

HOW ARE FREEDOM OF INFORMATION ACT (FOIA) CONTACTS AND OFFICERS CREATED AND RETAINED? WHAT IMPACT DOES THEIR CAREER PATHS HAVE ON OPEN GOVERNMENT PRINCIPLES SUCH AS FOIA DIRECTIVES, POLICIES AND GUIDELINES COMMUNICATED BY THE PRESIDENT OF THE UNITED STATES AND THE ATTORNEY GENERAL?

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by

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The undersigned, appointed by the dean of the Graduate School, have examined the thesis entitled:

HOW ARE FREEDOM OF INFORMATION ACT (FOIA) CONTACTS AND OFFICERS CREATED AND RETAINED? WHAT IMPACT DOES THEIR CAREER PATHS HAVE ON OPEN GOVERNMENT PRINCIPLES SUCH AS FOIA DIRECTIVES, POLICIES AND GUIDELINES COMMUNICATED BY THE PRESIDENT OF THE UNITED STATES AND THE ATTORNEY GENERAL?

Presented by John Davis Reynolds, Jr.,
a candidate for the degree of Master of Arts,
and hereby certify that, in their opinion, it is worthy of acceptance.

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DEDICATION

The decision to do more is a lot to consider. I did not have to embark upon this thesis. It was an optional program in the U.S. Army Command and General Staff College's ILE course. I'm very thankful for the Boys' and Girls' Club of Toledo for pushing me to excellence in everyday life from 1976 to now. I'm also like to dedicate this thesis to my deceased grandmother, Jessie Goldie Harris and my dynamic good friend and high school counselor Jennie Loper for encouraging me to do more than average to pursue high academic excellence at all times. This will be my third degree and second graduate degree.

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ABSTRACT

The Freedom of Information Act is a federal law that allows US citizens access to records, and this act is enforceable in court. There are FOIA professionals that are full-time dedicated employees and others that are part-time or executing FOIA duties as collateral duty. Scholarly literature exists on FOIA operations, FOIA processes and even about the history of FOIA as well as legal issues of FOIA; however, there has been no scholarly discussion about the FOIA officer and the duties, challenges and life of a FOIA professional.

The purpose of this study is to identify what trends or conclusions can be made about federal agencies' struggles executing President Obama's guidance on increased access to public records by looking at the human resource perspective of the FOIA government official by exploring the research questions centering on human resource issues such as recruitment, training, retention, career progression and even resources.

CHAPTER 1: INTRODUCTION

Democratic governments require open scrutiny and review. Often, many items are discovered through an open government or an open records process. The Freedom of Information Act provides one such process that allows U.S. citizens access to records. FOIA is nothing new. In fact, Sweden passed a national freedom of information law in 1766, and this law also included governmental activities in Finland at that time (Davis & Cuillier 2010). Over two centuries later, President Johnson signed FOIA into law in 1966, and it took effect on July 5, 1967, partially as the result of the Vietnam War (Jordan, 2004). The federal Freedom of Information Act (FOIA) provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law-enforcement record exclusions. It is important to note that FOIA does not apply to local or state agencies, nor does it apply to certain federal agencies and people such as the personal staff of the president, Congress, the courts and even the Council of Economic Advisors.

FOIA is known as an unfunded statute and the USC code is 5 U.S.C. § 552, As Amended By Public Law No. 104-231, 110 Stat. 3048. The amended FOIA (2007 amendments through the OPEN Government Act of 2007) sets out the Chief FOIA Officer at 5 U.S.C. Section 552(j) and (k) and the FOIA Public Liaison at Section (l) for staffing at agencies and departments but there is no specific funding, training or recruiting mentioned in the code. Yet, these people are responsible for executing the statute on the ground. It would be interesting to see where these FOIA officials come from

and the processes for development, recruitment, retention and training. Additionally, the discussion about their resources and challenges on the job on the job would be interesting to pursue given the lack of information on FOIA careers. Lastly, does the executive administration support FOIA officers on the ground beyond guidance and policy?

FOIA has been modified, updated and interpreted many times, especially during the past four administrations. Many people inside and outside government have been pushing for friendlier and more expedient government processes. One such push is known as the Faster FOIA Act, authored by Senators John Cornyn (R-Texas) and Senator Patrick Leahy (D-Vt.). This bill which will create a commission on FOIA processing delays is still pending but has passed the Senate and House Representatives. There is no doubt that change takes time to implement. Confusion creates delays and personnel changes lead to more complex situations with processing the FOIA requests.

With all the changes to reduce FOIA backlogs and the push for quicker responses, FOIA is impacting everyone from requesters to scholars to government officials. Despite fewer human and financial resources, FOIA requests are not decreasing. Clearly, FOIA government officials must make decisions with fewer resources, which impacts internal and external stakeholders involved in the FOIA process.

There are numerous people involved in the FOIA process. However, two main groups or broad categories can be identified: FOIA officials or FOIA contacts and the FOIA requestor community (individuals or an organization). Each federal agency has a lead FOIA person known as a FOIA Officer; however, this officer may or may not be heavily involved, and the FOIA duties, including researching and responding may be

delegated. The lead agency responsible for all federal government FOIA activities including training is the Department of Justice. Additionally, the National Archives and Records Administration will provide policy guidance to agencies for handling of Freedom of Information Act (FOIA) requests and mediate disagreements about agency decisions not to grant requests through its Office of Government Information Services. Each department of the federal government and often its various agencies employs a lead FOIA representative or officer. In interviews with FOIA officers at various agencies and departments, it was discovered that some FOIA officers or leads may have additional duties such as Privacy Act compliance, public affairs and records keeping, or some FOIA chiefs may actually have other duties outside the information access areas such as legal or human resources. These FOIA officers, according to interviews, tend to come from within the federal government organizations from transfers, downsizing, right sizing or even promotion opportunities. Essentially, FOIA professionals in the government are made or grown internally, and there is no FOIA degreed program or FOIA concentration minor in studies such as policies, law, history, library science or even public administration, or policy. FOIA officers (which will be discussed in more detail later) come from many different backgrounds such as history, law, library science, business and even some may have law or doctoral degrees, while others may have no degrees.

Numerous FOIA requests may require responses from many decentralized units within an agency or department such as the Department of Defense or the Department of Homeland Security. Other FOIA requests might require intensive coordination between agencies and departments such as Homeland Security and Department of Defense or United States Department of Agriculture (USDA), Environmental Protection Agency

(EPA) or even the Food and Drug Administration (FDA) and National Institute of Health (NIH). The organizational charts of FOIA responses and processes at most agencies are unknown to the public, and usually there is a FOIA POC (point of contact) that may or may not be the FOIA lead or official. No doubt, the current administration (President Obama and Attorney General Holder) is stressing more open government. But how is this done, and how do new and incumbent FOIA contacts, officials and officers know what is expected of them despite the lack of resources for processing FOIA requests? According to an experienced FOIA officer who was interviewed by telephone, the U.S. government spent over \$400 million handling FOIA requests during the last fiscal year.

According to the 2011 OpentheGovernment.org's Secrecy Report Card, the federal government has reduced the FOIA backlog by 10 percent over the past ten years despite increasing costs and increasing FOIA requests. The Department of State backlog increased 133 percent from 2009 to 2010, according to the same report card.

The purpose of this study is to identify what trends or conclusions can be made about federal agencies' struggles to execute President Obama's guidance on increased access to public records by looking at the human resource perspective of the FOIA government official through exploring the research question below. Additionally, this thesis will help public affairs officers in the US Government gain a better understanding of the FOIA area because convergence, crossover and even cooperation occurs occasionally.

Research Question:

How are federal FOIA contacts and officers created and retained? What impact does their career path have on open government principles such as FOIA directives, policies and guidelines communicated by the President of the United States and the Attorney General?

President Obama states in the Transparency and Open Government Memorandum for the Heads of Executive Departments and Agencies:

“A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote, "sunlight is said to be the best of disinfectants." In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in the interest of the Government and the citizenry alike.”

“The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of

cooperation, recognizing that such agencies are servants of the public. All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.” (www.whitehouse.gov, 2009, January 21)

Essentially, the purpose of this grounded theory study is to explore the critical influences on FOIA officers or representatives at several federal government organizations to complete FOIA requests with their current and future training and career progression. Additionally, I will examine how FOIA officers and representatives obtain their positions and how they are retained as well as the impact that their career progression and training has on FOIA processes and responses. FOIA contacts and officers will be interviewed to determine if the question can be answered and if there is a cause or need for further studies such as phenomenology or ethnography studies.

Several scholarly and non-scholarly articles have been written about agencies having a shortage of FOIA personnel, including FOIA resources and tools such as the OpenTheGovernment.org’s 2011 Report Card, Montana (1998), Swartz (2005) and Berman (2009). In fact, some FOIA officers have stated that more money, more automation and more people would help in FOIA reform (Curl, 2006). Additionally, several journal and newspaper articles have informed the public of backlogs of FOIA requests as well as challenges such as complex FOIA requests going back many years or FOIA requests that may result in little or no information OpenTheGovernment.org (2011), Swartz (2008), Swartz (2007), New York Times Editorial (2011, August 28) and Targeted News Service (2011, July 29). However, no articles are available about the

career development of FOIA officers and how training affects the level of responsiveness to FOIA requests. Training development philosophy and its important linkage to productivity and job satisfaction will be discussed.

