

LAW-852: *CD: FOIA: An Examination of the Trump Years

The federal Freedom of Information Act (usually referred to as FOIA) was originally enacted in 1966 as an amendment to §3 of the original Administrative Procedures Act. The FOIA imposes on federal agencies three types of disclosure requirements, codified in §552(a)(1), (a)(2), and (a)(3). Section 552(a)(1) requires federal agencies to publish certain information in the Federal Register. Section 552(a)(2) requires federal agencies to make certain other information "available for public inspection and copying." Section 552(a)(3) requires federal agencies to disclose, "upon any request," information that has not been made available under subsections (a)(1) or (a)(2). Section 552(a)(3) is what entitles people to file what are called "FOIA requests" and the statute establishes nine exemptions from this requirement in §552(b). The course will, however, focus primarily on those exemptions deemed controversial. It will, therefore, examine and analyze the approach taken by the Trump administration in both complying with §552(a)(3) and invoking the exemptions of §552(b) by reviewing the President's Executive Orders and the guidelines issued by the various government agencies. It will also review the role of the judiciary by examining and analyzing several recent Supreme Court and other federal court decisions. Consequently, the required seminar papers will be focused on analyzing the federal government's approach to transparency during the Trump administration, and the role, if any, that "politics" played in the interpretation and the application of the statute.

Credits: 3

Program: Law