

Thursday, November 6, 2008

### **Who let Lucy van Pelt into the CIA?**

From National Archives website. Â Lucy van Pelt consistently invited Charlie Brown to kick a football. She held it to be kicked, but then would withdraw the ball. Â Similarly, a few times recently, the National Security Archive complained in federal court that Lucy van Pelt -- I mean the CIA -- had unlawfully refused its request to be classified as a representative of the news media under the federal Freedom of Information Act, seeing that such representatives only need to pay for duplication costs of FOIA-requested documents, rather than needing to pay any fees to process the FOIA request. 5 U.S.C. Â§ 552(a)(4)(A). Each time that the National Security Archive complained, the CIA would respond to the court with an apology, saying that such aÂ classification should not be denied to the National Security Archive. Then, with the federal court's back barely turned, the CIA would repeat its actions of refusing to grant news media representative status to the National Security Archive, and the tango continued, until November 4, 2008, when U.S. District Judge Gladys Kessler put the brakes on such nonsense from the CIA, and ordered that it be stopped. Â Curiously Judge Kessler's opinion does not give a definition of "representative of the news media," because the parties agreed that the National Security Archive does so qualify. *National Security Archive v. CIA.* \_ F.Supp.2d (D. D.C. Nov. 4, 2008).Â In any event, hopefully the Bush II administration's contempt for the FOIA will not spill intoÂ Barack Obama's presidency.Â Jon Katz.Â

Posted by Jon Katz in Constitutional Law at 00:00