

http://www.denverpost.com/opinion/ci_7794950

The Denver Post

Congress takes a shot at secrecy

Lo and behold, federal lawmakers stopped their infighting long enough last week to bestow a holiday gift on the American public.

With little fanfare, Congress overwhelmingly approved a measure that toughens the federal Freedom of Information Act.

It's the first significant modification of the act in the last decade, and it's a step toward breaching the walls of secrecy that the Bush administration has built around government.

To this, we say: Hallelujah.

The Freedom of Information Act (FOIA) is the 1966 landmark federal law that provides access to federal agency records.

The bill passed last week would strengthen penalties for federal agencies that don't respond to a request for information within 20 days. If they don't meet the deadline, they will have to refund the requester's search and copy fees, and the money would come out of their agency budgets.

Considering that it's not unusual for federal agencies to delay requests for months or even years, this modification has the potential to vastly improve the system.

Along with delays, it's also not uncommon to make a FOIA request and receive document copies with large portions blacked out or redacted. The bill would require federal officials to explain the redactions by citing which exemption in law they are relying on to withhold information.

Government contractors holding nonproprietary information also would be subject to the law.

The legislation also sets up a system whereby the public and the media may track the status of their requests under FOIA. And it creates an ombudsman position within the National Archives to address inquiries.

These are good revisions to a well-used law. The government received 21.4 million FOIA requests last year, according to an Associated Press story.

And it's not just journalists who turn to FOIA. A study by the Coalition of Journalists for Open Government, an alliance of more than 30 journalism-related organizations, found that businesses accounted for 60 percent of requests.

The second largest group using the law are private citizens who sought a diverse array of information, ranging from information about family members to UFO enthusiasts looking for proof of alien life.

According to the study, journalists accounted for 6 percent of requests.

The fate of the measure now lies with President Bush. The White House last week declined to say whether the president will sign the bill. We hope he does, or that it becomes law without his signature.

It's encouraging to see that in passing this measure, a bipartisan group of federal lawmakers recognized the value of open government. We look forward to seeing the changes become law.

http://www.nytimes.com/2007/12/22/opinion/22sat3.html?_r=1&oref=slogin

New York Times
December 22, 2007

Information Con Game

The very title of a now 41-year-old law — the Freedom of Information Act — sounds naïve in today's Washington, where government secrecy has become an even higher and darker art under the Bush administration.

The open-government law, known as FOIA, should be one of the chief tools for citizens to find out what's actually happening. For that, citizens' requests for information would have to be answered. Instead, FOIA requests have disappeared into the bureaucratic maw for up to 20 years with no answer for why the statutory 20-day deadline has become such a Dickensian maze of delay and frustration.

Call it reform or call it revenge, but Congress has just passed a measure to tackle glaring flaws in the FOIA process. With overwhelming bipartisan support, the measure would:

- Prod stricter deadlines with a numerical tracking system so citizens could follow their requests like (lost) package deliveries.
- Establish clear penalties for foot-dragging, including repayment of attorney fees for applicants found suffering the run-around at recalcitrant agencies.
- Create an ombudsman office at the National Archives to mediate disputes over requests, which currently are rejected outright in a full third of the cases.

- Ensure that information records held by private government contractors can no longer be kept off-limits to FOIA requests.

Contrary to initial expectations, FOIA has come to be used mainly by business firms, lawyers and information services, with the news media accounting for only about 6 percent of requests. This undoubtedly made for easier passage of reforms in Congress. The Justice Department registered some early objections, but so far there's been no veto threat from President Bush. It's no final cure-all for the secrecy that infects Washington, but Mr. Bush owes this measure of relief to constituents entitled to their curiosity.

http://www.palmbeachpost.com/opinion/content/opinion/epaper/2007/12/27/a16a_foia_edit_1227.html

Palm Beach Post

Keep the info flowing

Thursday, December 27, 2007

Overwhelming bipartisan support in Congress is just one reason President Bush should sign the 2007 Open Government Act. The first major reform of the 40-year-old Freedom of Information Act removes bureaucratic obstacles and streamlines access to the information the American public needs to hold their government accountable.

A key provision in the legislation restores the presumption-of-disclosure standard, committing agencies to release requested information unless there is a finding that such disclosure could do harm. The legislation further protects the public's right to know by restoring meaningful deadlines for agencies to respond, with real consequences for stonewalling. It clarifies that the FOIA applies to government records held by outside private contractors. It establishes a FOIA hotline for all federal agencies, and a FOIA ombudsman to provide a meaningful alternative to costly litigation.

"Open government is an American value," said Sen. Patrick Leahy, D-Vt., the Senate Judiciary Committee chairman. "The Freedom of Information Act is critical to ensuring that all American citizens can access information about the workings of their government. But, after four decades, this open government law needs to be strengthened." He and lawmakers such as Sen. Jon Kyl, R-Ariz., navigated myriad concerns to deliver the reforms that he also noted are endorsed by more than 115 business, public interest and news organizations across the political and ideological spectrum.

By signing the well-crafted legislation into law, President Bush can help the White House show good faith toward stemming the tide of unwarranted government secrecy. There are citizens who may not care about the workings of their government. That's different from government officials not wanting the public to know, or, worse, not letting them.

http://www.sptimes.com/2007/12/27/Opinion/Reform_of_information.shtml

St. Petersburg Times

Reform of information act overdue

Published December 27, 2007

The information generated by the federal government is the work product created on our behalf. Certainly, taxpayers paid for it. But federal agencies are notoriously dismissive of requests by the public for information under the Freedom of Information Act. In the 40 years since the act was initially passed, the government's responsiveness has slowed to a bureaucratic crawl.

Despite the terms of the law that direct federal agencies to provide a preliminary response to any request for documents within 20 days and fulfill it within a reasonable time, some agencies have outstanding requests that are more than 15 years old. Others deny requests for the most outlandish of reasons. In one example from 2002 in the New York Times, the National Zoo in Washington refused to provide the medical records for a giraffe because it said that to do so would violate the animal's privacy rights.

The Bush administration has encouraged this kind of intransigence. John Ashcroft, President Bush's first attorney general, issued a memo early in his tenure that urged federal agencies to resist FOIA requests whenever possible.

But thanks to the dogged efforts of a bipartisan group of lawmakers, many of these long-standing problems finally have been addressed. Congress has passed the Openness Promotes Effectiveness in Our National Government Act, a bill that would put some teeth in the rules that currently govern FOIA. It is now awaiting the president's signature.

The vital reforms contained in the bill include penalties to agencies that don't meet the 20-day initial response time limit, a new electronic tracking system that assigns each request an individualized tracking number to make it easier to determine the status of a request, and clarifying that FOIA applies to government records even when they are held by outside contractors.