No doubt, the outcomes of this study will help people understand FOIA officers, FOIA changes, and critical resource needs for the FOIA career field profession. Also, consistent FOIA response processes may be captured during this study as well as consistent and reoccurring challenges that may benefit Congress, FOIA requesters and people desiring a career in the FOIA operations career field. A complete detail of FOIA history including presidential and attorney general memos and amendments from 1946 to present is located in Appendix 3.

The FOIA Guidelines set by President Obama in the 2009 memorandum stressed that the FOIA is to be administered with the presumption of openness and agencies need to be proactive to make information public as well as using modern technologies to inform citizens of government actions and policies.

CHAPTER 2: LITERATURE REVIEW

FOIA Administration, History and Implementation

The FOIA request is a common tool of journalists, scholars, and government watchdog groups, as well as average citizens who are curious about the inner workings of government agencies. FOIA states that the government must provide any requested information that is not protected by law or a particular exception category. According to a FOIA.gov report, the government received 597,415 FOIA requests in FY 2010. In 2007, Homeland Security, Veterans Affairs and Health and Human Services had the largest backlog of requests pending (Swartz, 2007); however, over 12 agencies out of nearly 70 agencies had backlogs. The State Department has FOIA requests as old as 15 years (Swartz, 2007). Target News Service (2011, July 11) also reports that eight federal agencies have FOIA requests over a decade old from analyzing the Knight Open Government Survey. Furthermore, the survey shows only 13 of 90 agencies implemented changes in response to President Obama and Attorney General Holder's memorandum calling for FOIA reforms. Lastly, (Swartz, 2005) indicates that over 82 percent of FOIA requests to the entire Federal Government agencies were made to the Social Security Administration and Veterans Affairs regarding benefits for Fiscal Year 2006.

As mentioned in the introduction, FOIA policies and directives change with each new presidential administration. This study investigates FOIA officers, their duties performed, and how the training, expertise, tenure in position and overall job satisfaction affects the ability to respond to FOIA requests and daily functions in the FOIA career field. Clearly, there is a huge FOIA backlog that is attracting lots of attention within and outside government ranks Bergman(2009), Curl (2006),Swartz(2008, 2007 & 2005), and

Kauffman (2005) . Additionally, recent memoranda from President Obama and Attorney General Holder also stress the importance of responding to FOIA requests. Despite the push for faster FOIA processes and responses, the career path to become a FOIA officer is currently unknown. In fact, a search for FOIA jobs on the internet resulted in less than a dozen job openings from sites such as <http://www.usajobs.com/> , http://thefoiablog.typepad.com/the_foia_blog/careers_in_foia/, and <http://www.accesspro.org/> . No doubt, there is a need to study FOIA officers, FOIA hiring, and FOIA training, to benefit both internal and external stakeholders in the FOIA process.

Beyond a doubt, FOIA is hard to execute and understand, perhaps because the act was amended, limited, expanded and partially limited by executive orders of various presidents from President Johnson to President Obama in 1974, 1976, 1982, 1985-89 2002, 2006, 2007 and 2009. Advocates would argue that these changes did not necessarily make it easier to obtain information (Barstow, 2010).

For example, a month after the September 11, 2001, terrorist attacks, U.S. Attorney General John Ashcroft released a Freedom of Information Act policy for heads of all federal departments and agencies. In his memorandum, he urged federal officers to carefully consider safeguarding national security, enhancing law enforcement, protecting sensitive business information and preserving personal privacy when making disclosure actions ,and he said that decisions will defended by DOJ if they have sound legal basis (Kim,2007).

Additionally, Kim (2007) also informs us that White House Chief of Staff Andrew Card issued a similar memorandum in March 2002, recommending that federal

agencies withhold information for national security reasons even when the FOIA exemption for security did not apply. No doubt, the FOIA policy expressed in a White House memorandum clearly contradicts that of the previous Clinton administration. In October 1993, President Bill Clinton and Attorney General Janet Reno issued a FOIA policy that moved federal agencies toward “greater openness.” We also see major differences between President Obama’s and President George W. Bush’s approach on open government from their verbal statements and staff.

FOIA has deep roots in its intent and transformation considering the legal theory in the 20th Century (Davis & Splichal, 2000). President Wilson even indicated that citizens have the right to know about public business. The 20th Century also introduced the Espionage Act as well as the fundamental right to privacy cases. All of these are linked into our present day FOIA. This period of time showed that citizens as well as press have a common law right to access (Davis & Splichal, 2000). Davis & Splichal (2000) further report that surveys show there is huge public support for access to government information. There are huge payoffs and rewards for allowing public access, starting with validating trust and honesty of politicians and lawmakers.

Essentially, the Act requires federal agencies to provide a response to requesters of information. Initially, the letter of the Act was a response within 10 days or less; now it is 20 days or less. FOIA requests have increased from a number of 2.3 million in the past to a large number of 20 million in 2006 (Friedman, 2008), with no additional resources allocated to agencies and with every administration changing guidance and philosophy. Many articles in journals, newspapers and magazines as well as speeches by U.S. Senators and non-profit blogs discuss backlogs and make a call for action to address

backlogs. Curl (2006), Friedman (2007), Swartz (2008), (Targeted News Service 2011, March 17), & Knight Survey(2010).

Certain administrations recognize the importance of open government principles to its citizens which is clear when one sees the changes in guidance and philosophy of the Clinton administration, Reagan administration, Bush administration and even now with the Obama administration and Senators John Cornyn and Patrick Leahy.

Attorney Janet Reno was reported to have said that there appears to be a problem of too few resources in the face of too heavy a workload. “This is a serious problem – one of growing concern and frustration to both FOIA requesters and Congress, and to agency FOIA officers as well”. (Attorney General Janet Reno’s Memorandum for Heads of Departments and Agencies (1993, OCT. 4).

The Freedom of Information Act issues and related topics in other countries have been the subject of several previous thesis and dissertations such as “Framework to manage the release of information at the Children's and Women's Health Centre of British Columbia” by Judith Harumi Komori in 2000, “The effect of agency backlogs on the number of Freedom of Information Act requests that are granted” by Karl T. Grindal in 2011, “The future of Freedom of Information: An analysis of the impact of executive orders on the freedom of information act national security exemptions” by Joan Gibson Kaminer in 2010, “Under the auspices of privacy .. or not: surveying the state judicial treatment of access to government records” by Tseng, Yin-Tzu in (2008) and “An analysis of the Freedom of Information Act from the perspective of Texas daily newspaper editors” by Lawrence C. Sutherland in 1986. But none of these scholarly works have surveyed actual FOIA officers.

In particular, past research has not drawn attention to the career paths of FOIA officers and FOIA liaisons. Most recent research centers on FOIA history, FOIA cases, FOIA legislation, some FOIA processes, or comparing U.S. FOIA as a model against other country FOIA practices.

Various federal agencies cut FOIA staff and spending on FOIA requests in 2008 (Anonymous, 2008). As of 2008, each agency is supposed to have a chief FOIA officer and a FOIA public liaison. Riggle and Harrel (2002) state that there are few incentives for government officials to release information quickly, yet severe penalties for releasing sensitive or protected information. So, the pressures continue in this career field. The above article suggests further inquiry is needed to determine what motivates a FOIA officer to process a request in a potential non-incentive environment. As Davis and Cuillier (2011) also discuss in their book, *The Art of Access*, there are no rewards or penalties for releasing too much information but huge penalties for releasing secret or private documents. One can conclude there is truly no incentive to release items on time and provide plentiful information.

Therefore, the discussion in the literature review yields several areas of focus. Are FOIA officers change agents or defenders of the agency? Is there a training process or model that is lacking when compared to other organizations and fields? Is there a need for a career path model for FOIA officers? Because very little information could be found about FOIA officials (past, future or present) as change agents or defenders, the remainder of this chapter will focus more on human resources development, retention and training of other fields, and on linkages to FOIA personnel.

No doubt, the Freedom of Information Act has produced controversy since its inception, starting with journalists who contended that various administrations attempted to limit disclosures of information, which has led to many changes to FOIA such as amendments, expansions, Executive Orders, and even repeal of certain amendments from 1967 to 2009.

This leads to questioning whether FOIA officers are current on new guidelines and, if so, how did they obtain supplemental training on new guidelines other than executive memos and yearly training? Does the new guidance or constant changing guidance create confusion and stress or difficulty in executing FOIA duties and operations? Moreover, what mechanisms or tools are in place to help FOIA officers to become more aggressive with change or backlogs? The Department of the Army Freedom of Information Act program (Army Regulation 25-55) discusses that education and training is established by each component within the Department of the Defense and should be focused on people responsible for day-to-day processing. Unfortunately, there is a gap in the scholarly literature on career paths, career progression and career challenges of FOIA officers as previously mentioned, and no doubt on implementing new FOIA guidance.

