

## Sunshine Week: Fresh victories for the public's right to know

Contributed by Sen. Patrick Leahy  
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Sunshine Week 2009 takes place from March 15 through 21. The annual event is about the public's right to know what its government is doing, and why. Sunshine Week seeks to enlighten and empower people to play an active role in their government at all levels, and to give them access to information that makes their lives better and their communities stronger. Lake County News will present guest commentaries and news stories about open government as part of this year's Sunshine Week.

There is reason to hope that an era of greater openness is coming. As we mark this fifth annual Sunshine Week, some of the recent clouds obstructing the public's right to know are giving way to more transparency. The American people are beginning to get a better glimpse of how their government works &mdash; or sometimes doesn't work so well.

Already there is some good news for the Freedom of Information Act (FOIA), the law that gives life to the public's right to know. Within hours of taking the oath of office, President Obama issued a historic directive to strengthen FOIA, turning a page after the overreaching secrecy of the last administration. He issued presidential memoranda on FOIA and Transparency and Open Government that will promote accountability and transparency in government, along with an Executive Order on Presidential Records that will give the American people greater access to presidential records. Under the leadership of the new attorney general, Eric Holder, the Justice Department in recent weeks has begun releasing to the public some of the legal memos that were used to greatly expand executive power in the name of security.

Congress this month approved the first budget for the Office of Government Information Services at the National Archives. Established in the 2007 OPEN Government Act that I authored with my longtime partner on open government issues, Sen. John Cornyn of Texas, this office will house a FOIA ombudsman, charged with mediating inter-agency FOIA disputes and helping to ensure that the public's FOIA requests are swiftly addressed. By including funds for this office in the omnibus appropriations bill, Congress is renewing its commitment to the provisions of the OPEN Government Act, which made the first major reforms to FOIA in more than a decade.

Not all the clouds have been dispelled. It should concern every American that traditional sources of reliable reporting are shrinking or disappearing. Newspapers that have served their communities for more than a century are struggling, and some are closing their doors for good. It was investigative reporting by newspapers that ultimately forced the government to concede the existence of torture by our country and the shame of the mistreatment of our veterans at Walter Reed.

Information is a freedom, but information also is a right and a requirement for effective self government. Information is a pillar of our democracy. Without it, citizens are kept in the dark about key policy decisions that directly affect their lives. Without open government, citizens cannot make informed choices at the ballot box. Without the people's access to public documents and a vibrant free press, officials can make decisions in the shadows, often in collusion with special interests, escaping accountability for their actions. And once eroded, these rights are hard to win back.

When the Congress unanimously passed the OPEN Government Act, Democrats and Republicans alike joined together in promising the American people a more open and transparent government. FOIA's defenders in Congress must work to ensure that that this was not an empty promise. I intend to build on the FOIA reform work that Sen. Cornyn and I began several years ago by proposing new legislation to further strengthen FOIA. The bipartisan success with the OPEN Government Act and President Obama's FOIA directive shows that open government is not a partisan issue. Open government is an American value and a virtue that all Americans can embrace.

Sunshine Week gives us the chance to celebrate our successes and size up the challenges that lie ahead. We can remind ourselves that a free, open and accountable democracy is what our Founders envisioned and fought to create. The public's right to know helps government learn from mistakes so they are not repeated.

It is the duty of each new generation to protect this vital heritage. At this difficult and historic time for our nation, we have the opportunity again to reaffirm a commitment to an open and transparent government on behalf of all Americans today, which we have in our power the ability to leave as an enduring legacy for future generations of Americans tomorrow.

Sen. Leahy (D-Vt.) was installed in the Freedom Of Information Act Hall of Fame in 1996 and is the 2009 recipient of the Robert Vaughn FOIA Legend Award. He is the author of the Electronic FOIA Amendments of 1996 and coauthor of the OPEN Government Act.

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