The bill also would create a new ombudsman's office, providing an avenue other than litigation to resolve FOIA disputes.

The importance of this legislation cannot be overstated. Certainly the media would benefit from having more timely access to government records. But the biggest beneficiaries would be average citizens. The news media accounts for just 6 percent of FOIA requests.

The White House refuses to say whether the president is favorably inclined to sign the bill. It wouldn't be out of character for this president, who has such a penchant for government secrecy, to stand in the way of these reforms. That would be unfortunate, and if it happens Congress should override his veto.

<http://www.courant.com/news/opinion/editorials/hc-foi.artdec24,0,1382397.story>

Hartford Courant

Freeing Flow Of Information

December 24, 2007

Congress has finally adopted legislation that promises to cut through much of the red tape and outright obstructionism that often hampers requests for public information under the federal Freedom of Information Act.

Among other things, the bill sets up a tracking system for FOIA requests that take longer than 10 days to process. It also penalizes agencies for sluggish responses to requests for information (which have been known to drag on for 20 years).

The legislation establishes an ombudsman's office at the National Security Archive, the non-government research institute and library located at George Washington University. The office will be charged with issuing opinions, developing best practices and mediating disputes between citizens and federal agencies about unfulfilled FOIA requests — a promising alternative to time-consuming and costly lawsuits.

The legislation gives agencies a strong incentive to respond promptly to FOIA requests. An agency that receives a request will have a 20-day deadline to respond. Agencies missing that deadline will be automatically denied the right to bill for research or copying expenses.

Finally, the legislation gives members of the public who sue agencies over their FOIA requests a better chance at collecting for their attorney's fees.

The Bush administration, whose penchant for secrecy is probably the best-known secret in Washington, has opposed this measure in its earlier incarnations. This time, it's expected to pass. We thank Democratic Sen. Patrick Leahy of Vermont and Republican Sen. John Cornyn of Texas for championing a measure whose common-sense reforms will ease the flow of information into the public arena, where it belongs.

http://www.recordnet.com/apps/pbcs.dll/article?AID=/20071224/A_OPINION01/712240311/-1/A_OPINION06

Stockton Record

Media legislation good for access to vital information

December 24, 2007

Those who value the virtues of open government have reason to be reassured.

Information from the federal government could flow a little more freely next year thanks to Senate legislation that easily passed in both houses of Congress last week.

The bill, unanimously approved in the House of Representatives after a similar voice vote in the Senate, toughens the Freedom of Information Act and increases the penalties for agencies that don't comply.

It reverses the compunction for secrecy that has characterized the Bush administration.

Bush appears prepared to allow the legislation to become law without his signature under a constitutional technicality, thereby avoiding a veto that undoubtedly would be overturned.

By leaving the bill alone, Bush also avoids an affirmative endorsement that, if nothing else, maintains his administration's consistent commitment to keep a full accounting of governance from the governed.

The bill represents the first revision of the Freedom of Information Act in a decade and forces nonproprietary information held by government contractors to be subject to federal law.

Part of the compromise language has the effect of reversing an order issued by former Attorney General John Ashcroft after the Sept. 11, 2001, attacks.

The bill restores the presumption that government agencies must release requested information unless there is a finding that such a disclosure could do harm or imperil national security.

"We'll continue to try to balance national security with the vital interests of open government," said Rep. Tom Davis, R-Va.

Even as this bill was being approved on Dec. 18, the conflict was intensifying over the destruction of videotapes that showed terrorist detainees being interrogated by the Central Intelligence Agency.

The House Intelligence Committee threatened Dec. 19 to subpoena two high-ranking CIA officials to testify, rejecting the Bush administration's request to allow an executive branch investigation.

America's free and open democracy has been a model to most of the world. That beacon has been dimmed in recent years.

Every major news-gathering organization in America supported the Freedom of Information Act reforms.

This common-sense bill reaffirms the fundamental right of Americans to know more about how their government is being operated.

<http://www.modbee.com/columnists/vasche/story/160512.html>

Modesto Bee

The perfect Christmas gift from Washington, D.C.: Openness

By MARK VASCHE

December 22, 2007

Congress came up with the perfect present to put under America's holiday tree this past week: revisions to the Freedom of Information Act that would improve the public's access to federal documents and records.

What's needed now is for President Bush to put the perfect ribbon and bow on the gift by signing the bill into law.

Whether he will do that is up in the air, given his administration's dismal record on openness in government.

And even though the bill could become law without Bush's signature, his endorsement would be a strong affirmation of the principle that led to the Freedom of Information Act's creation in 1966: A democracy functions best when the public has access to all the information that the security of the nation permits.

"Nothing undermines public confidence in our government as much as obstruction and obsessive secrecy," Rep. William Lacy Clay, D-Mo., one of the bill's sponsors, was quoted as saying. "The legislation substantially strengthens the Freedom of Information Act by reaffirming the idea that the United States government belongs to the people, and whenever possible, we should err on the side of full disclosure of information."

Full disclosure has always been problematical at all levels of government, from here at home to up in Sacramento to back in Washington, D.C.

But security concerns in the wake of Sept. 11 brought new restrictions on public access. And while some of those restrictions may have been necessary, at least short term, too many public officials and agencies used Sept. 11 as an excuse to draw the curtains of secrecy even tighter for no good reason.

Congress recognized that in passing the Open Government Act this past week. The bill on the president's desk is the most far-reaching expansion in FOIA's 41-year history.

Among other things, it restores a "presumption of disclosure" requiring federal agencies to release information requested by the public unless the agency can specifically show that disclosing the information could cause harm.

In the wake of Sept. 11, the Bush administration instructed federal agencies to withhold all sorts of information by claiming uncertainty over national security.

Congress' action also ends a long-established pattern of foot-dragging by federal agencies by requiring them to respond to requests in a more timely manner. Agencies that fail to meet FOIA's 20-day response requirement would be penalized by funding reductions.

Why should San Joaquin Valley residents care about changes to the federal law?

For one thing, everyone has a stake in open government, whether they live in Modesto, Calif., or California, Pa.

For another, at least some of last year's more than 21 million FOIA requests were filed by local residents and-or with federal agencies in our region.

And for another, secrecy is every bit as rampant at the local and state level as it is at the federal level.

While the FOIA applies to federal agencies, California has its own set of open government laws that cover local jurisdictions and state government.

The Brown Act and the Public Records Act clearly require that the public's business be done in the open, and that citizens have access to the documents and records of government.

Yet on a regular basis city officials, county agencies, school boards and law enforcement authorities in our region circumvent the law.

