

OIP's un-published, un-codified, un-preserved and non-CFR "FOIA guidance"

Brady Eames <ibuncle@yahoo.com>

Mar 30, 2015 5:16 PM

Posted in group: **FOIA Advisory Committee**

Dear agents of the United States, In contempt for and undermining *5 USC 552(a)(1)* and *1 CFR 5.9(a)* and *8.1(a)* and **President Obama's Memorandum of January 21, 2009** titled "**Freedom of Information Act**" (see <http://www.gpo.gov/fdsys/pkg/FR-2009-01-26/pdf/E9-1773.pdf>), the component of the Department of Justice (DOJ) titled the "**Office of Information Policy**" (**OIP**) (see *28 CFR .24*) continues to **not** publish, codify or preserve in the Code of Federal Regulations any of the **OIP's substantial rules of general applicability and legal effect** adopted under *5 USC 552(a)(2)* and (3) and electronically disseminated in the **2009-2015** issues of "**FOIA guidance**" (see <http://www.justice.gov/oip/oip-guidance> and <http://www.justice.gov/archive/index-oip.html>). Please explain. Thank you, Brady Eames

MATTER INQUIRY PROPOSAL re: OMB's Rules Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies"

Brady Eames <ibuncle@yahoo.com>

Mar 30, 2015 6:15 PM

Posted in group: **FOIA Advisory Committee**

Dear agents of the United States, I exercise my right in accordance with 5 USC 595(c)(1) by hereby proposing that the Chairman of the Administrative Conference of the United States named Paul Verkuil make inquiries into the following matters with respect to the **Office of Management and Budget (OMB): (1) Why the texts of the full versions of the OMB's substantial rules with respect to ensuring and maximizing the quality, objectivity, utility and integrity of information disseminated by Federal Agencies** have been irresponsibly and illegally published in the Federal Register as "notice" and have never been codified, published or preserved in the Code of Federal Regulations (see 66 FR 49718-49725 of **September 28, 2001**, 67 FR 369-378 of **January 3, 2002**, 67 FR 8452-8460 of **February 22, 2002**, Memorandum for **President's Management Council (PMC)** of June 10, 2002, Memorandum for the **PMC** of **September 5, 2002**, Memorandum to all Department and Agency Heads of **August 1, 2003**, Memorandum for the Heads of Executive Departments and Agencies of **December 17, 2004**, Memorandum for the Heads of Executive Departments and Agencies of **December 16, 2005**); and (2) Why the **OMB** is not making available for my free use in the **Federal Regional Depository Library in Logan, UT** either the **paper** or **electronic version** of any of such documents described above. Thank you, Brady Eames

MATTER INQUIRY PROPOSAL re: OIP's "FOIA Rules"

Brady Eames <ibuncle@yahoo.com>

Mar 30, 2015 6:43 PM

Posted in group: **FOIA Advisory Committee**

Dear agents of the United States, I exercise my right in accordance with *5 USC 595(c)(1)* by hereby proposing that the Chairman of the Administrative Conference of the United States named Paul Verkuil make inquiries into the following matters with respect to the component of the Department of Justice titled the **Office of Information Policy (OIP)**: **(1)** Why the **texts** of the full versions of the **OIP's substantial FOIA rules with respect to 5 USC 552 issued during 2009-2015** have been irresponsibly and illegally published on the internet website address of the **OIP** at <http://www.justice.gov/oip/oip-guidance> and <http://www.justice.gov/archive/index-oip.html> **before and without** being codified, published or preserved in the Code of Federal Regulations; and **(2)** Why the **OIP** is **not** making available for my free use in the **Federal Regional Depository Library in Logan, UT** either the **paper** or **electronic versions** of any of such **rules**. Thank you, Brady Eames

Fw: Missing "Opinions of the Office of Legal Counsel" (J1.5/4) (717-C-4 and 0717-C-4) (P)

Brady Eames <ibuncle@yahoo.com>

Mar 30, 2015 7:25 PM

Posted in group: **FOIA Advisory Committee**

Dear GPO and OLC agents, Referring to this forwarded reply from the Coordinator of the FRDL-UT, please explain why the FRDL-UT does not have a "complete and accurate inventory" with respect to the "Opinions of the Office of Legal Counsel". Thank you, Brady Eames

On Friday, March 27, 2015 9:58 AM, Flora Shrode wrote:

Brady -

You are right that the "List of Classes" is an official source and that Marcive is something we pay for as a library to assist with locating government publications. I don't know why the designation of print (P) appears, when another source indicates, and your experience from checking the shelves (and microfiche cabinets) shows, that print production has ceased or has been reduced.

