

# Looking for Sunshine

Protecting Your Right to Know



LEAGUE OF WOMEN VOTERS®

# Preface

The League of Women Voters has been an active champion of openness in government throughout our history. The organization's principles include the requisite that "government bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible." Over the years, the League has supported various federal legislative initiatives to expand open government requirements, and has fought against proposals aimed at limiting access to public information.

In a related vein, the League undertook *Local Voices: Citizen Conversations on Civil Liberties and Secure Communities*, an initiative to examine people's views about the relationship between civil liberties and homeland security. Citizen concerns about a lack of openness in government and the need for greater transparency at all levels of government were among the issues brought to light by the "Local Voices" project.

State and local Leagues have long been active in the open government arena. Leagues have utilized the numerous mechanisms available to observe various government meetings, lobbied for improvements to state and local sunshine regulations, and obtained government documents under state freedom of information acts and other relevant laws.

The League has supported Sunshine Week since its inception in 2005. This educational effort aims to raise public awareness about the growing amount of public information that is being withheld at all levels of government. Securing information from government agencies and officials has never been easy, and much of the public is not well informed about the breadth of publicly held information that might affect them, or how to access it.

The growing difficulty of gaining access to public information has never been more relevant, or more worrisome, than in the post-9/11 world. Increasing amounts of information, once accessible to the public, have been declared off-limits. Such action has been justified as critical to protect homeland security. Increasing amounts of non-secret and non-classified information are being withheld. In addition, as we learned in "Local Voices," many Americans believe that the pursuit of homeland security activities should include greater transparency in light of possible erosions of basic civil liberties.

For these reasons, the League of Women Voters Education Fund has created this Resource Guide to assist Leagues in dealing with this new era of citizen-government interactions. This guide provides an overview of the most significant federal and state laws—those that protect and those that restrict public access to government information. It also suggests various ways that Leagues can become more active in this area, and identifies other national and state organizations involved in these issues.

The League has become more closely involved with many of the national organizations working on open government issues. We have reinforced our national efforts in this area by working with several organizations of journalists and other open government groups. Leagues are encouraged to put special emphasis on this topic in their communities by undertaking some of the activities suggested in this guide or any other relevant educational programs specific to their own communities.

We gratefully acknowledge the John S. and James L. Knight Foundation for making this Resource Guide possible. We also thank the author, Judith A. Burrell, and LWVUS Executive Director Nancy E. Tate, who spearheaded this project.

We hope *Looking for Sunshine: Protecting Your Right to Know* will prove valuable to Leagues as they continue their good work to keep government open and accessible to the public.

**Kay J. Maxwell, President**

League of Women Voters

January 2006

# Looking for Sunshine

Protecting Your Right to Know



## A Resource Guide

LEAGUE OF WOMEN VOTERS

*Funded by a grant from the*  
John S. and James L. Knight Foundation

---

Copyright© 2006 by the League of Women Voters Education Fund. All rights reserved. No part of this booklet may be reproduced in any manner without the express written consent of the publisher, except in case of brief excerpts in critical reviews and articles. All inquiries should be addressed to: League of Women Voters of the United States, 1730 M Street, NW, Suite 1000, Washington, DC 20036

Printed in the United States

Pub #2077



# Contents

- Openness in Government: What is It and Why We Care.....1
  - Overview .....1
  - Challenges and New Developments.....2
  
- The Laws and You .....3
  - The Federal Level .....3
  - The State Level.....6
  - Local Sunshine Efforts .....7
  - Look Who’s Watching.....7
  - Resources .....8
  
- What Leagues Can Do .....11
  - Sunshine Week .....11
  - Suggested Activities .....11
  
- Appendix A: Open Government Organizations.....14
  
- Appendix B: State Freedom of Information Groups  
and Academic Centers.....15
  
- Appendix C: Members of the  
OpenTheGovernment.org Coalition.....18
  
- Appendix D: Relevant Web Sites .....19
  
- Appendix E: Sample Form for  
Freedom of Information (FOI) Audits.....20
  
- Appendix F: References.....21



# What is Open Government and Why We Care



## OVERVIEW

The United States system of government is based on the premise that government is a creature of the people, and is accountable to them. Yet the precise rights of the public in terms of access to government information and decision making were not spelled out until the 1960s and '70s. It was not until President Lyndon B. Johnson signed the Freedom of Information Act into law on July 4, 1966, that the federal government codified what the public has a right to know, and how they can exercise that right to obtain government-held information.

Following this landmark 1966 legislation, the Federal Advisory Committee Act of 1972 and the Sunshine Act of 1976 focused on public access to government meetings. It is noteworthy that the three laws expressly facilitate public access to information, but all contain exemptions for certain kinds of information and official sessions.

Pursuant to the federal example, all 50 states, the District of Columbia and, in some cases, local governments, passed similar laws. These are often known as “sunshine” laws or public records laws. Although each law is different, they generally declare that all records and meetings are open unless certain specified exemptions apply.

Thus, in the United States, openness in government encompasses two basic concepts: public records and

public meetings. Much of the information in public records has been provided to the government by corporations, nonprofits and individuals for various purposes that meet regulatory and other requirements. Government information, broadly defined, means anything that is compiled, generated or maintained by a governmental entity, including published materials or unpublished records, electronically recorded files, documents, working papers, memoranda and similar materials available to the public under the public information laws. Some information, such as classified material, although held by the government, is not eligible to be released to the public.

