

Excerpts of questioning of Attorney General Michael Mukasey by the Senate Judiciary Committee, 1/30/08.

SEN. JOHN CORNYN: ... This has to do with the Open Government Act of 2007 that Congress passed and was signed by the president into law in December. Chairman Leahy and I have been working on FOIA reform -- Freedom of Information Act reform.

... A key component of that legislation creates the Office of Government Information Services located within the National Archives and Records Administration.

I have been concerned, and I know the chairman has, because I've heard him speak on the floor about statements made within the administration about the possibility of moving that office that was created by that legislation to the Department of Justice, or perhaps somewhere else.

I have reservations about that and I wanted to let you know that, and I know the chairman does as well. And I hope that we can follow up with you after you've had a chance to look into that in greater depth, so we can resolve that.

My opinion is that the legislation forecloses that. I realize there can be things done through the budgetary process. But it is a concern. I wanted to alert you to that.

ATTORNEY GENERAL MUKASEY: I understand that you did. And I'm grateful for that.

And I understand that these requests are often filed by people who are lay people and don't know precisely what it is they're asking for and how to ask for it. So it's helpful to have a third person in the middle.

SEN. CORNYN: As a former judge myself, and as a former judge yourself, anything that can avoid litigation and resolve things informally, I think would be -- in an expeditious fashion, I bet you would agree that's a good thing.

MUKASEY: I would. ...

SEN. PATRICK LEAHY I discussed this with you out in the anteroom, Mr. Attorney General, but the FOIA legislation that we worked on in a bipartisan way that was passed overwhelmingly, signed into law by the president, that required the Office of Government Information Services, OGIS, which is the National Archives and Records Administration, required that be there, the ombudsman, all the other things we talked about, now we see in the Department of Justice, in the 2009 budget for the administration there may be an attempt to move that into the Department of Justice from where the law says for it to be.

The law says keep it at OGIS and the National Archives because it's the one that stays as far away from politics as any department in our government.

I'm not looking for an answer, but those who had taken notes of our conversation from your department, will you please look at that closely? I would like to know, and I know that Senator Cornyn will want to know.

MUKASEY: I will look at it.

SEN. LEAHY: It's not a -- it's obviously not a partisan request; this is something where the two of us are joined and we just want to make sure it's done.

MUKASEY: I understand.