A statewide access audit conducted early this year by the Californians Aware advocacy group and a host of news organizations, including The Bee, gave poor or failing marks to many local and state agencies.

Unfortunately, things haven't changed much since then, at least not based on our experience. We still have too many boards doing the public's business in private, and too many agencies refusing to release public information in a timely fashion, if at all.

When the annual Sunshine Week, with its focus on open government, rolls around in a few months, let's hope our local officials and agencies do better on their report cards.

In the meantime, the president could do himself and the country a favor by joining Congress in drawing back the curtains of secrecy and letting the light shine on the doings of government.

That would be a fine present indeed to find under America's holiday tree.

Vasché is the editor of The Bee.

<http://www.telegram.com/article/20071223/NEWS/712230395/1020>

Worcester Telegram

Tighter Freedom of Information Act is welcome

A bill to tighten the 40-year-old Freedom of Information Act and increase penalties for noncompliance, passed by the U.S. Senate earlier this year, was approved by the House last week. The changes, which streamline and improve the people's access to government documents, will help individuals, advocates and journalists shine the light of scrutiny on the inner workings of government.

The legislation, which is the first change to FOIA in 10 years, is intended in part to counterbalance actions taken by the federal government in the name of homeland security after the Sept. 11, 2001, terrorist attacks.

Among other provisions it commits government agencies to releasing requested information unless it is certain that doing so would cause harm. Also new, the law opens access to information, except proprietary material, held by government contractors. It also creates a system that journalists and the public can use to track their requests.

Agencies still would be able to black out sensitive material in the requested documents, but any such redactions would have to be accompanied by a detailed explanation, citing the specific exemption that justified withholding the information.

If an agency exceeds a 20-day deadline to respond to requests, it must waive search and copying charges to noncommercial entities making the requests.

Advocates of the changes had to agree to some compromises to get the measure passed, but overall the bill being sent to the president still effectively reverses some of the secrecy orders since the terrorist attacks, balancing the government's need for security with the people's crucial need to have an open government.

The legislation was aggressively promoted by media interests throughout the nation, but the changes also benefit advocacy and watchdog groups and individuals. Indeed, such laws are not primarily about allowing access to journalists but about maintaining an informed electorate and protecting the people's right to know.

At a time when much of the decision-making on the federal level takes place behind closed doors, the revamped Freedom of Information Act sends a welcome message about the desirability of transparent governance.

http://www.muskogee phoenix.com/opinion/local_story_357191556.html?keyword=topstory

Muskogee Daily Phoenix

If in doubt, disclose

Government disclosure is good. Government secrecy is bad. It's that simple, and the first inclination of government should be to disclose when the public seeks information rather than to search for reasons to enforce secrecy.

That's why Congress voted appropriately this mid-December to expand the Freedom of Information Act and reverse the trend toward secrecy implemented by the Bush administration following 9/11.

The attacks on New York and Washington, D.C., in 2001 created a need for global awareness of terrorism and ways to battle acts of terror. But government should not be able to use the excuse of terrorism to hide its operations and financial dealings.

The bill passed by Congress earlier this week would reverse an order by former Attorney General John Ashcroft instructing agencies to lean against releasing information if there was any uncertainty about how it would affect national security. Ashcroft's order was an open invitation to nondisclosure of activities unrelated to national security, and as we've seen with the CIA, an invitation to avoid accountability.

The bill also would increase penalties for noncompliance and making records held by government contractors subject to the FOIA laws.

The bill is expected to become law with or without the president's signature.

<http://www.journalgazette.net/apps/pbcs.dll/article?AID=/20071223/EDIT0501/712230415>

Fort Wayne Journal Gazette

FOIA bill aids public scrutiny

Commentary by Sylvia A. Smith
Washington editor

WASHINGTON – Between 1989 and 1992, we managed to elect a new president, invade three countries and replace two retiring Supreme Court justices.

What the thousands of federal workers in the Department of Health and Human Services could not do, however, is answer a simple request for information.

A Freedom of Information Act request I filed in December 1989 – by typewriter and with a stamped envelope in those pre-Internet days – was not resolved until September 1992, nearly three years later.

My request was denied, based on a 1979 court ruling. But you know what? I don't think it took the HHS Freedom of Information Division 13 years to notice that it was legally prohibited from telling me what I wanted to know.

My experience wasn't unique; taxpayers' multiyear waits for information about the government operations they pay for were commonplace from the very beginning of the Freedom of Information Act, which went into effect 40 years ago.

Until that point, the public didn't have the right to (figuratively) rummage in government's file cabinets, which were chock full of evidence that the official view of reality was an artfully constructed charade.

In other words, they told us what they wanted us to know, and if there were documents to contradict that – well, who needs to know about tainted meat that's not caught? Or the FBI infiltration of peace groups? Or Pentagon overspending, broken locks at jails, no-bid contracts?

So hip hip hooray for Congress for passing a bill that significantly updates a formal procedure for openness in government.

The bill bars agencies from collecting search fees if they fail to respond to a request in 20 days. Not three years – 20 days. Journalists are generally exempt from the fees, so the money wasn't the issue for my HHS dealings. But this is a significant boon for non-journalists, and it sets the expectation that requests are to be handled promptly.

The legislation also makes it more difficult for a federal agency to avoid paying a FOIA requestor's attorney fees when the requestor successfully sues to overturn a rejection. Even better, it creates an FOIA ombudsman to mediate disputes.

Bloggers and freelancers might especially benefit from the bill, which widens the definition of a (generally fee-exempt) journalist.

Since the Sept. 11 attacks, there has been a growing tendency in the Bush administration toward secrecy rather than openness. Congress pushed back, finally, with the improvements it adopted to FOIA.

It's certainly not a perfect bill. It does not restore a Clinton administration standard that agencies should release information unless they determine doing so would do harm. This approach was reversed by former Attorney General John Ashcroft, who ordered federal agencies to lean toward withholding information if they are uncertain about releasing it.

But it is at least an effort to stand up to a White House that often seems obsessed with blocking information from the very people who pay their salaries and fund their actions and – in fact – own that information.

This is legislation that journalist groups (such as the National Press Club, with which I am affiliated) publicly support. It's rare when my profession advocates for or against a public policy. But journalism – and in this I include information-gathering blogging – is what allows citizens to monitor their elected leaders. Without access to information, none of us, journalist or citizen, can do our jobs properly.

The White House has not indicated whether Bush will sign the bill or let it become law without his signature. He is not likely to veto it, but his lack of enthusiasm makes one wonder whether he will insist that his administration abide by the bill's provisions.

