



Written by [Joe Wolverton, II, J.D.](#) on March 18, 2015

## Obama Exempts White House From FOIA Requests

For a candidate who ran on a promise to have the most transparent administration ever, Barack Obama is unusually fond of opacity.

On Monday, *USA Today* reported:

The White House is removing a federal regulation that subjects its Office of Administration to the Freedom of Information Act, making official a policy under Presidents Bush and Obama to reject requests for records to that office.

With almost unbelievable irony, the president's lengthening of the shadow of secrecy over the Office of Administration happened on National Freedom of Information Day, a day set aside by activists to call for greater transparency in government.

The coincidence was highlighted in the *USA Today* article:

But the timing of the move raised eyebrows among transparency advocates, coming on National Freedom of Information Day and during a national debate over the preservation of Obama administration records. It's also Sunshine Week, an effort by news organizations and watchdog groups to highlight issues of government transparency.

"The irony of this being Sunshine Week is not lost on me," said Anne Weismann of the liberal Citizens for Responsibility and Ethics in Washington, or CREW.

"It is completely out of step with the president's supposed commitment to transparency," she said. "That is a critical office, especially if you want to know, for example, how the White House is dealing with e-mail."

The lengths to which President Obama will go to keep the activities of his administration away from the eyes of the American people are shameful, particularly in light of the statements by candidate Obama against similar decisions made by his predecessor.

When the Bush White House erased millions of e-mails in 2008, a federal appeals court declared the deletion to be permissible and walled off the Office of Administration from future FOIA petitions.

Then-Senator Obama promised that if he became president, such violations of the "rule of law" would never happen and the sunshine of transparency would illuminate what once was kept under deep cover.

With Tuesday's entry into the *Federal Register*, the revealer became the concealer.

According to the White House, the exemption of the Office of Administration from the FOIA was made "according to well-settled legal interpretations."

Obama's duplicity is not surprising; he is a man who has made a habit of betraying those he once promised to protect.

The man who once declared whistleblowing to be "acts of courage and patriotism" has single-handedly prosecuted (and persecuted) more whistleblowers than any of his predecessors.





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With the formal filing of the charges against NSA leaker Edward Snowden, the Obama administration has charged eight whistleblowers under the Espionage Act.

Another former government employee, James Hitselberger, was working as a linguist for the U.S. Navy when he became the seventh to be charged under the nearly century-old law.

President Obama has targeted each of these men — including Edward Snowden — for their efforts to expose government corruption. In fact, the others charged with espionage are targets of an apparent vendetta against whistleblowers in direct contradiction of the president's promise to protect them.

President Obama's zeal in pursuing, prosecuting, and punishing those he once described as courageous and patriotic is remarkable for its relentlessness, as is his almost fanatical fear of transparency.

Of course, as one would expect, the ministry of propaganda immediately published the "war is peace" press release. From *USA Today*:

White House spokeswoman Brandi Hoffine said the administration remains committed "to work towards unprecedented openness in government."

"Over the past six years, federal agencies have gone to great efforts to make government more transparent and more accessible than ever, including by making more information available to the public via our Open Government initiative and improving the FOIA process," she said.

"Improving the FOIA process" is presidential parlance for rendering the process pointless when it comes to using the law as a crowbar to open the well-sealed coffers of corruption guarded so ferociously by the federal government.

Heaping one deplorable act upon another, the Obama administration declared that it was doing away with the usual public comment on the new regulation, thus making the rule instantly final and enforceable.

It is noteworthy that the newly walled off department is the very one that is responsible for keeping the records of the president. This is a particularly curious coincidence in light of the scandal surrounding Secretary of State Hillary Clinton's (mis)use of e-mail and the subsequent investigation.

Luckily for the president, the department in charge of handling his electronic correspondence is now protected from the prying eyes of the public and will not be searchable for five years after Barack Obama leaves the White House.

Rick Blum, coordinator of the Sunshine in Government initiative of the Reporters Committee for Freedom of the Press, pointed to the bigger picture in a comment quoted in the *USA Today* piece:

I think what we've all learned in the last few weeks is the person who creates a record — whether it's running a program or writing an e-mail — is the one who gets to decide whether it's an official record. And there ought to be another set of eyes on that. That's the essential problem.

With all due respect to Mr. Blum, the essential problem is more fundamental than oversight.

The problem is one of principle. President Obama — and his predecessors for generations — have considered themselves above the law and have regarded the Constitution as nothing more than a modern Twelve Tables: an irrelevant relic, useful only when reference to its contents would be politically advantageous.



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