Other Academic Studies of Importance to FOIA Training and Professional Development

According to the Rand Corporation in 2002, the Department of Justice (DOJ) provides a significant amount of the FOIA training to various federal organizations (Botterman, 2002). This training includes introductory, advanced, newsletters and

workshops (Botterman, 2002). The training sessions range from beginner to mid-level to experienced officers, and even training focused on legal matters are offered once or twice a year as listed on the DOJ website. However, Davis & Cuillier (2011) report in their book that many FOIA officers and staff lack proper training and resources because of financial budgets. Some lawyers involved in FOIA responses lack open records legal education, and others lack simple training on responding to FOIA requests. Current literature in the area of career development and training or pathways to a successful career consisted mainly of interviews and surveys. Most were related to academic or medical fields, such as articles on advice for flute professionals or career paths of German Business Administration professors. Robken (2009) discusses the competitive career paths for German professors, stating that age, experience, social networks and gender are all important in defining a career path, as well as mobility. The path to full professorship requires one to move to another institution. Additionally, male professors are at a greater advantage than female professors. This article could be helpful in determining if FOIA officers' jobs and success are impacted by age, gender or even tenure at a particular government agency. Lastly, is there a competitive career option with the FOIA community of jobs? Is the FOIA officer respected among working peers?

Another article on professorship about the first year on the job goes into depth about surviving and getting a firm foundation in counselor education. Conway (2006) goes into detail about professional development and even gives personal advice on how to take charge of one's development from not only the common formula of service, research, publishing and teaching but also knowing one's learning style and using self-reflective tools such as feedback from students and peers. Conway advocates using a

model for success that will address weaknesses and strengths. FOIA officers, especially those that have been in the field for a while, should attempt to publish something outside the normal association or internal department documents. There are historical U.S. Census Bureau training videos from 1940 on the National Archives website (<http://www.archives.gov/research/census/1940/videos.html>). What training videos are available for FOIA officers?

Hogber (2005), in an article about nurses as neighbors, discusses the moral dilemma in doing right and wrong when taking action. This can be directly related to FOIA officers taking action or delaying action in fulfilling requests. Additionally, a parallel can be drawn from Hogber's grounded theory study because it was discovered in data collection that nurses off the job are often exposed to information and that they have a moral dilemma to do right and wrong off the job in their personal lives. As a result, nurses' attitudes and interactions with people are studied. Using Hogber's study as an example, one may be able to determine if a FOIA official has an attitude seeking to "be a defender of the agency" or "change agent" with FOIA processes on and off the job; even if FOIA is a collateral duty. Does a person's attitude change when engaging with the public for FOIA requests? No doubt, this is a question that also deserves further study.

Fátima Cristina, Trindade Bacellar, & Ana Akemi Ikeda (2006) in a grounded theory article discuss the career challenges, paths and practices of marketing professors in Brazil. This study develops an overall concept of understanding the marketing professor and improving one's career. Marketing professors of different experiences and rankings were interviewed about their decisions to enter the career field, staying in the career field, performance challenges, development and miscellaneous issues such as relationships,

technologies and reading habits connected with the job. One interesting concept that came up in their research revolved around being “born a teacher” or becoming a teacher. This concept could be very difficult to track during the interviews with FOIA officials. Are FOIA officers born or do people become FOIA officers? This article may be more useful for identifying successful characteristic and traits one has before coming to the FOIA officer role compared to characteristics and traits obtained or learned on the job. The authors wanted to highlight processes in evaluating one’s career and staying and searching for a career path of meaning. This would be good to look at in the FOIA career field.

No doubt, there are skills, attributes and certain experiences needed to be an effective FOIA officer. Dwyer (2010) discusses the roles, skills and attributes required of medical administrators in Australian public hospitals using interviews of directors as the method of research. The researcher captured and analyzed reporting structures, responsibilities in table formats. Tables could possibly be used in investigating FOIA officers, given that no federal agency or department is the same. Documentation of reporting structure, tasks, roles, and responsibilities could lead to trends of interest for further study. Additionally, charts list tenure and qualifications for the position. In the case of administrators, this information helped to build themes of a career path. Also, interviewee’s responses to other questions led to building a profile of “perceived skills and attributes” needed for the position. Dwyer’s study is very relevant to discovering the FOIA career path, qualifications and retention.

Dr. John M. Leventhal, MD, gave a speech at Yale in 2008 about the making of an Academic (Ambulatory) Pediatrician. This speech was published in the Academic

Pediatrics Journal. No similar scholarly research was found concerning the making of a FOIA officer and official careers; only statistics about backlogs and legal cases. The Leventhal speech (2008) is interesting, and questions could be developed based on important markers he discussed, including markers such as training, academics, luck, passion, avoiding mistakes, titles, recognition, and learning to listen. These items could be classified as traits, values, motivators, or even mottos that could be explored during interviews with FOIA officers. What drives the FOIA officer (or what is not driving the FOIA officer)? What is the FOIA officer not getting to succeed or be satisfied in the job?

Addressing the questions that are connected with Dr. Leventhal's speech is helpful in assessing FOIA Officials. Soft skills and interpersonal skills could impact one's performance. Additionally, one's values, quality of life on the job and self-motivation could impact one's responsiveness and cooperation on and off the job.

No doubt, in any job there is turnover, attrition or job dissatisfaction. A study by O'Leary & Deegan (2005) was done on the career progression of Irish tourism and hospitality graduates. A survey instrument was used in a five-year longitudinal study. The study highlighted why people left and why they stayed in the tourism industry. Some of the trends were job satisfaction and benefits of staying, while pay and unsuitable working hours were some trends concerning why people left. Other reasons for people leaving were: lack of promotion opportunities, insufficient training or development, unchallenging work, and insecurity of work. These reasons for staying in a career field or leaving the job are applicable to FOIA jobs. If there appears to be a trend of new FOIA officers or inexperienced FOIA officers, this study could be used to assist in determining

appropriate background and satisfaction or retention of FOIA officers. Do FOIA jobs allow a work/life balance? Do FOIA jobs offer a career progression and job satisfaction?

Another study that deserves attention is one by Hsiu-Lan Shelley Tien, Chia-Huei Lin, & Shu-Chi Chen (2005), a grounded theory study about the career uncertainties of Taiwanese students. Questioning and data collection on career uncertainties of FOIA officers makes sense with the constant downgrading and upgrading of FOIA practices, as well as reduction or stagnant allocation of funding and staffing in the FOIA offices of various agencies. Also, does the uncertainty of the FOIA career field as a long-term profession impact judgment, operations or even attitudes towards being a change agent or defender? In the case of the Taiwanese students, they were surveyed and interviewed and results were coded and divided up into themes resulting in a hypothetical model. Internal and external influences, as well as coping efficacies, were part of the model. The article's overall intent was to discuss perceptions of students about their future. It would be important to highlight perceptions of FOIA officers and their careers given the importance of FOIA, as well as the highly stressful environment of FOIA processes. Overall, these studies lead to excellent questions for interviewing FOIA officers and liaisons.

No doubt uncertainties can create stress or the fear of the unknown, especially when it comes to allocation of resources. Alemna (1998) discusses the concern about education and training of future librarians in Ghana. There is a need to train future librarians, but the government and various support organizations have competing items that also require financial resources. Some of the challenges that future librarians have in Ghana, as discussed by Alemna, include information technology, continuing education,

funding, staffing and even management training. This article can be used as a template to find out challenges of current and future FOIA personnel as well as to determine future training needs. In fact, lack of resources has been cited many times in scholarly and non-scholarly articles for FOIA officers failing to perform duties as required by Statute and DOJ report tracking. No doubt, information technology (IT) groups and staffs in different agencies and departments must also budget for FOIA technology enhancements.

A final article in the area of academics for this literature review to highlight is from Issues of Accounting Education titled *What it means to be an accounting professor: A clear concise guide for doctoral students in accounting*. Although this article is for graduate students in accounting or students considering jobs in teaching accounting, a similar survival guide for new FOIA officers would be helpful. This type of guide would be helpful for a solid research and reference item across all agencies. DOJ should be inquired about the existence of a common share document in their training programs offered to other agencies. This would be something other than the FOIA statute guide book.

Beyond a doubt, there are strong advocates inside the government for more openness and those who want to continue the status quo. This goes back to the concepts of defender or change agent. An example of defender of the agency, or government records, is the protection of corporation information such as contractors during responses to FOIA requests. A federal agency would ensure the contractor's information is protected, or at least make sure disclosure of the information does not harm the corporation under certain rules as well as national interest. Businesses could use FOIA for business intelligence and spying on competitors by getting data on competitors'

contracts, bidding and unique business capabilities (Guida, 1989). Guida also found that over 80 percent of FOIA requests to the FDA were corporate organizations seeking information on private industry data. No doubt, this can be interpreted as abusing the FOIA purpose, or it could be interpreted as a creative way to complete a competitor's or a new company's SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis.

Some may argue FOIA helps entrepreneurs, competition and fuels capitalism or some may argue FOIA affects the survival of some businesses such as government contractors. Nevertheless, the spirit of FOIA allows for release of information as long as it does not fall under certain rules of exemption. Guida further suggests that government officials may be more interested in documenting fewer details about activities, operations and transactions because of FOIA requests. Guida argues that policy makers and deciders may opt to document less because of their writings being subject to FOIA in the future. This is one instance where FOIA officers must decide if they will be defenders or change agents. Davis and Cuillier (2011) in an interview with a Rutgers Assistant Professor learned that some government officials actually change their meetings or discussions if something is "FOIAable" in the future. This situation creates some potential tension between FOIA officers and their peers or their leadership.