<http://www.goupstate.com/article/20071220/NEWS/712200330/1022/OPINION01>

Spartanburg Herald Journal

More open government

Congress strengthens the right of citizens to see

In order to distinguish its policies from the Bush administration's penchant for secrecy, Congress voted this week in favor of openness and accountability by strengthening the federal Freedom of Information Act.

It's the right tone for Congress to set. The Freedom of Information Act enforces the right of the people to learn what their government is doing. It makes the government accountable to its citizens.

The legislation passed makes several worthwhile changes in the law.

It expanded the scope of government documents available under the law, including government contracting information. And it strengthened penalties for agencies that delay fulfilling requests made under the law. The legislation also makes it easier for citizens to recover their legal fees if they have to sue an agency to force it to release information.

The changes don't represent a major shift in the law, but they are significant. They will make it easier for citizens to monitor their government.

And that's the message Congress wanted to send.

The White House has relied too heavily on secrecy, citing national security and executive privilege to keep many matters hidden.

While some secrecy is necessary, particularly in combating and preventing terrorism, much of the secrecy the administration insists upon has little to do with security. Instead, the White House acts as though it is accountable to no one, that its actions are by definition lawful and beneficial.

That's not how our government should work. Each branch of the government is accountable to the other two, and all three are accountable to the people.

Citizens will accept some secrecy, particularly in dealing with other nations and terrorists. But too much secrecy breeds suspicion and distrust. When a government at any level keeps secrets, its citizens are likely to wonder what it is hiding from them.

As the government is forced by national security interests to enforce some secrecy, it becomes even more important to insist on openness in the rest of government to keep that secrecy from spreading.

Congress recognized that. While it is locked in battles with the White House about accountability between branches of the government, it improved the law that enforces openness and accountability to the citizens.

The White House has criticized the bill. The president should embrace it, sign it and renew his commitment to open government.

<http://www.madison.com/wsj/home/opinion/index.php?ntid=263951&ntpid=1>

Wisconsin State Journal

Congress gets it right

For more than four decades, the Freedom of Information Act has made the federal government more accessible, accountable and transparent.

And now, thanks to Congress, this invaluable law is being revised to reflect changing technology and other concerns. The result will be an open government law more useful and powerful than ever.

A bipartisan majority of Congress this month finalized the Openness Promotes Effectiveness in our National Government Act of 2007. President Bush has indicated he will sign these revisions into law.

Journalists have used the Freedom of Information Act since 1966 to uncover abuse of power and illegal activity by public officials and institutions.

Yet ordinary citizens are even more frequent users of the act. The law allows them to track government spending, public health, school safety, police tactics, deadbeat parents and discrimination.

Many requests for public records have led to deep-rooted and lasting change. Yet the law still needed an overhaul to reflect computer technology and government attempts to deflect or delay legitimate requests for public information.

Because of an increase in requests, combined with a significant number of stingy record-keepers, huge backlogs exist. Too many citizens have to wait years to get records, which can delay or derail justice.

The revisions approved by Congress this month should shorten waits and provide for monitoring and evaluation of responses to Freedom of Information requests.

Congress will now require government agencies to:

Respond to requests within 20 working days or else waive search and copy fees.

Set up hotlines and tracking systems to help the public follow up on requests.

Report on response times, including a list of the 10 oldest active requests for information pending at each agency.

Submit to an independent ombudsman who will review agency policies and procedures, audit agency performance, recommend policy changes and mediate disputes.

Government agencies can still keep sensitive information secret by successfully demonstrating that national security or privacy concerns outweigh the public's right to know. But government bureaucrats must quickly release other public information under the stronger rules going into effect.

Congress and the president are taking a big step toward a government that serves, rather than swindles, the public.

Our leaders in Washington should build on this momentum and also pass a federal shield law for journalists. A shield law would protect journalists from revealing confidential whistle-blowers.

Keeping government open and honest is a never-ending job for ordinary citizens, the media and government officials themselves. Congress has shown it recognizes this by beefing up the Freedom of Information Act. Now it should move on from there and adopt the shield law.

<http://www.pantagraph.com/articles/2007/12/26/opinion/129314.txt>

Bloomington Pantagraph

Changes in Freedom of Information Act victory for public

Openness in government and the public's right to hold its officials accountable received a boost with unanimous passage of a measure to strengthen the federal Freedom of Information Act.

The Senate passed S. 2488 unanimously on Dec. 14 and the House followed with approval by voice vote with no dissent on Dec. 18.

President Bush should sign the bill to demonstrate his commitment to government accountability and accessibility.

Protection of national security will continue to be a valid reason for denying disclosure of information.

However, the legislation explicitly puts the presumption in favor of releasing information requested by the public. There must be a finding that such disclosure would do harm in order to deny the request.

Without mentioning former Attorney General John Ashcroft by name, the bill in effect reverses an order he issued in the wake of the 9-11 attacks that directed agencies to lean against disclosure if there was uncertainty about how the information could do harm. In practice, that order encouraged denial of requests.

This bill would restore the proper balance between open government and national security.

Other strong points in the legislation are establishment of a tracking system so the media and

general public can check on the status of their requests and a hotline for all agencies. If information is blacked out, the specific exemption allowing it under the Freedom of Information Act would have to be cited.

The measure also creates an alternative to litigation by having an ombudsman to mediate disputes.

The bill's primary sponsor, U.S. Sen. Patrick Leahy, D-Vt., worked with the Justice Department to address its concerns.

Both senators from Illinois, Democrats Dick Durbin and Barack Obama, were co-sponsors of the legislation.

In addition to upholding the American public's right to know, the congressional action sends a strong signal to other countries about American ideals and the importance of openness in a democracy.

<http://www.floridatoday.com/apps/pbcs.dll/article?AID=/20071226/OPINION/712260301/1004>

Florida Today

Our view: The citizen watchdogs

Expanding Freedom of Information Act victory for holding the powerful accountable

Democracy thrives in the open, when the free flow of information allows citizens to know what their government is doing.

It withers and dies in the darkness, when politicians and bureaucrats operate in secret and strangle the openness that's necessary to keep the powerful in check.

That's why Congress gave every American an early Christmas present last week with its overwhelming approval of a bill that strengthens the Freedom of Information Act, an important tool that shines light on what goes on behind the closed doors in Washington.

Since the measure became law 40 years ago, journalists and citizens alike have used it to destroy deception and reveal the truth, picking the lock on everything from White House and CIA files to the squandering of taxpayer money by federal agencies.

For instance, FLORIDA TODAY and its three sister Gannett newspapers in Florida used the act to obtain documents from FEMA about how it misspent millions of dollars after the 2004 hurricanes tore through our community and state.

