

## A presidential end run

by *The Milwaukee Journal Sentinel*

There he goes again. Just five weeks after signing into law the first significant reform in more than a decade of the federal Freedom of Information Act, President Bush is moving to gut the measure of a key element. Congress needs to do what it can to counter the president's intent. Rep. David Obey, D-Wis., as chairman of the House Committee on Appropriations, can play a key role in that regard. In his budget request, Bush proposed shifting a newly created ombudsman's position from the National Archives and Records Administration - as Congress wrote the legislation - to the Department of Justice.

In a letter addressed to Obey and another member of the Appropriations Committee, 42 organizations called on Congress to keep the ombudsman's office in the National Archives and Records Administration. The groups included OpenTheGovernment.org, the American Library Association, the American Civil Liberties Union and the League of Women Voters.

Because the Department of Justice defends government agencies in litigation brought by those making open records requests, there is a built-in conflict of interest in putting the ombudsman in the Justice Department, the letter argues. Furthermore, the department hasn't been a particularly close friend of open government. The Washington Post reported that a recent review of overdue FOIA requests by the National Security Archive criticizes the Justice Department for holding up public records releases. In at least four cases, the delay was for more than 15 years.

"Once again, the White House has shown they intend to act contrary to the intent of Congress," Sen. Patrick Leahy, D-Vt., chairman of the Senate Judiciary Committee, said in a statement. "I will continue to work through the appropriations process to make sure that the National Archives and Records Administration have the necessary resources and funds to comply with the OPEN Government Act, and we will continue to work in Congress to make necessary reforms to the Freedom of Information Act."

Obey and the rest of Congress should join Leahy.

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