Zamaray (2010) also explains that President Obama's enhanced FOIA policy creates potential economic loss to the nation as well as possible interruption of government services. Contractors as big as General Electric may opt out of bidding for government jobs or assisting federal government in huge projects because of their business practices and corporate secrets being subjected to FOIA requests by competitors. Hence, some may argue that the nation's procurement system is challenged by FOIA as

well as the pool of federal contractors. Do FOIA officers see their jobs as highly important? What do those in other career fields think of them such as the federal employees in the field such as law-enforcement or in operations supports such as human resources or accounting.

Even more, FOIA actions have the attention of Congress and the weight of Congress' demands to be more productive. Representative Peter Welch, in a news release in February 2011, explained that he is concerned about unproductive burdens on agencies with enhanced FOIA tracking and reporting. Incidentally, Senators and Leahy and Cornyn have been trying to pass the Faster FOIA Act since 2010, with the most recent push in June 2011, after the Senate passed the bill in May 2011. However, the House has been slow to react. Senator Leahy is a strong advocate for more open government and access to public records.

Despite all this attention and demands for improvement, there is not enough FOIA manpower on the job, according to the *Federal Times* dated October 20, 2006. FOIA managers need bigger staffs and more technology resources. In many cases, FOIA response is a collateral duty, not a primary duty. A full time FOIA official may be more motivated than a part-time FOIA official and even more engaging with requesters (Davis & Cuiller, 2011). FOIA managers simply need funding to carry out their duties. This further leads to discussion and research on what is the best career path, retention and promotion of a pool of FOIA officers across several federal agencies. In this study, interviews could identify some trends.

Furthermore, Montana (1998) states that Supreme Court Justice Antonin Scalia was concerned that FOIA has created unintended consequences, with special interest groups and political organizations creating additional burdens on agencies responding to FOIA requests; thus, agencies' day-to-day missions may be impacted by FOIA requests and FOIA litigation.

It can be assumed that FOIA officials could be advocates by becoming a change agent or an advocate of the FOIA process. Anderson (2003) discusses the importance of FOIA and how openness allows the public to practice a form of oversight and allows journalists, researchers and non-profit watch organizations to validate government's actions by reviewing and accessing public records. Anderson goes on to explain that access to government information builds public trust and supports democracy. Montana (1998) explains that FOIA has allowed journalists to expose many improper or illegal practices, and private citizens have learned about surveillance activities acted out on them.

Lastly, FOIA directives are constantly changing, and the FOIA officer must not only be a change agent, but also ready to incorporate change in his or her duties. On October 4, 1993, then Attorney General Janet Reno issued a memorandum announcing a new policy to increase the availability of government information to the public, which rescinded a 1981 rule that allowed federal agencies to withhold information merely on a substantial legal basis (Reno, 1993). Additionally, the memorandum discusses how the DOJ should only defend an agency when an exemption is necessary, because of potential harm to the public or the government. This was a total change of policy from the Reagan Administration's stance.

Exactly eight years later, on October 12, 2001, then Attorney General John Ashcroft issued a Memorandum essentially reversing most of the openness guidance set forth in the Clinton Administration. The Bush Administration decided that FOIA requesters had to show a need to know the information they seek to access (Ashcroft, 2001). This Act essentially redefined what is truly the public's right to access or to know.

Once again, eight years later, the FOIA guidance was changed by President Obama and Attorney General Eric Holder. Attorney General Eric Holder issued a memo on open government policy and President Obama's transparency guidance (Bergman, 2009). The Holder memo reverted back to the standards of the Clinton Administration during the FOIA process. Bergman also argues that despite training provided by the Justice Department and American Society of Access Professionals, federal agencies still have budget and staffing problems that will hinder making transparency a reality. This study also seeks to look at the frequent changes of FOIA and its impact on FOIA officials' ability to implement change in a bureaucracy that is slow to change.

All of these changes can hinder or help the public getting information on many such cases and on issues of interest. Among the many FOIA items of interest past and present to the public (Davis & Cuillier, 2010) are Transportation Security Administration airport screening, Pentagon profiling reporters, construction deaths, terrorism tracking and hurricane Katrina response. The public has an interest in seeing, not just hearing.

CHAPTER 3: METHODOLOGY

How are federal FOIA contacts and officers created and retained? What impact does their career path have on open government principles such as FOIA directives, policies and guidelines communicated by the President of the United States and the Attorney General?

All research typically has a theoretical emphasis that makes sense of the questions asked or the phenomena being studied. This research on FOIA officers, however, has no clear, identifiable theory at this time. There is no clear linkage to a particular theory for this research. Therefore, it is best to collect data that will potentially organically generate a theory. This systematic technique is known as “grounded theory”. The grounded theory method generates an explanation or theory of a process, action or interaction shaped by views of participants (Strauss & Corbin, 1998).

The major difference between grounded theory and other qualitative research methods is the specific approach to theory development. Grounded theory suggests that there should be a continuous interplay between data collection and analysis (Urquhart, C., Lehmann, H., & Myers, 2010). Urquhart, C., Lehmann, H., & Myers (2010) further make the case that information systems researchers are not using grounded theory to its fullest potential. Their study finds information systems researchers used grounded theory for coding only when it has more potential such as its true root, which is to generate theory.

In fact, Hunter, Grealish, & Keady (2011) decided that grounded theory was best to use in a study about psychosocial training needs of nurses and healthcare assistants

working with people with dementia in residential care. The authors stressed in the article that there was limited understanding of the practice and training needs of nurses and healthcare assistants. Additionally, the authors indicated it is important to keep focus on constant comparing of data to search for emerging categories. This discovery and desire to pursue grounded theory is also parallel to the FOIA career and training question in this paper. The similarity is that both are under-researched areas and grounded theory is the best way to investigate the social aspect of the career and training needed in a social setting or situation.

To elaborate more on why it is important, grounded theory study allows the researchers to generate an abstract analytical schema of a phenomenon, a theory that attempts to explain some action, interaction, event(s) or process, and this is done by collecting data through interviews, observations or possibly surveys (Creswell, 2007). This grounded theory allows for a systematic, analytical procedure consisting of: interviews, field visits and development of categories. This, typically, should lead to generation of a theory. In other words, the analysis of the data allows a theory or theories to emerge. (Strauss & Corbin, 1998). Grounded theories drawn from data allow the researcher or scholar to have better insight and understanding into an event or phenomena. Furthermore, Creswell (2009) states that grounded theory is an inquiry method to pull out a general abstract theory of a process, action or iteration grounded in the views of participants.

Lastly, Mello, J., & Flint, D. J. (2009) conclude in their research on using grounded theory in logistical research that recognition of the value of everyday life

experiences in understanding behavior in organizations is helping to drive the use of more interpretive research methods such as grounded theory. The authors also hope that more logistics researchers will consider grounded theory for examining appropriate logistics problems involving complex social interaction.

Application of grounded theory could help researchers gain a more holistic and deeper understanding of phenomena than more traditional quantitative methods may be able to provide. Such understanding will be important to constructing a foundation for theory-building in many problematic areas in the field of logistics. Although this article is on grounded theory and logistics, it still has direct application to the FOIA career field and FOIA processes.

The choice of grounded theory will allow for discovery of several phenomenon in regards to FOIA officers and their careers. Moreover, grounded theory research allows for emersion into the field of FOIA by gaining a deeper understanding and insight on FOIA, and an opportunity to contribute to a lack of knowledge in regards to FOIA officer duties. The theory also will allow me the ability to interpret raw data into an explanation for future readers and researchers.

Interviews as method

The research conducted for this study using ground theory will be completed with in-depth interviews of at least 18 FOIA representatives at selected federal agencies known for backlogs and controversial requests, and that are often in the news for potential secrecy issues: Homeland Security, Federal Bureau of Investigation, Veterans

Administration, Social Security Administration and the Department of Defense. American Society of Access Professionals (ASAP), the thesis committee and the Office of the FOIA Ombudsman will be consulted on selections of individuals and agencies. The ASAP organization will be the champion for securing interviews with FOIA contacts in Washington D.C. All interviews will last approximately 60 minutes as an original request but will be adjusted as needed by participant. Questions will be approved and reviewed by IRB and the thesis committee. The thesis committee will help in prioritizing and organizing the questions.

In the event there is a problem coordinating and scheduling interviews during the week of October 17th, 2011, telephone interviews with follow-up emails will then be used. The new government fiscal year starts October 01, 2011 for 2012, so the start of the new fiscal year would be of benefit; it will provide some valid and timely research results as agencies are closing books and preparing for a new year of FOIA guidance and processes. Time is also needed to prepare to travel to Washington D.C. to conduct interviews. Two interviews will be conducted in the morning and two interviews in the afternoon for four days. The intent is to cover 18 interviews in three days and allow one day for rescheduling and necessary follow-ups. The week of October 17th is the primary and week of October 31st is the alternate week should October 17th not be a good week for interviewee selectees.

Dingwall (1997) states that a key feature of framing interviews is that the interviewer define what the parties are going to talk about and what counts as relevant. An interview is not a conversation. It is a detailed report or a created opportunity that the interviewee gives the researcher that may or may not interest the agreeing participant.

Further, Dingwall informs us that the interview data cannot offer us literal descriptions of the interviewee or participant's reality. In other words, the researcher usually will not fully grasp what the interviewee does. In this case, there is no way anyone can fully understand the FOIA officer's daily life unless the researcher, reader or scholar has worked in that position.