But it didn't happen without a legal fight after FEMA refused to hand over the material. In a strongly worded opinion, the 11th Circuit Court of Appeals said the documents were public records and ordered them released.

The case reflects the Bush administration's obsession with secrecy since 9-11, which it has used to stonewall record requests on just about everything, in essence telling you to shut up and mind your own business.

What the White House ignores is that the business of government is the business of the people, making the Freedom of Information Act one of the most valuable assets to hold elected officials accountable.

Fortunately, members of Congress understand that, too.

With broad support from Democrats and Republicans, the Senate and House have approved a measure that takes major steps to end the long delays, costly legal fees and tsunami of red tape that journalists and citizens face while trying to pry open records.

Bush has fought the measure but it's expected to become law during the Congressional recess this week, when bills left unsigned for 10 days can pass without the president's signature.

The act's importance is seen with its use to rip away the lies and cover-ups surrounding the Iraq war.

Documents related to manipulating the intelligence about Iraq's non-existent weapons of mass destruction, detaining and torturing prisoners, illegally spying on American citizens and no-bid contracts given to Halliburton have shed light on the Bush administration's actions.

It also continues to be used by the families of troops killed in Iraq who are trying to gain information the Pentagon is withholding about the death of their loved ones through suicide and friendly fire.

Charles Davis, executive director of the National Freedom of Information Coalition, sums up the act best, saying it enables ordinary citizens "to serve as civic watchdogs."

In a government of the people, by the people and for the people, that's essential to ensure our democracy remains alive and strong, not strangled to death in the secret back rooms of power.

St. Louis Post Dispatch

Your right to know

Congress this week sent the most far-reaching expansion of the Freedom of Information Act in the 41-year history of the law to the president who has run one of the most secretive administrations in U.S. history.

Now George W. Bush must decide whether to sign the law, thereby repudiating some of his own decisions, or veto it and risk an override by a Congress that passed the bill with overwhelming bipartisan support.

Fortunately for Bush, Congress could give him a face-saving back door if it chooses to go into recess for the holidays instead of formally adjourning. By law, bills passed by a Congress that is in session — even if it's only technically in session — go into effect within 10 days unless the president vetoes them.

It would be better for the nation — and better for his own legacy — if Bush signed the bill. Just this week a federal judge ordered the administration to stop blocking the Secret Service from releasing White House visitors logs. Those lists had been requested under the FOIA by a group investigating lobbyist activity, but the White House claimed the visitors lists were "presidential documents" protected by executive privilege. It was only one example of Bush's claims to decide on his own what the public has a right to know.

However the FOIA expansion becomes law, it is a welcome reaffirmation of the principle that government must be open and accountable to the people it serves. The bill puts additional teeth into the FOIA by requiring federal agencies to stop dragging their feet on requests for records.

More than 21 million requests were filed last year under the Freedom of Information Act. Although requests filed by news outlets tend to get more publicity, 90 percent of the requests come from private citizens or companies. Agencies are supposed to comply within 20 days, but cases often drag on for years.

The new legislation penalizes agencies that fail to meet deadlines — they lose money from elsewhere in their budgets, a dire bureaucratic penalty — and establishes a hotline allowing easier tracking of information requests. Each agency will get an "ombudsman" to handle complaints.

Most significantly, the bill reasserts the "presumption of disclosure" principle: Unless an agency can show that disclosure would be harmful or unless there is uncertainty over how disclosure might affect national security, records must be disclosed.

Rep. William Lacy Clay, D-Mo., one of the key sponsors of the bill, put it nicely: "Nothing undermines public confidence in our government as much as obstruction and obsessive secrecy. The legislation substantially strengthens the Freedom of Information Act by reaffirming the idea that the United States government belongs to the people, and whenever possible, we should err on the side of full disclosure of information."

http://www.contracostatimes.com/opinion/ci_7798854?nclick_check=1

Contra Costa Times

Open government win

LAST WEEK, CONGRESS stuck a blow for open government by passing legislation to improve the Freedom of Information Act. It is a welcome antidote to the secrecy that has pervaded the Bush administration.

The president has been silent on the measure, but it appears to be veto-proof. It moved quickly through the Senate and was unanimously passed by the House.

The bill restores a presumption-of-disclosure standard committing government agencies to releasing requested information unless there is a finding that such disclosure could do harm.

This provision is aimed at reversing an order by former Attorney General John Ashcroft after the Sept. 11, 2001, attacks, in which he instructed agencies to lean against releasing information when it was uncertain how doing so would affect national security.

Government agencies would have to meet a 20-day deadline for responding to FOIA requests. Their FOIA offices would have to forward requests for information to the correct agency within 10 days of receiving them.

If they fail to meet the 20-day deadline, agencies would have to refund search and duplication fees for noncommercial requesters. They also would have to explain any redaction by citing the specific exemption under which the blacked-out information qualifies. Nonproprietary information held by government contractors also would be subject to the law.

The legislation creates a system for the media and public to track the status of FOIA requests. It establishes a hot line service for all federal agencies to deal with problems and an ombudsman to provide an alternative to litigation in disclosure disputes.

When government agencies lose or settle a FOIA lawsuit, money to pay for attorneys' fees will now have to come from other programs within each agency.

If the legislation becomes law, as appears likely, it would be the first makeover of the FOIA in a decade. It is an overdue reform and essential to open government.

<http://www.orlandosentinel.com/news/opinion/orl-ed21207dec21,0,1522134.story>

Orlando Sentinel

Our position: The president needs to sign a bill to ensure agencies respond to information requests

Every once in a while the two parties in Congress put down their brickbats long enough to do something significant together. That's what happened recently when Democrats and Republicans agreed on a bill to improve government openness and accountability.

The bill would strengthen the Freedom of Information Act, the law that makes government documents, with limited exceptions, available to citizens who request them. Some federal agencies have flouted the law by sitting on requests for months or even years, though it requires a response within 20 days. Delays have gotten worse under President George W. Bush, whose administration has operated with unprecedented secrecy.

Under the bill, information requests could be tracked online. Agencies that missed the deadline wouldn't be able to charge requesters for searches or copies. A new office would field complaints about unfulfilled requests and issue opinions about disputes. Citizens who sue for information would have an easier time collecting their attorneys' fees.

It's not just an issue for reporters when federal agencies refuse to abide by the law. A study on the law last year found the news media accounted for just 6 percent of information requests. Most came from businesses; a third came from private citizens, for such purposes as records about benefits or their family backgrounds.

Congress put aside partisanship in favor of more responsible government in crafting this bill. Now Mr. Bush needs to sign it.

http://seattlepi.nwsourc.com/opinion/344057_opened.html

Seattle Post-Intelligencer

Open Records: Unhealthy secrecy

The wall of unhealthy secrecy around the Bush White House is being breached, at least a little. The much-feared American public could soon be close enough to peer at the door of ... the people's house.

