

ABSTRACT

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The Department of Justice and the Explosion of Freedom of Information Act Litigation

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Abstract by Rebecca Roback

The author writes about his Department of Justice experience in relation to the passage of the Freedom of Information Act [hereinafter FOIA] in the 1960s. He discusses his role at the Office of Legal Counsel, and his responsibilities as a government lawyer in relation to overseeing FOIA. In his Narrative Introduction, the author explains how and why the Freedom of Information Committee evolved. His chairmanship on the Freedom of Information Committee led to a development of evaluating potential cases DOJ would defend. In addition, the author discusses the Committee's responses to the expansion of FOIA-related matters during the mid 1970s and the eventual shift of FOIA workload from the OLC to the Office of Information Law and Policy (OILP). The author became the OILP's first director and retained that position until 1981.

After discussing his FOIA experience, the author lists three reflections he has made in regard to the FOIA. He discusses the DOJ's conflicting roles in relation to FOIA work as well as a government bias against openness. His third and final reflection weighs the pros and cons of government discretion in releasing information. The author concludes the article with the assurance that the FOIA will "continue to serve the nation well" in the current information stage.