Although interviews will be the major emphasis of research materials, additional journal articles will be researched using the current literature review as a foundation. The soft skills, the motivating factors and the values of the FOIA contacts will be analyzed as discussed in the Leventhal article. Also, the lifecycle of marketing professors born or made will also be further analyzed for its linkage with FOIA officials as well as development. The work of Dwyer will be applied to see if there is any documentation of roles, reporting structures and tasks that could be captured for trends, if any, given each agency and department is independent in its operations. Two other areas of consideration will be looking at more studies about turnover, retention and attrition in the human resources area as well as looking at bureaucracy impact on one's job productivity.

Each FOIA contact will be interviewed at his or her work location for a better understanding of the dynamics of their positions. Interviewees will be advised that interviews are confidential and responses are anonymous, that further participation is strictly voluntary and that researcher's is only seeking knowledge about FOIA since there is a lack of knowledge in publications and research that have been reviewed. Participants will be read a verbal statement of consent and given the option of having questions before the interview or during the interview to ensure there is no miscommunications on questioning.

Several FOIA people involved in the ASAP organization will assist in securing interviews for this research as a group or as individuals. Contacts will be sent an email that will be followed by a phone call. The intent is to have a cover letter/email also sent by an ASAP official that will encourage participation in the research.

The process of in-depth interviews is preferred because this is new research and there is no past research to build upon. The best way to learn about FOIA officers is in-depth interviews. It is also important to note that interviewing takes a great deal of time and the process provides a good record of views and perspectives for the researcher (Stringer, 1996). Other methods will not be as effective given the dynamics of full-time, part-time and collateral duties.

Subject area of questions for interviews:

- 1). Entry into FOIA Career
- 2). Experience and Training
- 3). Time spent doing FOIA duties
- 4). FOIA Processes and Operations
- 5). Miscellaneous and Open Input

Detailed questions and interviews guide located in Appendix 2

CHAPTER 4: DATA FINDINGS

Over forty people were contacted through the help of the American Society of Access Professionals (ASAP), the assistance of the thesis chair (Dr. C.N. Davis) and some cold phone calling of FOIA representatives of federal agencies in Arlington, Virginia and Washington, D.C.; however, contacts in Maryland were not contacted as well as regional offices because of logistics and timing.

Despite FOIA officers being a public position and a high contact job, getting people involved in interviewing and getting their feedback for this project was difficult. Many stated that they had to talk to their legal counsel or public affairs officer for interview approvals. Many declined the opportunity to participate or simply refused to return calls and emails despite their staff appreciating the research and being eager to see results.

Some interviews were done individually and others were done as a group at various locations, including neutral locations such as Starbucks or ASAP's offices. Titles and duties of all interviewees were very different. Some interviewees were from departments, agencies and regulatory boards or foundations. A total of 18 people were interviewed that also included two non-profit individuals from the requestor community.

However, 80 percent of participants handle FOIA from beginning to end or, as the interviewees said, "cradle to grave" so, the interviewees also handled appeals if necessary during the FOIA process. A few only handled the appeals process. Some common trends and themes could be immediately identified from interviews while other interview responses created ambiguity on the life of FOIA officer and the career outlook for FOIA officers.

Where do FOIA Offices come from? What is the pipeline?

This question did not have consistent answers or any immediately identifiable trends. Every FOIA officer or official answered this question differently. Some volunteered for the position short term and eventually stayed. Other FOIA interviewees stated they took the job as a promotion opportunity, while others stated that because of organizational restructuring, FOIA was employment. Others worked in FOIA area as a special project or military assignment and developed a passion for the work and stayed with FOIA after retirement or upon an opportunity to transfer to the FOIA job.

Some FOIA officers found their FOIA career or job because of additional duties or mandatory reassignment or undesired appointment . However, all agreed there is no clear path at this time in the FOIA career field or to become an information access professional. This is very unfortunate when it comes to pathways for entry level.

One important and also troubling discovery was that over a quarter of the FOIA representatives interviewed had additional duties such as Privacy Act compliance, records keeping, and even, legal and human resources duties. Curiosity, promotion, challenging work and job security could be some possible reasons for seeking out FOIA positions in the past. It is true to say that the changing legislation, open government principles, and FOIA guidance and administration were not cited as the main reason to for entering into a FOIA position.

Training of FOIA Officers

In order to effectively and efficiently perform in any job, one must not only have resources and tools but also the proper and sufficient training. Given that there is no

career path or career series for FOIA officers, it is important to provide the proper training, refresher training and even certifications when possible for people to succeed in the FOIA career field or job family.

The ASAP organization not only provides training but is working on a certification program for information access professionals. The federal government also provides training to its FOIA offices and officials through two main organizations. The two most discussed training classes and seminars were provided by USDA now known as Graduate School USA and DOJ's Office of Information Policy.

Additionally, internal agency or department training was also cited. In fact, several of the FOIA interviewees stated they are facilitators or instructors for some of the training. Many could argue that the limited training is not a good thing, but the limited training provides for solid continuity of training and allows for opportunity to network. On-the-job training was also cited as a pathway to learning the job and not favored by FOIA interviewees computer-based training (CBT) was also a solution to training a FOIA professional of any level. It is interesting to note there was no mention on any higher education institutions offering seminars, programs or degrees in access to information or FOIA, Sunshine or Privacy Act. Further, there was no discussion on entry level jobs or a training developmental or rotational program.

Given the importance of FOIA operations and recent guidance from President Obama, it would make sense for some type of entry and developmental program and process to create and retain a study pipeline of FOIA professionals. ASAP, DOJ and graduate school training was the most discussed training for FOIA professionals.

Challenges of being a FOIA Professional

The FOIA field is challenging, rewarding and can be tough to enter and succeed. FOIA officials are faced with many challenges internally and externally. The most common ones known internally and externally are the issues of human and financial resources. FOIA operations at each government entity are not funded enough at the operations level and no money comes from the executive level at all thus funding and staffing is always a budget fight.

One area often overlooked is successful communications internally and externally with FOIA stakeholders. FOIA officers that cannot effectively communicate with the requestors or their peers at their government organization will fail. Relationship building is very important in executing FOIA requests. People involved in the FOIA process internally and externally must be educated and supportive of FOIA processes and operations.

The common and very loud theme that came out of challenges involved financial support and human resources. A majority of FOIA people interviewed said it would be nice to have a budget line item from Congress, while others pointed out the budget would be subject to yearly review and possible budget cuts. To further complicate things, no FOIA professional can lobby Congress for support.

Nearly all FOIA officers interviewed stressed the importance of engaging the requestor community, especially organizations. Clear and open communication leads to more clarification on the request and possibly helping the requestor narrow the focus of the request or even directing the requestor. This type of communications leads to quicker processing time and also accurate processing, along with overall improved relationships.

As discussed earlier, internal communications with the office, co-workers and leaders is very important for being a successful FOIA officer. The lines of communication and a very good internal relationship were necessary throughout the organization. A trust and understanding is needed so the FOIA office or FOIA officer can be an asset to the organization. Most interviewees did not have any internal conflicts, but the potential is always there with non-supportive leaders and co-workers that fear FOIA. The fear and pushback is also a fear with legal. There was issue during my discovery that legal can be both supportive or difficult to deal with when it comes to timelines or redacting. The concern most cited was dealing with legal professionals that had no experience with records management, records law or privacy laws.

Nearly all FOIA professionals interviewed took objection to DOJ backlog reports. The interviewees said that the data communicated in blogs, websites or DOJ reports does not truly depict the FOIA situation in each government entity. For example, some FOIA requests might require response from other agencies and departments or some requests might be complex and others might be answered in parts. Sometimes, there is an agreement with the requestor to modify requests to meet exact needs. Furthermore, many FOIA professionals argue the DOJ reports are not interpreting what is happening on the ground correctly when it comes to reporting and some would argue the statute is not being notated correctly. Acknowledge of the request within 20 days is not factored into the reporting but instead only completed requests are being notated.

All FOIA government access professionals interviewed pointed out that various articles claiming or suggesting FOIA professionals sit on requests or play a wait and see approach to FOI request are untrue. They all stated they get satisfaction when the request is finished or closed and they can go focus on the next one or continue to build relationships internally and externally in their FOIA office.

Interesting to note and deserving of possible further investigation is the topic of burnout. Little was discussed about burnout or life after the FOIA or culmination of job fulfillment. The life cycle of a college professor goes through four stages (Anderson & Anderson, 2011). The four stages discussed by Anderson are introduction, growth, maturity and decline. There is no doubt room for additional research in this area about FOIA professionals and their life cycle stages. Some FOIA professionals have entered and exited government or have become a part of the requestor community or advocacy groups for open government.

The discussion on conflicting FOIA memos and changing guidance from White House officials to DOJ officials was very short and frank. It was pointed out several times that guidance and memos are not the law and the key is to follow the code and the law. One person pointed to the DOJ book titled *Freedom of Information Act* and emphasized nothing significantly changes unless Congress passes a law. The last point that was emphasized in this area was empowering everyone with the practice of good and solid record keeping or records management.

Key Skills, Qualifications and Abilities

What is needed to survive in this job? What type of pay is right for this position? What type of skills are necessary or helpful in this job? What are things people should consider before working in this career field? All of these were questions that were asked during the interviews with all very consistent responses.