In a case involving an effort to check the frequency of White House visits by evangelical politician-preachers, a federal judge ruled Monday that visitor logs are public records. The White House may appeal.

Meanwhile, Congress on Tuesday passed a modest expansion of the federal Freedom of Information Act. Government agencies could face fines, to be taken out of their budgets, if they lose a lawsuit over withholding public information. The White House hasn't said if President Bush will sign the bill, but it passed the Senate with support from some of his top conservatives allies, including Sens. John Cornyn and Jon Kyl.

The Senate also must restore longstanding provisions for many presidential records to be released 12 years after an administration leaves office. New Mexico's Sen. Jeff Bingaman has hopes of a vote Wednesday; the House earlier gave the records measure veto-proof support.

After seven years of the Bush administration, it's easy to forget conservatives care about open government as much as any part of the public. Undoing the Bush-Cheney obsession with secrecy will take bipartisanship, patience and commitment to reform by a new administration. But a few doors may already be close to reopening.

<http://dnj.midsouthnews.com/apps/pbcs.dll/article?AID=/20071221/OPINION01/712210309/1016>

MurfreesboroDaily News Journal

Openness gets boost this week from yeas, ???

It has been a good week for the cause of more open government, with promising signs on the state and national levels that at least some elected officials understand the importance of the public's right to know what its government does.

Nationally, Congress overwhelmingly passed bipartisan legislation that toughens the 40-year-old Freedom of Information Act (FOIA) and increases penalties on agencies that don't comply with open records requests. This marked the first makeover of FOIA in a decade and would go a long way toward bringing back some balance to what has been a disturbing trend toward secrecy in the federal government in general and the Bush Administration in particular.

While President Bush and his administration has leaned toward more secrecy since the 2001 terrorist attacks, it was no secret that lawmakers from both parties increasingly felt like the administration had gone much too far in its use of a national security defense to justify closing off previously open records.

It's unclear if the president will sign the legislation, but even without his signature, the bill would become law during the congressional recess that begins next week. We hope the president does the right thing and puts his John Hancock on a bill about which the founding fathers would be proud.

Among the improvements to the act: a 20-day deadline for responding to FOIA requests; refund of search and duplication fees for noncommercial requesters if the deadline is not met; a system for media and the public to track the status of FOIA requests.

A myriad of media groups, such as the American Society of Newspaper Editors and the Society of Professional Journalists, supported the bill, but much more was at stake than the access journalists have to public records. As we've said in this space before, it is ultimately the people's government. Last year, the government received 21.4 million requests under the act, certainly a lot from the media, but many requests came from private citizens.

This bill is a strong step toward keeping our federal government open and accountable.

Meanwhile, it was good to hear that state Sen. Randy McNally is hesitant to sponsor legislation that would change the state's open government laws. We still feel the proposed changes would be atrociously damaging to the state's open government laws and should be strongly rejected.

McNally, R-Oak Ridge, chaired the study committee that handed down its final recommendations this week. The panel is recommending, among other things, that up to three members of a government body be allowed to meet in private and even decide on how they would vote. That's absolutely foolish and detrimental to open local government.

While committee chairmen normally sponsor legislation stemming from the panel's work, McNally hasn't committed to do so. He should go a step further and recommend the panel reassembles, perhaps with a different make-up, and craft recommendations that protect citizens, not politicians

<http://www.masslive.com/editorials/republican/index.ssf?/base/news-2/1198225317187470.xml&coll=1>

The Republican, Springfield Mass

Law shines a light so make it bright

Since 2001, when then-Attorney General John D. Ashcroft issued a memo instructing agencies not to release documents if there was a possibility that it might endanger national security, it has been harder for American citizens to learn what their government is doing.

The Ashcroft memo was a natural reaction to the Sept. 11, 2001, terrorist attacks, but it has nearly destroyed the Freedom of Information Act.

Congress sent a bill to President Bush this week that would strengthen the Freedom of Information Act and penalize agencies that fail to comply with it.

The Bush administration has been one of the most secretive in modern U.S. history. In the weeks after the terrorist attacks, extreme measures were taken to prevent another attack. History will record the Ashcroft memo as a symptom of a nation under duress. It is time to correct course. A government must be open and accountable to the people it serves. The Freedom of Information Act makes that possible.

The president should sign this bill and signal to the nation that the public's right to know is fundamental to its freedom.

The burden should be on the government - not the public - to prove that disclosure would threaten national security, endanger public safety or harm the public in some other way. The legislation on the president's desk does this by requiring federal agencies to prove that disclosure of a government record would be harmful.

The legislation will also make it possible for an individual to monitor the progress of his request for a government document.

The government spends millions of dollars responding to formal requests for information - and, if you value democracy, it is worth every penny.

There are few countries in the world that have a law making it possible for anyone to obtain a government record by simply asking for it.

It is the duty of Congress and the president to make certain that it's a good law.

<http://www.democratandchronicle.com/apps/pbcs.dll/article?AID=/20071221/OPINION04/712210360/1041/OPINION>

Rochester Democrat and Chronicle

Congress this week struck an important blow for government openness, strengthening the Freedom of Information Act and reversing some of the decisions the Bush administration has made over its tenure as perhaps the most secretive presidency in history.

The president, if he wishes to alter history's likely perception, should embrace this bill, which essentially holds government agencies accountable for meeting the requirements of the original legislation passed 40 years ago.

Under this legislation, federal offices that fail to meet FOIA deadlines will have to pay costs that applicants incur in seeking the information.

As penalties go, these aren't earth-shaking, and the lasting answer is for federal workers and their supervisors to understand and respect the law, and its underlying principle that government documents belong to the people, not the agency that complies and stores them.

The new law also erases the post-9/11 directive of former attorney general John Ashcroft stating that agencies should lean against releasing information if there's uncertainty about its effect on national security. Now the presumption is to be the opposite — unless there's a finding that disclosure would be harmful, the data will be made available.

Changing the law is one thing. Changing government behavior is another. But FOIA has teeth now, and that matters.

http://www.republicanherald.com/site/news.cfm?newsid=19135394&BRD=2626&PAG=461&dept_id=530483&rfi=6

Republican & Herald, Schuylkill County, Pa

New FOIA Act has major improvements

America often has struggled with simultaneously preserving liberty and security and, too often, easy access to government information has been a casualty.

Even before the terrorist attacks of Sept. 11, 2001, former Attorney General John Ashcroft advised executive branch agencies to lean against compliance with freedom of information requests, and the lid on government data has been bolted down even more firmly since the government attacks.

