

Endnotes

- ¹ *Dep't of Justice v. Tax Analysts*, 492 U.S. 136 (1989).
- ² Openness Promotes Effectiveness in our National Government Act of 2007, Pub. L. No. 110-175, § 3 (2008).
- ³ 5 U.S.C. § 552(a)(4)(A)(iii).
- ⁴ *See, e.g.*, 28 CFR § 16.5(d).
- ⁵ *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).
- ⁶ *Dep't of Air Force v. Rose*, 425 U.S. 352, 360-61 (1976).
- ⁷ *FBI v. Abramson*, 456 U.S. 615, 630 (1982).
- ⁸ 68 Federal Register 15315-34 (Mar. 28, 2003).
- ⁹ EO 12958, as amended, sec. 1.7(a).
- ¹⁰ EO 12958, as amended, sec. 1.7(b).
- ¹¹ 5 U.S.C. § 552(a)(2)(C).
- ¹² 50 U.S.C. § 403-3(1)(5).
- ¹³ 50 U.S.C. § 403g.
- ¹⁴ 50 U.S.C. § 402.
- ¹⁵ 10 U.S.C. § 130c.
- ¹⁶ 26 U.S.C. § 6103.
- ¹⁷ Federal Rules of Criminal Procedure, Rule 6(e).
- ¹⁸ *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983).
- ¹⁹ *National Parks & Conservation Association v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).
- ²⁰ *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (*en banc*), *cert. denied*, 507 U.S. 984 (1993).
- ²¹ *Rose*, 425 U.S. at 372.
- ²² *Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 780 (1989).
- ²³ *SafeCard Services, Inc. v. SEC*, 926 F.2d 1197, 1206 (D.C. Cir. 1991).
- ²⁴ For a comprehensive guide to FOIA litigation, see Harry A. Hammitt et al, *Litigation Under the Federal Open Government Laws 2008* (2008).