When education was discussed, there was no firm agreement or consensus on whether formal college education is needed or required. The focus was more on skills and abilities. FOIA officers interviewed had different educational backgrounds, from no

degrees to doctorate degrees. Many had bachelor, masters or law degrees. However, all pointed out the following educational or work experiences are helpful, or even an interest in these areas set up a person for success (easy transition): library science, clerical, administrative, history and paralegal experience. Note: Law was not discussed. However, several FOIA officers or former officers interview did have law degrees.

Suggested skills recommended include analytical, management, reading, interpersonal, research, problem solving, negotiation, investigative, tactfulness, listening, flexibility, sensitivity, writing, advising and even humor, self-motivation or initiative. All of these skills are important when dealing with the public as well as researching or investigating a complex topic or trying to find information that may not be readily available during a FOIA process. Dealing with internal and external stakeholders that may or may not fully understand the FOIA law leads to the need for outstanding interpersonal communications skills. Humor is needed for long hours or manual labor that could be hours at the copying machine or manually doing redacting with a knife or marker.

The appropriate compensation was discussed. It was recommended that because of complexity and intensity of the job, entrants should be paid pay a competitive pay on the General Schedule pay scale or the classifications of federal jobs such as GS-09 with room to grow up to GS-15 which represent above average entry level positions normally with college degrees. No doubt, a college developmental program starting people out at GS-07 would be a good entry point for a FOIA career developmental program for college graduates with rotational duties that is often done in corporate America. Perhaps, FOIA

professionals could be a possible career path included in the Presidential Management Program.

Career paths are not nothing new, nor do they have to be written and followed exactly (Walker, 1976). However, career paths are descriptions of sequential work experiences that would be helpful in a pipeline for any career series or family. Career paths are helpful in planning one's career and also can be used as a retention tool.

In fact, Walker (1976) states that managers want career paths so an adequate number of individuals can be identified to fill future vacancies. Moreover, employees want to know about career opportunities in an organization to then set realistic goals (Walker, 1976). Many organizations have career charts or organizational charts that should outline possible pathways to increasing responsibilities or other development jobs such as engineering, military or even education.

Chapter 5: DISCUSSION

How are federal FOIA contacts and officers created and retained and what impact does their career path have on open government principles such as FOIA directives, policies and guidelines communicated by the President of the United States and the Attorney General?

When approaching this topic, the researcher was expecting a lot of clear answers and consistent answers because this is the government and FOIA is not a new law. However, the research led to learning many interesting things and also things of great concern. Given the nature of the FOIA law, the researcher expected more dedicated resources to enforce the law. The research did not result in clearly defined paths and qualifications to enter the FOIA field, given the importance of FOIA and the necessity of skilled, dedicated and professional people working with internal and external people. This would include college graduates.

Although the research did not result in any eye-dropping or heart-breaking discoveries or events, the FOIA community that was interviewed is very small yet dedicated to responding to the public and working hard with requestors on successful relationships. Unfortunately, the various literature on FOIA activities and events routinely paints FOI in a negative light. Another minor discovery is that there are many onions to peel when it comes to the backlog reports or even the fact that every FOIA request is unique. Many FOIA officials are responsible for a FOIA request from beginning to end including appeals and litigation. Some articles would suggest that there is

a defined hierarchy of FOIA jobs and organizational processes and flows. This is untrue in the case of many offices where a FOIA office could be one or two people. FOIA is not a new worldly topic or field either. FOIA has been around since ancient dynasties of kings and emperors in Europe and Asia (Davis & Cuillier, 2010). Davis and Cuillier (2010) discuss that FOIA documents and reports can help one in buying a house in the right neighborhood or buying an important product or service.

Beyond doubt, FOIA impacts daily lives, especially in a world where many governments operate in secret and do not let their citizens know what is going on. Interviewees would point out that FOIA is a law and that memos may mean something or not, yet the media may overemphasize a memo. The issue is following the law in doing the job every day. The answer for FOIA officers new or seasoned is to follow the DOJ Office of Information and Privacy's 1200-page book (Freedom of Information Act Guide) until the law is changed by Congress. President Obama has discussed and communicated transparency but there have been no new laws or amended laws that would drive FOIA officers to change their standard operating procedures such as the FOIA Law reform signed by President George W. Bush. However, Senators John Cornyn (R-Texas) and Senator Patrick Leahy (D-Vermont) are very passionate about an open, transparent, and responsible government and thus have been pushing for consistent reforms and new law enhancements for several years. The United States suffers from a lack of FOIA officers and further creates challenges with insufficient resources to accomplish the FOIA mission. FOIA officers interviewed are dedicated to doing the right thing at all times and wants to be engaged 100 percent in their FOIA activities. A FOIA

career is highly recommended to anyone that is serious about public service and has an interest in discovery and investigating.

The research did not reveal any sort of conflict of interest between service to agency and service to country. The FOIA officers interviewed indicate that there are not real conflicts between fulfilling FOIA requests and serving the agency despite changes in administrations

One very interesting discovery is that some agencies and departments have identified mission-critical jobs and fields such as the State Department. Yet, FOIA/Information Access professional jobs are not on this list of critical jobs. A top-ten list of critical jobs on the Department of State webpage and a career website called opportunityknock.org only highlighted critical mission jobs for lawyers, information technology professionals, human resources, management, finance, engineers and scientists. After reviewing applicable literature on FOIA and talking with FOIA officials, there is a clear disconnect between the executive administration's vision of open government and its operating principles of execution of open government, transparency and access. The bark is louder than the bite. FOIA officers are told to practice FOIA with scarce resources and there are definitely no resources available or forecasted to develop a pipeline or talent pool for future FOIA officers. Nevertheless, the FOIA professional in the U.S. government stands ready to champion the FOIA.

Limitations:

As with any study, there are always limitations. Some limitations are significant and others are manageable. The biggest limitation in this study is tri-fold. The challenge of getting appointments; the challenge of getting FOIA contacts to be honest, open, and frank in the interviews; and the challenge of the researcher doing the interviews who carries some bias from working with FOIA in the past and experience in working in government. The bias of the researcher will be mitigated, but the bigger challenge of the limitation will be the experience of doing interviews and providing enough time for interviewees to respond. One interesting thing learned in the interviews is that the U.S. OPM (Office of Personnel Management) is drafting positions and a classification series for information access professionals. This is as of late 2011, and because information is all pre-decisional, it could not be reviewed or used in this paper.

One important limitation to note is that this research was performed in three months, thus, there is still significant research to be done in this area such as follow-up interviews, more interviews and even discussions and interviews with the requestor community. The three months of research was also performed during busy times of new fiscal year of the government (budget woes) and also holidays. This type of research should require at least a year of research with more interviews and interviewee selectees around the world not just the Northern Virginia area.

Lastly, the sample size may not be sufficient because scholars expect over 18 for a good sample size in conducting interviews as a method of research. Additionally, the sample consisting of self-selected government professionals all working in Washington D.C. may cause some concerns that all employees will have similar responses based on

their similar environment versus FOIA offices working outside the capital beltway. How do FOIA officers react if they are in another country or several states away from the Washington DC metro area? Would the operations and resources allocated be different? Would their interviews responses be consistent with this research study?

Areas for further research:

Possible outcomes from this research will be additional areas for study or research. Given the short timeframe of this research design and thesis, there is no way to explore all areas that could be worthy of research. Some of these possible areas could be: What is the proper formal educational background needed for FOIA officers? Does the Executive Administration really mean what it says when it comes to open government and open access given no resources committed from the top? How does the federal government fund FOIA activities and processes in light of an ever-increasing deficit and federal budget woes? Many interviewees discussed the fact that there is no dedicated or line-item budgeting for FOIA. Some departments interviewed even stated the fact that FOIA “budgeting and resources come out of our hide,” meaning some years FOIA activities and operations in a certain department may or may not have the necessary financial support. There are also dangers discussed by some interviewees of incorporating dedicated funding from Congress.

One interesting discovery that is only minimally discussed but is worthy to note is several people who were former FOIA officers now work in the requestor community for non-profit organizations or went to industry or a law firm. Others have worked in a law practice or industry and returned to the federal government as a FOIA officer or working

with FOIA again. It would be interesting to conduct a study to determine if and how attitudes, advocacy efforts or at least perspectives have changed after exiting and returning or exiting and working on the other side of FOIA processes.

One key thing that should happen for the FOIA field is that there needs to be a developed pipeline and career paths for FOIA officers with detailed duties. During interviews, it was discovered that many FOIA professionals had different titles and many had the same or overlapping duties unless in serving in a supervisory position. Some titles were confusing. Using academic professor career paths combined with nursing career paths and development would be two good templates to address organizational structure and titles. Additionally, various management trainee programs such as restaurant, retail and banking could also be good for incorporating development and professional training for new government employees. A FOIA pipeline is critical if the executive administration is serious about open government and responding quickly. Additionally, a solid developmental and professional training program is needed to ensure a steady supply of FOIA professionals as well as retention when it comes to promotion and growth opportunities. The process of recruiting, training and on-going developing of FOIA professionals is needed to maintain and increase open government principles.

Most importantly, future FOIA officers should be recruited internally and externally from places such as college campuses or community career fairs. Perhaps, there is a need for some type of high-talent, rotational development program for internal and external employees to address the FOIA shortage and training.

