

What, If Anything, Is The Attorney General's Office Hiding?

Article By:

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In January, I decided to update an earlier post regarding the number of calls made to the *California Attorney General's* hotline mandated by **Labor Code Section 1102.7**. A few years earlier, I had published these data for the years from 2004 to 2010. Much to my amazement, the Attorney General's office declared the more recent data to be a "state secret". See [California AG Declares Whistleblower Tally A State Secret](#). I persevered and after several emails, the Attorney General's office relented. See [Revealed! The Numbers The Attorney General Didn't Want You To See](#).

I then decided to follow up and request the information that the Attorney General's office is *required by statute* to disclose. Government Code Section 6254(f)(2). Yesterday, I received the following response:

We received your new request on February 27, 2015. A more specific statute controls our response to your new request. Labor Code section 1102.7 (requiring the Attorney General to maintain a whistleblower hotline) specifically provides that the Attorney General shall hold in confidence information disclosed through the hotline. (Lab. Code, § 1102.7, subd. (c).) We must decline your request.

Rebuffed again! Moreover, this response appears facially reasonable. There is just one problem, however. The response fails to quote the entire statute:

During the initial review of a call received pursuant to subdivision (a), the Attorney General or appropriate government agency shall hold in confidence information disclosed through the whistleblower hotline, including the identity of the caller disclosing the information and the employer identified by the caller.

Thus, the statute only mandates confidentiality *during the initial review of a call*. This makes sense because the Attorney General or other agency may eventually take enforcement or other actions that would require disclosure.

Lincoln and Fasces

Yesterday's post mentioned a few modern examples of the fasces symbol. The National Park Service has published a piece on the incorporation of the fasces symbol in the Lincoln Memorial. Below is the conclusion:

Over time, tastes, styles, words, and symbols' meanings change as new generations project their own values onto old ideas. At the time it was conceived and built, fasces made perfect sense for the Lincoln Memorial. Fasces were a symbol of a long-lasting civilization on which our government was based, and a symbol of the very structure of our national identity, "E Pluribus Unum." In the aftermath of World War II, fasces might have been more taboo, a reminder of doctrines incongruous with American notions of equality and democracy. Today, probably for many reasons, many of us fail to recognize the symbol and its significance, both of which surround us in the Lincoln Memorial. If we lose sight of the symbol and its meaning, we lose the values the Lincoln Memorial was built to convey to us: the strength of our union, and the inestimable value of the man who fought to save it.

Another very prominent display of two fasces (with blades) can be seen on the wall behind the Speaker's rostrum in the House of Representatives. If you go into statuary hall and look up, you'll see fasces worked into the design of the ceiling.

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