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Autor: editor

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By MICHAEL J. SNIFFEN (AP) - Mar 12, 2010

WASHINGTON — As the Justice Department hunts for the latest batch of missing federal e-mails, the officials who oversee spending of \$71 billion a year for information technology got a big raspberry Friday for a 14-year-long failure to ensure that government e-mails are preserved.

For all the spending it oversees, the Federal Chief Information Officers Council is virtually unknown to the general public. Now it has "won" this year's Rosemary Award for the worst open government performance.

The Rosemary is bestowed by the National Security Archive, a private group that publishes declassified government information and files lawsuits and many Freedom of Information Act requests for federal records. The award is named for former President Richard M. Nixon's secretary Rose Mary Woods, known for re-enacting her claim to have accidentally erased 18 1/2 minutes of a White House tape recording when she stretched to answer a phone.

Comprised of the chief information officials from 28 departments and agencies, the council was established by President Bill Clinton in 1996 and written into law by Congress in 2002. It describes itself as the "principle interagency forum for improving practices in the design, modernization, use, operation, sharing, and performance of federal government information resources."

The archive, however, said neither the council's founding documents, its 2007-2009 strategic plan, its transition memo for the Obama administration, nor its current Web site even mention the challenge of managing e-mail records.

"The CIO Council has a bad case of attention deficit disorder when it comes to the e-mail disaster in the federal government," said archive director Tom Blanton, author of a book on an e-mail lawsuit against the Reagan, Bush and Clinton administrations. "We hope this year's Rosemary Award will serve as a wake up call to the government officials who have the power, the money and the responsibility to save the e-mail sent in the course of the public's business."

In 2008, the Government Accountability Office estimated the historic records of about half of senior federal officials it checked were not preserved in paper printouts, and two public interest groups that year could not find a single federal agency that required e-mails be preserved electronically, the archive said.

Office of Management and Budget spokesman Tom Gavin said the Obama administration is "firmly

committed to ensuring that the records of this administration are properly retained and preserved. We have even worked to restore records from past administrations," citing a December legal settlement with the archive that recovered e-mails the Bush administration had said were lost.

"We look forward to continuing to improve records management across the government," Gavin added.

In the most recent e-mail debacle, the Justice Department, prodded by a stern demand by Senate Judiciary Committee Chairman Patrick Leahy, D-Vt., is still searching for the e-mails of John Yoo, who wrote a lenient legal memo in 2002 justifying the Bush administration's harsh interrogation of terror suspects.

The Bush administration later retracted Yoo's memo. A Justice internal watchdog office reported that its subsequent investigation of Yoo and other department lawyers who worked the memo was hampered by the loss of Yoo's e-mail records and those of another attorney who challenged his work.

The department recently concluded that Yoo, now a University of California law professor, and his boss, Jay Bybee, now a federal appeals court judge in San Francisco, showed poor judgment and provided significantly flawed advice but committed no misconduct.

In 1989, the archive began a long-running lawsuit to force the preservation of White House e-mails after it learned of a Reagan administration attempt to destroy e-mail backup tapes. The litigation continued in various forms against Presidents George H.W. Bush, Bill Clinton, and George W. Bush and was joined by Citizens for Responsibility and Ethics in Washington. The two groups reached a settlement with the Obama administration that included recovery of 22 million e-mails previously missing or misfiled.

On the Net:

* National Security Archive: <http://tinyurl.com/c7uhu>

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