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Conflict of Interest:

The author of this document is a government employee (U.S. Army officer) reporting on government employees. The author is not receiving or giving any type of compensation for this research. The author did not use his position to access privileged or secret information.

APPENDIX 1: TERMS

ASAP: The American Society of Access Professionals (ASAP) is a nongovernmental, independent, educational, not-for-profit association. It was founded in 1980 by concerned federal government employees and private citizens working in the fields of information access through the Freedom of Information Act (FOIA), the Privacy Act (PA), and laws and regulations

ASAP was founded as a professional forum dedicated to bringing government FOIA and Privacy Act personnel in touch with the requester community. The requester community includes private citizens, law firms, businesses, media and nonprofit organizations; it is not a government agency.

ASAP is the leading organization providing quality professional educational programs. ASAP draws upon the highest caliber of government FOIA and Privacy instructors along with known experts in the public requester field to teach and discuss common problems in an open-dialogue forum. Tremendous insight and education are attained by both sides as each learns from the perspective of the other.

All FOIA terms indicated below are based on definitions from for FOIA Glossary located at FOIA.GOV

FOIA Backlog: The number of requests or administrative appeals that are pending beyond the statutory time period for a response.

FOIA Chief /FOIA Officer: A designated high-level official within each agency who has overall responsibility for the agency's compliance with the FOIA. Each federal agency is required to have a Chief FOIA Officer, who is responsible for ensuring that their agency is compliant with the FOIA, that their agency is working efficiently on FOIA requests and appeals, and constantly improving how each agency works with the FOIA. While each agency has a Chief FOIA Officer, these officers serve in an oversight position, and are not always the main FOIA contact in each agency. This may be a full-time position or it may be a person such as a lawyer with collateral duties or additional duties to supervise FOIA processes at a particular agency or department.

FOIA Contact: The name, address and phone number at each agency or office where FOIA requests can be directed. This may be a dedicated person or a person with collateral duties.

FOIA Exclusions: In three carefully defined situations, certain sensitive law enforcement records are “excluded” from the requirements of the FOIA.

FOIA Exemptions: Certain categories of information are not required to be released in response to a FOIA request because release would be harmful to governmental or private interests. When an agency withholds information in response to a FOIA request, they will apply one of the nine exemptions to the FOIA.

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

(b)(1) EXEMPTION - Protects Classified Matters of National Defense or Foreign Policy

This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.

(b)(2) EXEMPTION - Internal Personnel Rules and Practices

This exemption exempts from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency." Courts have interpreted the exemption to encompass two distinct categories of information:

(a) internal matters of a relatively trivial nature--sometimes referred to as "low2" information; and

(b) more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement--sometimes referred to as "high 2" information.

(b)(3) EXEMPTION - Information Specifically Exempted by Other Statutes

This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information "specifically exempted from disclosure by statute." The new Exemption 3 statute prohibits agencies from releasing under the FOIA any proposal "submitted by a contractor in response to the requirements of a solicitation for a competitive proposals," unless that proposal "is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal."

(b)(4) EXEMPTION - Trade Secrets, Commercial or Financial Information

This exemption protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." This exemption is intended to protect the interest of both the government and submitter of information.

(b)(5) EXEMPTION - Privileged Interagency or Intra-Agency Memoranda or Letters<

This exemption protects "inter-agency or intra-agency memorandums of letters which would not be available by law to a party ...in litigation with the agency." As such, it has been construed to "exempt those documents, and only those documents, normally privileged in the civil discovery context."

(b)(6) EXEMPTION - Personal Information Affecting an Individual's Privacy

This exemption permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

(b)(7) EXEMPTION - Investigatory Records Compiled for Law Enforcement Purposes

As amended, this exemption protects from disclosure "records or information compiled for law enforcement purposes.

EXEMPTION 7(A) Records or information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings."

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevent prejudicial pretrial publicity that could impair a court proceeding, protects "records or information compiled for law enforcement purposes [the disclosure of which] would deprive a person of the right to a fair trial or an impartial adjudication."

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

EXEMPTION 7 (D) Identity of a Confidential Source. This exemption provides protection for "records or information compiled for law enforcement purposes [which] could reasonably be expected to disclose the identity of a confidential source --including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis--and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an

agency conducting a lawful national security intelligence investigation, information furnished by a confidential source."

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

EXEMPTION 7(F) Physical Safety to Protect a wide Range of Individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that "would ...endanger the life or physical safety of law enforcement personnel," the amended exemption provides protection to "any individual when disclosure of information about him or her "could reasonably be expected to endanger [his/her] life or physical safety."

(b)(8) EXEMPTION - Records of Financial Institutions

This exemption covers matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

(b)(9) EXEMPTION - Geographical and Geophysical Information Concerning Wells

This exemption covers "geological and geophysical information and data, including maps, concerning wells.

FOIA FTEs (Equivalent Full-Time FOIA Employees): The number of staff at a department or agency where part of their job functions is to work on FOIA, but FOIA work is not the only function of their full time position. For example, if an office has one person who works on FOIA issues for 40% of their time, this would be counted as 0.4 of an equivalent full-time FOIA employee.

FOIA Request: A request submitted to a federal agency asking for access to agency records on any topic. A FOIA request can generally be made by any person, to any federal agency, and only requires that requesters reasonably describe the records they are seeking and comply with agency regulations for making such requests.

Grounded Theory: A qualitative strategy in which the researcher derives a general, abstract theory of a process, action, or interaction grounded in the views of participants in a study. (Creswell,p.229).

Knight Open Survey: Knight Foundation hopes to achieve several goals through National Security Archive's grant, according to Amy Starlight Lawrence, Journalism Program Associate at the Knight Foundation. "The Knight Open Government Survey allows us to see which agencies are becoming more transparent and open, and which ones aren't," she says. "The National Security Archive will continue these surveys next year and beyond. We hope that this will encourage negligent agencies to improve their practices."
<http://www.knightfoundation.org/blogs/knightblog/2011/7/11/knight-open-government-survey-finds-oldest-unanswered-foia-request-20-years-old/> (Knight Blog)

Open Government: On his first full day in office, President Obama signed the Memorandum on Transparency and Open Government calling for unprecedented openness and transparency in government and declaring "Information maintained by the Federal Government is a national asset."

Participants in Study: Persons that have primary or additional duties of FOIA tracking, reporting, compiling, responding in Federal Agencies such as Department of Justice (DOJ), Department of Defense (DOD), Federal Aviation Administration (FAA), Department of Interior(DOI), Department of Homeland Security (DHS), Food and Drug Administration(FDA), United States Department of Agriculture (USDA), Department of Energy (DOE), US Department of Education , Department of Transportation (DOT), Department of Veterans Administration (VA) and Environmental Protection Agency.

Project on Government Oversight (POGO): A non-partisan independent watchdog that champions good government reforms. POGO has a keen interest in protecting the public's right to know.

Public Records: Public records are documents or pieces of information that are not considered confidential.

Sunshine Law: The Government in the Sunshine Act is a US law passed in 1976 which affects the operations of the federal government, Congress, Federal Commissions, and other legally constituted federal bodies. It is one of a number of Freedom of Information Acts, intended to create greater transparency in government.

APPENDIX 2: INTERVIEW GUIDE

QUESTIONS

1). Entry into FOIA Career:

Did you become a FOIA representative as a result of promotion?

Did you become FOIA representative as a result of reorganization or restructuring?

Did you become a FOIA representative as a result of demotion?

Did you volunteer to become a FOIA Representative?

Did you interview to become a FOIA Representative?

Did you get appointed to your FOIA representative position?

How many people applied for you position?

Did anybody get relieve of FOIA duties (not job); however, FOIA was a not their main job and you took over their FOIA responsibilities?

What do you think about the future outlook for the FOIA career field?

Is there a need to have full time FOIA officers and specific career series on the GSA schedule??

Is there a need to create a career series group for FOIA officials?

How do you rank your job and duties with other Federal career series? Do you feel you have a very tough role as defender of an agency but also advocate of change for open government documents?

2). Experience and Training:

Did you have FOIA experience before assuming this position?

Did you have formal FOIA training?

Did you attend any of the DOJ seminars?

Did you have informal FOIA training?

Have you attended on-going FOIA seminar and workshops with DOJ?

Has most of your FOIA training been OJT?

Has most of your FOIA training been provided by government or contractors?

Has most of your FOIA training been provided by lawyers?

Has most of your FOIA training been lacking, short or none-existent?

Are you a member of ASAP or other organizations dealing with information access professionals?

What makes you a qualified FOIA SME?

What makes a person an unqualified FOIA SME?

Are there any traits, values, motivators or skills that are deal breakers in this job?

3). Time spent doing FOIA duties:

Are FOIA duties a full time job? Formally? Informally?

Are FOIA duties a part-time job? Less than 50% of your job?

Are FOIA duties collateral duties?

Is there a staff or a team to handle FOIA? If so, how many?

What technology resources are used or lacking in processing FOIA requests?

What don't people understand about the FOIA timeline?

What do you disagree about on FOIA timelines?

Are there any incentives for timely release or response to FOIA request?

Are there any punishments, reprimands or counseling for FOIA request not processed Timely (Delays).

Does your organization support or discourage the appeals process?

