

Comment from Consultative Group Member Toby Dorsey on Disclosure of Agency Legal Materials
December 12, 2022

I'd like to flag that I think at least one of these recommendations seems out of scope ... the proposal to amend the Presidential Records Act to incorporate FOIA exemptions. While I don't have a specific substantive objection, this doesn't seem to have any bearing on "agency" "legal materials." It's not about agencies (the entities covered by the PRA are by definition not agencies, under the federal laws discussed in footnote 1 of the report) and it's not directed at "legal materials," either. It's just what I would call a well-intended, good-government Presidential Records Act reform. Reforms to the PRA would be fair game in, for example, a reforms-to-the-PRA ACUS project. I respectfully submit they are a strange and unexpected distraction here.