I regret that it's challenging in many cases to determine what titles are available in what formats and in which libraries. As you know, we grapple with this often, when researchers discover a reference to something and hope to find full text, whether online or in print. While people at the GPO and in libraries across the nation make great effort to catalog government publications, there are so many that we may never have a complete and accurate inventory.

Sincerely,
Flora

From: Brady Eames [ibuncle@yahoo.com]

Sent: Thursday, March 26, 2015 3:42 PM

To: Flora Shrode

Cc:

Subject: Re: Missing "Opinions of the Office of Legal Counsel" (J1.5/4) (717-C-4 and 0717-C-4) (P)

Hey Flora, Thanks for the reply, but, refresh my memory..."List of Classes" is an official source of Government publications to be made available for free use in the FRDL-UT but "Marcive" is a unofficial non-Federal Government source. Also, referring to the **1981-2014** editions of the List of Classes, why would **(P)** be indicated as the only available format of the Opinions of the Office of Legal Counsel if, since 2000, it is actually not?... and, how many official and unofficial sources does one have to refer to to find where and when a Government publication is available for free use? Sincerely, Brady

On Thursday, March 26, 2015 2:29 PM, Flora Shrode wrote:

Hello, Brady,

Shelley investigated your question. She used the Marcive database, which you probably know about and which is a catalog of gov docs. She also delved into the FDLP system, which she and Sally use for guidance about what we can expect to receive from GPO and to learn about changes such as when particular titles shift from print to microform, or when a publication is available only online (electronic).

It appears that the Opinions of the Office of Legal Council was no longer published in print beginning in the year 2000. The Marcive record provides a note that says, "Partial contents available online with the title: United States. Dept. of Justice. Office of Legal Counsel. Memoranda and opinions." The PURL listed with this record is: <http://purl.access.gpo.gov/GPO/LPS79897> I suspect that you are already familiar with that website (and the URL from the page itself is: <http://www.justice.gov/olc/opinions?showall=>).

I have no idea why print or microfiche editions of the Opinions are not in the expected locations in USU library's print or microfiche collections except for the fact that after 2000, it appears that the Opinions have been published only online. I'll check further, but I can assure you that we haven't purposefully hidden these publications.

Sincerely,
Flora

From: Brady Eames [mailto:ibuncle@yahoo.com]
Sent: Wednesday, March 25, 2015 11:05 AM
To: Flora Shrode; Shelley Doney; Sally Thompson
Cc:
Subject: Missing "Opinions of the Office of Legal Counsel" (J1.5/4) (717-C-4 and 0717-C-4) (P)

Hey Staff, I have spent nearly 10 hours in the FRDL-UT during the last night 2 nights reviewing information regarding the Government publication titled the "**Opinions of the Office of Legal Counsel**" which have been listed in the **1981-2012** editions of the **List of Classes** as **717-C-4** of **0717-C-4** in **(P)** format but have never been listed as **(MF)** format (yes, I hand searched through all such editions for such information). However, all that's available on the shelf are the "**Opinions of the Office of Legal Counsel**" in **paper** format for the years **1971-1982** (Volumes 1-43). Strangely though in the microfiche file drawer for **J1** publications, the "**Opinions of the Office of Legal Counsel**" are actually available in **microfiche** but only for the years **1989-1992**. Please verify that the **paper** formats "**Opinions of the Office of Legal Counsel**" for the years **1983-2014** and the **microfiche** formats of "**Opinions of the Office of Legal Counsel**" for the years **1981-1988** and **1993-2014** are not available anywhere else in the FRDL-UT. If so, please ascertain why they are missing and follow up with me. Thank you, Brady (435-881-1022)