4). FOIA Processes:

What the top three reasons for Backlogs? (Examples Appeals, Personal Private Information, Corporate or Government Interests that protect the safety and security of the US).

How long does FOIA take to process in your department?

Do people or organizations that submit FOIA request provide enough information in their request to respond?

How do you implement Attorney General and President of United States directive changes? (New Memos issued during administration changes).

Does your agency simply deny initial requests because they know that requesters won't take the time to file an administrative appeal?

Does your agency deny records initially because they know that by the time the appeal is adjudicated, the material sought will not be important to the agency or the requester and this stall tactic may keep the agency out of the media spotlight for the time being.

5). Miscellaneous

Do your peers respect your FOIA job or duties?

Does your organization support your FOIA activities or perceive you as the internal or disloyal employee?

Is there burn-out in the FOIA career field? How can this be prevented? Does burnout affect the ability to respond to FOIA request?

Does age, sex or ethnicity have any impact on FOIA competency, recruitment or retention? Do these items enhance FOIA responses? Is there possible agency or department uniqueness?

In-depth interviews (Interviewees will have to be protected and everything will have to be for non-attribution with no clear identifying links back to person or

actual organization). The discussion and interviews could impact one's job, one's career as well as one relationship with peers and other agencies. It is important in the spirit of IRB that workers are protected in this research. Questions will be reviewed not only by IRB and the thesis committee but also by other FOIA officials outside federal government such as leadership of ASAP.

APPENDIX 3: FOIA HISTORY TIMELINE

Detailed FOIA Legislative History

from the George Washington University's National Security Archives

1946 - The Administrative Procedure Act (APA) (60 Stat. 237), enacted in 1946 is the procedural roadmap for the federal executive branch. Unless another statute provides otherwise, every executive branch department and agency must follow the APA's minimum procedures for adjudication and rule making. It also establishes general ground rules for the judicial review of agency actions. and its provisions have served as models for many other administrative procedure laws in the fifty states and countries around the world.

1966 Passage – The FOIA was enacted in 1966 despite the opposition of President Johnson to the legislation. Prior to enactment, there were several years of congressional hearings about the need for a disclosure law. The FOIA went into effect in 1967. To learn more about the enactment of the FOIA, [Click here](#).

Congressional Reports

S. Rep. No. 1219, 88th Congress, 2nd Session (S. 1666)

S. Rep. No. 813, 89th Congress, 1st Session, Senate Committee on the Judiciary
(Oct. 4, 1965) (S. 1160)

H. Rep. No. 1497, 89th Congress, 2nd Session, House Committee on Government
Operations (May 9, 1966) (S. 1160)

Floor Consideration of S. 1160

Considered and passed Senate, October 13, 1965, 111 Cong. Rec. 26820

Considered and passed House, June 20, 1966, 112 Cong. Rec. 13007. Excerpt from Congressional Record of June 20, 1966, "Clarifying and Protecting the Public's Right to Know", (Debate and Vote of the US House of Representatives on Senate Bill 1160, Featuring a Statement by US Rep. John Moss)

Presidential Signing Statement

President Lyndon Johnson's Statement upon Signing the FOIA (Press Release, Office of the White House Press Secretary, "Statement by the President upon Signing S.1160", dated July 4, 1966

1974 Amendment – In the wake of the Watergate scandal and several court decisions, Congress sought to amend the FOIA. After negotiations between Congress and the Ford Administration broke down, Congress passed significant amendments to the FOIA. President Ford vetoed the amendments and Congress swiftly voted to override the veto. To learn more about the 1974 Amendments to the FOIA, [click here](#).

Congressional Reports

H. Rep. No. 93-876 (H.R. 12471) (Comm. on Gov't Op.)

S. Rep. No. 93-854 (S. 2543) (Comm. on the Judiciary)

H. Rep. No. 93-1380 and S. Rep. 93-1200 (Comm. of Conference)

Floor Consideration:

March 14, considered and passed House, 120 Cong. Rec. H1787-H1803 (1974)

May 30, considered and passed Senate, amendment in lieu of S. 2543, 120 Cong. Rec. S9310-S9343 (1974)

October 1, Senate agreed to conference report, 120 Cong. Rec. S17828-S17830, S17971-S17972 (1974)

October 7, House agreed to conference report, 120 Cong. Rec. H10001-H10009 (1974)

President Ford's Veto Message

October 17, vetoed; Presidential message, H. Doc. 93-383 (Nov. 18, 1974)

Floor Discussion of Veto:

November 18, Preliminary House action on Presidential Veto, 120 Cong. Rec. H10705-H10706 (1974)

November 20, House Action and Vote on Presidential Veto, 120 Cong. Rec. H10864-H10875 (1974)

November 21, Senate Action and Vote on Presidential Veto, 120 Cong. Rec. S19806-S19823 (1974)

1976 Amendment –In 1976, as part of the Government in Sunshine Act, Exemption 3 of the FOIA was amended.

Congressional Reports:

H. Rep. No. 94-880, Part I (Comm. on Gov't Op.) (selected pages)

H. Rep. No. 94-880, Part II (Comm. on the Judiciary) (selected pages)

H. Rep. No. 94-1441 (Comm. of Conference)

Presidential Signing Statement:

Sept. 13, 1976, signed; Presidential statements.

1986 Amendment – In 1986 Congress amended FOIA to address the fees charged by different categories of requesters and the scope of access to law enforcement and national security records. The FOIA amendments were a small part of the bipartisan Anti-Drug Abuse Act of 1986. The amendments are not referenced in the congressional reports on the Act, so the floor statements provide an indication of Congressional intent.

Congressional Consideration:

September 25, Senate bill introduced, 132 Cong. Rec. S13648, 13660-61 (1986)

September 27, Senator Leahy Amendment and Statement, 132 Cong. Rec. S14033 (1986)

September 27, Senator Hatch Statement, 132 Cong. Rec. S14038-40 (1986)

September 30, Senator Denton Statement, 132 Cong. Rec. S14252 (1986)

September 30, Senator Leahy Statement, 132 Cong. Rec. S14295-300 (1986)

September 30, Senate Technical Amendments, 132 Cong. Rec. S14277-78 (1986)

October 8, Reps. English and Kindness Statements, 132 Cong. Rec. H9462-68 (1986)

October 8, House approves amendments, 132 Cong. Rec. H9497-98 (1986)

October 10, Senate Amendment to House Amendment, 132 Cong. Rec. S15956 (1986)

October 10, Senator Leahy-Kerry Colloquy, 132 Cong. Rec. S16496-97 (1986)

October 15, Senate approves amendments, 132 Cong. Rec. S16502 (1986)

October 15, Senator Hatch Statement, 132 Cong. Rec. S16504-05 (1986)

October 17, House Amendment to Senate Amendment, 132 Cong. Rec. SH11233-34

(1986)

October 17, House approves amendments, 132 Cong. Rec. H10787 (1986)

October 17, Senate concurs in House amendments, 132 Cong. Rec. S16921

(1986)

1996 Amendment – The FOIA was significantly amended in 1996 with the Electronic Freedom of Information Act Amendments of 1996. There were separate Senate and House bills that were reconciled by their sponsors. The public law includes a “Findings and Purposes” section that was not codified into the FOIA’s text.

Congressional Reports:

H. Rep. No.104-175 (H.R.3802) (Committee on Government Reform and Oversight)

S. Rep. No. 104-272 (S. 1090) (Committee on the Judiciary)

Presidential Signing Statement:

President Clinton’s Statement Upon Signing the EFOIA Amendments (Press Release, Office of the Press Secretary, The White House, “Statement of the President”, dated October 2, 1996)

2002 Amendment – In 2002, in the wake of the 9/11 attacks, the FOIA was amended to limit the ability of foreign agents to request records from U.S. intelligence agencies.

Congressional Reports:

H. Rep. No. 107-592

FOIA guidance memorandums (not law)

Source: George Washington University National Security Archive

Department of Justice and FOIA.GOV

Attorney General Tom C. Clark's Manual on the Administrative Procedure Act, 1947

Attorney General Clark's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967

Attorney General Levi's Memorandum on the 1974 Amendments to the Freedom of Information Act, February 1975

Attorney General Meese's Memorandum on the 1986 Amendments to the Freedom of Information Act, December 1987

Attorney General Reno's Memorandum for Heads of Departments and Agencies Regarding the FOIA, dated October 4, 1993

President Clinton's Memorandum for Heads of Departments and Agencies Regarding the FOIA, dated October 4, 1993

Attorney General Ashcroft's Memorandum for Heads of All Federal Departments and Agencies Regarding the FOIA, dated October 12, 2001

White House Chief of Staff Andrew Card's Guidance on Homeland Security Information, "Action to Safeguard Information Regarding Weapons of Mass Destruction and Other Sensitive Documents Related to Homeland Security, dated March 19, 2002

January 21, 2009, President Obama issued a memorandum to the heads of all departments and agencies on the Freedom of Information Act (FOIA). The President directed that FOIA "should be administered with a clear presumption: In the face of doubt, openness prevails."

On March 19, 2009, during Sunshine Week, Attorney General Eric Holder issued those guidelines. The Attorney General highlighted that the FOIA "reflects our nation's Fundamental commitment to open government" and that his Guidelines are "meant to underscore that commitment and to ensure that it is realized in practice."

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