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Transparency: Obama Rule Would Allow Feds to Lie about Existence of Official Records

Posted By [Publius](#) On October 24, 2011 @ 8:28 am In [Justice/Legal](#), [News](#), [Obama](#), [Regulation](#) | [48 Comments](#)

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From [ProPublica](#) ^[1]:

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A proposed rule to the Freedom of Information Act would allow federal agencies to tell people requesting certain law-enforcement or national security documents that records don't exist – even when they do.

Under current FOIA practice, the government may withhold information and issue what's known as a Glomar denial that says it can neither confirm nor deny the existence of records.

The new proposal – [part of a lengthy rule revision](#) ^[3] by the Department of Justice – would direct government agencies to “respond to the request as if the excluded records did not exist.”

Open-government groups object.

We don't believe the statute allows the government to lie to FOIA requesters,” said Mike German, senior policy counsel for the American Civil Liberties Union, which opposes the provision.

The ACLU, along with Citizens for Responsibility and Ethics in Washington and OpenTheGovernment.org [said the move would](#) ^[4] “dramatically undermine government integrity by allowing a law designed to provide public access to government to be twisted.

Read the whole thing [here](#) ^[1].

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URLs in this post:

[1] ProPublica: <http://www.propublica.org/article/government-could-hide-existence-of-records-under-foia-rule-proposal>

[2] Image: <http://biggovernment.com/files/2011/10/pelosi-reid-obama2.jpg>

[3] part of a lengthy rule revision: <http://www.gpo.gov/fdsys/pkg/FR-2011-03-21/html/2011-6473.htm>

[4] said the move would: <http://www.openthegovernment.org/sites/default/files/FOIA%20552c%20Comment%20-%2010-19-11%20-%20FINAL.pdf>

[5] Image: #

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