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# Advocates praise Obama move on disclosure

By HOPE YEN, Associated Press Writer - Thu Jan 22, 3:07 am ET Buzz Up Send Share Print

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WASHINGTON - Government watchdogs are cheering President Barack Obama's move to change how open records laws are interpreted as a sign of greater disclosure of agency information than during the Bush administration.

Obama's instruction to federal agencies Wednesday to be more responsive to requests made under the Freedom of Information Act is not the first time a president has pushed for wider release of information. The Carter and Clinton administrations had similar policies that called for agencies to err on the side of making materials public, rather than looking for reasons to legally withhold them.

But advocates say they believe Obama's administration will go further, using Web sites and other electronic media to give the public unprecedented access.

"The fact that Mr. Obama took these actions on his very first day in office signals a new era in government accountability," said Melanie Sloan, executive director of Citizens for Responsibility and Ethics in Washington. "He is turning the page and moving away from the secrecy of the last administration."

In a memo to agency heads, Obama explained that public-interest groups often make use of the law to explore how and why government decisions were made; they are often stymied as agencies claim exemptions.

"In the face of doubt, openness prevails," Obama wrote. "The government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of government officials."

Obama also said agencies should actively seek ways to publicly release information. "They should not wait for specific requests from the public," the memo states. "All agencies should use modern technology to inform citizens about what is known and done by their government. Disclosure should be timely."

Experts say the full dimensions of the change won't be fully known until the attorney general issues the formal guidance to agencies in the next 120 days. But material ranging from government contracts to how banks are using taxpayer money from the bailout - which are subject to FOIA but often fall into legal gray areas - could now be subject to greater disclosure.

"This is dramatic," said Lucy Dalglish, executive director of the Reporters Committee for Freedom of the Press. "The most important thing a president can do is to reiterate that it is important for citizens to know what its government is up to. This is an incredible message he's sending out to federal agencies."

It's a major change from a Bush administration that actively sought to prevent disclosure based on the grounds of national security. It's also the latest in a three-decade-long pingpong game with FOIA policy.

In the late 1970s, Carter's attorney general, Griffin Bell, issued guidance to err on the side of releasing information. Under Reagan, William French Smith came in and reversed that; he told them, "when in doubt withhold." Then under Clinton, Janet Reno reversed it again; she told agencies their presumption should be for release.

But Bush Attorney General John Ashcroft went back the other way in October 2001, telling agencies he would defend any legal justification for withholding documents.

Congress later sought to undercut Ashcroft's order, passing legislation in December 2007 that toughened FOIA by establishing a hot-line service to help people requesting information deal with problems they may encounter and an ombudsman to provide an alternative to litigation in disclosure disputes.

Obama's directive on Wednesday effectively reverses Ashcroft's memo, restoring open records laws largely to how they were interpreted during the Clinton administration.

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Tom Curley, president and chief executive of The Associated Press, praised Obama's move after many years in which government "has worked at restricting the flow of information to Americans, bypassing the First Amendment."

"This step toward providing more access and making our government agencies more accountable can help build the people's confidence in government," he said.

Associated Press Writer Michael J. Sniffen contributed to this report.

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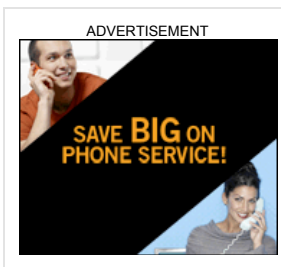


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