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Justice Dept gets 'award' for worst secrecy work

By PETE YOST
Associated Press

A group dedicated to reducing government secrecy gave its annual worst performance award Tuesday to the Justice Department, the agency President Barack Obama ordered in 2009 to lead his drive to open more government records to the public.

The National Security Archive said the department has prosecuted whistle-blowers as leakers of classified information, recycled legal views from the administration of George W. Bush arguing for greater secrecy and charged officials under the Espionage Act for speaking with journalists. The archive said the department also has increased its use of a specific, discretionary Freedom of Information Act exemption whose application Obama ordered federal officials to curtail so more documents would reach the public.

The Justice Department has opened six criminal leak cases under the Obama administration, two of them involving an ex-CIA officer and the New York Times.

"Anyone who knows anything about the Freedom of Information Act will tell you that the Department of Justice is doing more than ever to promote openness and transparency under that act," department spokeswoman Tracy Schmalzer said Tuesday. The National Security Archives' "analysis is really distant from the facts."

"As a law enforcement organization we must always strike the proper balance between First Amendment freedoms and the strong law enforcement and national security interest in investigating unauthorized disclosures of classified information," Schmalzer said.

The archive is a frequent user of the Freedom of Information Act. Years ago, it decided to highlight difficulties in using the act and other government secrecy measures by bestowing an annual Rosemary Award, named after President Richard Nixon's secretary, Rose Mary Woods, who erased 18 1/2 minutes of a White House tape recording in the Watergate scandal.

The nonprofit group cited two Supreme Court cases in which the Obama administration argued in favor of expansive exemptions protecting government documents from public disclosure under the Freedom of Information Act.

Last year, the Justice Department withheld information from the public 1,500 times by invoking a FOIA exemption protecting the confidentiality of internal agency deliberations, up from 1,200 times in 2010, the archive reported. In 2009, the Obama administration in a government-wide directive from the Justice Department told federal agencies to use their discretion to sharply reduce how often they claim this exemption, which is not mandatory.

Archive director Tom Blanton said that in assessing which federal agency should get the group's worst open government performance award, the Justice Department "edged out a crowded field of contending agencies and career officials who seem in practical rebellion against President Obama's open-government orders."

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