This week Congress struck a blow for freedom when it reemphasized that word, and ideal, in the Freedom of Information Act. A new FOIA was passed unanimously by the House Tuesday after easily passing the Senate by a veto-proof margin.

The most important aspect of the new bill is that it restores a presumption of disclosure. That is, it commits government agencies to releasing requested information unless they can prove that doing so would cause harm to the national interest.

That is crucial because, too often, politicians and their minions protect information in order to protect their own political or employment interests.

Agencies would be required to respond to FOIA requests within 20 days.

The bill also creates a system for members of the public to track their FOIA requests through the system. It mandates a hotline to report FOIA complaints and creates an ombudsman to help resolve complaints outside of litigation.

A major improvement of the bill is that, for the first time, it would include non-

proprietary information of government contractors as public information.

This bill repudiates secrecy as standard operating procedure and restores public disclosure as a crucial aspect of democracy.

http://www.thecabin.net/stories/122207/opi_1222070010.shtml

Log Cabin Democrat, Conway, AR

FOIA Updated after a decade

Congress on Tuesday took steps to open up the secrecy of the Bush administration since Sept. 11, 2001, by passing legislation to increase the strength of the federal Freedom of Information Act. The legislation also increases penalties levied on agencies that do not comply with FOIA laws.

In the newspaper business, we rely on the Freedom of Information Act on a near daily basis. It is what allows us access to police and fire department reports; it keeps politicians and other public figures from discussing public business in secrecy; it ensures the free, open government we in the newspaper business have relied on for more than 40 years. But one misconception many have is that the FOIA is only for the press. It isn't. It is a law for citizens so that they can be informed about what the government is doing for them, with their tax dollars.

The Bush administration hasn't said whether or not President Bush will sign the act into law, but if Bush doesn't veto it, the Openness Promotes Effectiveness in our National Government Act (OPEN) could become law without his signature next week when the congressional recess begins, which would allow him to save face without taking too much criticism from the GOP.

The bill will require government agencies to establish FOIA offices with chief officers to mediate disputes with the public as an alternative to litigation. It will also require agencies to cite laws that allow certain documents to be redacted, containing fields that are blacked out.

The act also adds provisions making more government documents held by private contractors available. Something tells us Halliburton and Blackwater will be receiving many new FOIA requests.

The main purpose of the act was to reverse an order given by then-Attorney General John Ashcroft to restrict giving out public information if agencies believed it would affect national security, an excuse media has received more frequently since the attacks on the World Trade Centers and the Pentagon. Now agencies must have evidence to support the claim that releasing certain documents could cause harm to national security.

Under the new bill, if it becomes law, tracking numbers will be assigned to FOIA requests, and media and members of the public will have access to Web sites and telephone hot lines where they can check the status of their request.

The true benefit of this bill, though, is that it will pull back the curtains on our federal government, which has become quite secretive under the present administration.

Government has been proven not to work well when decisions are being made behind closed doors. Politicians would then be doing things to their satisfaction, not ours. There is nothing more fundamental than the public's right to know. It is how our representative democracy works. Without it, we may as well live in a dictatorship. Much like the institutional mechanism of checks and balances it prevents abuse by all branches of government.

While the new act isn't perfect, it is a step in the right direction.

Rick Blum of the Sunshine in Government Initiative said, "After years of growing government secrecy, (Tuesday's) vote reaffirms the public's fundamental right to know."

We couldn't agree more.

And Now a Word from the Sponsor

http://www.statesman.com/opinion/content/editorial/stories/12/25/1226cornyn_edit.html

Austin American Statesman

Cornyn: Now there's a little more Texas sunshine in Washington

Sen. John Cornyn, R-Texas, U.S. SENATE

Tuesday, December 25, 2007

At a time when government seems to be growing by the day, Congress made an important move at year-end towards increasing government openness, transparency and accountability. Both the Senate and House approved the most sweeping reforms to our freedom of information laws in more than a decade.

I first introduced the OPEN Government Act with U.S. Sen. Patrick Leahy, D-Vt., two years ago. After months of hearings and negotiations, it was finally approved overwhelmingly in December. The Cornyn-Leahy bill, when signed by the President, will not merely be a victory for transparency in federal government operations. It will be a vital building block to strengthen our democratic process.

Texas has long had one of the nation's strongest open government laws. When I served in state government as Attorney General, I had a key role in enforcing that law. So bringing a little Texas sunshine to the federal government was a top legislative priority for me when I arrived in Washington five years ago.

The Cornyn-Leahy bill updates the Freedom of Information Act (FOIA) to address undue delays and onerous burdens that often greet Americans looking for information from their government.

The underlying FOIA law was initially enacted more than 40 years ago. Achieving prompt responses has been a serious problem in its enforcement from the beginning. Some pending requests for information are more than a decade old, possibly sitting in a bureaucrat's drawer somewhere. And many information requests can only be resolved through costly lawsuits, which effectively prevent citizens from receiving information they're entitled to.

The bill restores meaningful deadlines—with consequences—to the FOIA system, encouraging government agencies to provide timely responses. It creates a new initiative for tracking pending FOIA requests and an ombudsman to review agency compliance. It provides safeguards against misuse of the law, and closes loopholes used to avoid compliance. It recognizes changes in the way information is circulated, and allows journalists and public representatives equal access to information.

The OPEN Government Act bolsters the most fundamental requirement for an effective democracy—a free and informed citizenry. It reinforces Abraham Lincoln's notion of a government "of the people, by the people, for the people" by facilitating the flow of information into the hands of Americans. I have tried to advance these principles throughout my years in public office.

These FOIA reforms come after years of legislative work that required significant bipartisan cooperation. In a year when gridlock seemed periodically to take over Congress, Sen. Leahy and I are proud that we were able to achieve consensus in both chambers, and among both parties, for this bill. It is clearly one of the signature accomplishments of the current Congress.

James Madison once declared: "The advancement and diffusion of knowledge is the only guardian of true liberty." But I know firsthand that government, unless prodded, has a natural tendency to suppress distribution of information, particularly when it is inconvenient or embarrassing to those in office.

There are always exceptions to the rule that must be observed, such as the need to keep confidential information that could compromise our national security. Our FOIA reforms recognize that. But our underlying principle is this: when information can be made open and available, it should be.

These reforms will require federal agencies to make significant changes in the way they operate. I will be watching closely to make certain they comply. And Congress itself needs to do much more to improve transparency. The earmark process—when legislators insert narrow projects into a massive spending bill—should have far greater openness and accountability. I intend to pursue that reform as well.

