presidents. They probably read my grandmother’s 1885 history book that states that people found here were wild savages. Men’s occupations were hunting, fishing and war, with women doing the hard work. How sad. Take a trip to Oklahoma, Mr. Kittell. Thank you, Mr. Bender.

KENNETH BACONE
Lebanon 37087

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QUESTIONS?

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