Texas has long prided itself on its wide-open spaces, and open government. Accountability is also an important Texas value. Our state has been a national leader in advancing the ideals of transparency in our public business. We are all safer, and our liberty more secure, whenever Washington adopts more of that Texas sunshine.

Cornyn serves on the Armed Services, Judiciary and Budget Committees and he is Vice Chairman of the Senate Select Committee on Ethics. He serves as the top Republican on the Judiciary Committee's Immigration, Border Security and Refugees subcommittee and the Armed Services Committee's Airland subcommittee.

And from the Bloggers

<http://arstechnica.com/news.ars/post/20071220-foia-reform-bloggers-are-journalists-too.html>

FOIA reform: Bloggers are journalists, too

By [Nate Anderson](#) | Published: December 20, 2007

It's not every day that a senator takes to the floor to defend "Internet blogs and other Web-based forms of media," but Sen. Patrick Leahy (D-VT) has done just that in his recent push to pass a Freedom of Information Act reform bill he has coauthored with two Republicans.

The Senate passed the OPEN Government Act last week (which builds on previous reform attempts), and the House followed suit on Tuesday of this week. The reforms in the bill make it easier for bloggers and other Internet journalists to make FOIA requests without paying fees, and they strengthen deadlines for agencies to respond to requests. Contractors who work for the federal government are now explicitly covered by FOIA rules, and a new FOIA Ombudsman will help resolve disputes outside of court. The legislation awaits President Bush's pen.

FOIA has always exempted journalists from paying fees to access government records (other citizens and companies are charged for search time and duplication of documents), but the rise of the Internet has made it more difficult for government agencies to decide if someone is a legitimate "journalist" or not.

The OPEN Government Act sets up what seems to be quite a reasonable standard for making these decisions: prior publication history. Writers need have no official affiliation; if they have a history of publishing pieces, on the Internet or elsewhere, they should be considered for a fee waiver. Even those without such a publication history may be eligible for a waiver if they offer a compelling explanation of how they will distribute the material in question to a broad audience.

The Act also seeks to stop a devious legal strategy where federal agencies bent on stonewalling the disclosure process could refuse to answer FOIA requests, force the requester to bring an expensive lawsuit against the agency, then release the requested documents just before a judicial decision came down. Because a court had not ruled against the agency, the requestor couldn't collect attorneys' fees. Under the new law, agencies would have to pay so long as the complainer had "substantially prevailed" in the case.

The Act is already being hailed by journalism organizations and digital civil liberties groups alike. "Passage of the FOIA bill will allow not only members of the press but all Americans to hold their government more accountable," said Clint Brewer, president of the Society of Professional Journalists. "In a time when First Amendment rights are under attack almost daily in this country, this bill is a major step to ensuring America has a free press and a government that is transparent and open."

The EFF, a group that has made good use of FOIA requests in the past, says that the legislation "isn't perfect" but that "it will take some steps towards streamlining the process and creating more accountability."

<http://www.cbsnews.com/blogs/2007/12/19/publiceye/entry3631532.shtml>

Public Eye, Posted by [Brian Montopoli](#)

Is FOIA Becoming (A Little) Less Frustrating?

As any journalist can tell you, dealing with the Freedom of Information Act (FOIA) can be enough to make you wish you'd gone into a different line of work.

It all sounds so simple at first: If you want a document or piece of unreleased but legally available information from the U.S. government, you submit a FOIA request. But government agencies are, unsurprisingly, reticent to cooperate with journalists or other individuals seeking information that could make them look bad, so the response is almost never what you're hoping for.

Instead of a few pages of documents or a neat summary of what you're looking for, you might face long response times, be offered incomplete documentation, or be told that to pay high fees. You might get buried in so much paper that it becomes extremely difficult to find what you first requested. You might never hear back at all.

Which is why it's good news that Congress has passed legislation to strengthen the Freedom of Information Act. If the president does not veto the bill, it would mandate that agencies respond to FOIA requests within 20 days – and be punished if they don't – and create a system for tracking requests, among other innovations.

“Currently, delays, staggering legal fees and mountains of red tape undercut FOIA's usefulness for citizens and journalists,” David Cuillier of the Society of Professional Journalists in a statement emailed to Public Eye. “This bill is crucial for helping FOIA work better, which in turn, helps democracy work better.”

In recent years, agencies' response time to FOIA requests has decreased, and the Bush administration has not exactly shown a propensity towards making information publicly available. In 2001, for example, President Bush signed an executive order allowing presidents to delay the release of many of their records indefinitely.

It is thus something of an open question whether the president will sign the legislation, which reflects a compromise crafted after the White House and Justice Department objected to some of the details, including restoration of a provision that agencies release information unless they determine it will do harm. (After Sept. 11, then-Attorney General John Ashcroft had instructed agencies to err on the side of not releasing information.) The Associated Press speculates that Mr. Bush might simply ignore the bill, which would

have the effect of causing the new rules to go into effect after 10 days.

“This pocket-veto-in-reverse would give Bush some political cover, allowing the FOIA bill to become law without taking the affirmative step of endorsing it,” notes the AP.

<http://tech.blorge.com/Structure:%20/2007/12/22/yes-suzie05-bloggers-are-journalists-too/>

In a step to help bring freedom of press to the world wide Internet, Sen. Patrick Leahy has co-authored and helped push through the OPEN Government Act. A reform to the Freedom of Information Act that will help online journalists access information easier and for less money.

Freedom of Information Act requests have always been available to everyone, but journalists have been the only group exempted from the search time and file duplication fees. With the mainstreaming of online journalists and bloggers, government agencies have had a hard time separating legitimate journalists from the rest of the crowd.

The reform to the FOIA, The OPEN Government Act, will help with the decision process by including a simple precedent. Previous publishing history, online journalists and bloggers with a history of publication will have the normal FOIA fee waived plus they will be recognized as legitimate journalists therefore requiring the agency to keep to a more concrete deadline.

There is also an exception to the requirement of a publishing history in the new reform, if you can give the agency an explanation of your use of the information for public distribution you will receive the same benefits as a journalist. In addition, this reform will also close a nasty little loophole that some government hired agencies have been using to discourage particular FOIA requests. The previous loophole was a legal technicality where agencies would force the party making the request to sue the agency for the FOIA information. Waiting till days before the court made a final decision, the agency would then give the information to the requestor leaving them with all of the bills of the suit that they would have otherwise got reimbursed on in the winnings of the suit. Now the agency will have to pay the bill as long as the other party had "substantially prevailed" during the law suit even if the agency caves early.

With such a reform only needing President Bush's signature to go into effect, according to Ars Technica, publication groups such as the Society of Professional Journalists are hailing it for the positive impact it will have upon all journalistic venues.