So whether laws are labeled open government, freedom of information, open records, open meetings or sunshine, the general notion is that everyday people have the right to know what their government is doing. Whether it is to assess the deliberations of elected officials, track environmental hazards affecting local drinking water or simply attend government meetings on issues of interest, open government rules afford people the right to attend public meetings and have access to public records. In addition, these laws provide guidance on how to access government information.

However, our nation’s access laws are only as good as we, the people, demand that they be. Knowledge of what is legally accessible and how to obtain such data is essential to keeping our rights alive.

## CHALLENGES AND NEW DEVELOPMENTS

The 21st century presents new opportunities and challenges to the free flow of information. Electronic information sharing has created a huge promise for greater access to information. Many Web sites have emerged that afford quick access to information and records. Such access includes online requests for simple things like auto registrations or the intricate details of chemical plant sites and their impact on neighborhoods.

Technology, as the backbone of greater access, has become an essential element in fortifying communication and collaboration among nonprofit organizations, volunteer groups and individuals. It enables the public to learn more easily about and comment on public policy issues. E-mailing government officials and Web sites with questions or comments has become a common activity in our technology-based society.

Yet, the expedited flow of information afforded by new technologies has brought with it other capabilities that give rise to privacy and security concerns. Privacy exemptions exist at all levels to protect information that is not relevant to the public domain. However, privacy sometimes becomes an excuse for hiding information that is clearly in the public interest.

The terrorist attacks on the United States on September 11, 2001, fundamentally changed beliefs about the desirability of easy access to government-held information. The subsequent, pervasive focus on possible threats to national security has turned the assumption of openness into a predisposition at the federal level to withhold information—even when the information involved is not secret or directly related to homeland security.

The change began in the month following the 9/11 attacks. The Attorney General wrote an October 2001 memo essentially telling federal employees that the Justice Department would support them when they found a sound, legal basis to withhold information. Since that memo, a new level of secrecy has evolved in the form of amorphous descriptors such as “sensitive but unclassified” and “for official use only.” Significant resources have been used for this new classification scheme. Ironically, federal spending has increased for withholding, not disclosing, information. In addition, the federal government has significantly increased the number of secret documents created since 2000, while overseeing a significant reduction of document pages being declassified.

### SECRECY COSTS TAXPAYERS MORE MONEY

#### Federal Expenditures on Classification and Declassification (excluding CIA)

Fiscal Years	Securing Classified Information	Portion Spent on Declassifying Documents	Classification Costs Per \$1 Spent on Declassification	Classification Decisions	Cost per Decision to Classify
1997	\$33,380,631,170	\$1,150,244,561	\$ 22	6,520,154	\$518
1998	3,580,026,033	200,000,000	17	7,294,768	491
1999	3,797,520,901	233,000,000	15	8,038,592	472
2000	4,270,120,244	230,903,374	17	11,150,869	383
2001	4,710,778,688	231,884,250	19	8,650,735	545
2002	5,688,385,711	112,964,750	49	11,271,618	505
2003	6,531,005,615	53,770,375	120	14,228,020	459
2004	7,200,000,000	48,300,000	148	15,645,237	460

Source: OpenTheGovernment.org calculations based on data from the National Archives



# The Laws and You



In order to keep abreast of open government requirements and developments, it is important to understand federal, state and local sunshine laws and how their administrative procedures vary from jurisdiction to jurisdiction. What follows is an overview of basic information as well as references to further resources that can provide additional information.

## THE FEDERAL LEVEL

Federal open government laws are generally regarded as the driving force behind subsequent enactment of state and local freedom of information and sunshine laws. The Freedom of Information Act (FOIA) is the basis for many laws related to the flow of information and the ability to access public documents or attend public meetings.

Over the years, journalists have been active users of freedom of information laws at all levels to obtain information as part of their reporting and investigative duties. However, they are not the largest users. Individuals seeking their own records or community data, lawyers researching cases, and businesses interested in details about their competitors are among the most frequent freedom of information requestors.

In the post-9/11 environment, a number of federal laws and administrative practices have been created which limit public access to information. Many state and local governments have taken similar actions.

National security has long been recognized as a legitimate reason to restrict information from the public. The risk comes in not finding the proper balance between security and the public's right to know. Government, already a reluctant releaser of information, may overuse national security as a means to hide additional information.

Some of the most notable federal laws and practices—both those that encourage and those that constrain access to information—are described briefly below.

## The Freedom of Information Act

The FOIA (5 U.S.C. Section 552) formally established a presumption that records in the possession of agencies and departments of the executive branch of the U.S. government are accessible to the people. With enactment of the FOIA, the burden of proof shifted from the individual to the government. In other words, those seeking information were no longer required to show a need for information. Instead, the “need to know” standard was replaced by a “right to know” doctrine. The government was therefore required to justify the need to withhold information.

Under the law, any party (including U.S. citizens, foreign nationals, and all types of private and nonprofit organizations) can seek information by filing a FOIA request. A fee is usually required. A response is supposed to be provided within a timely period. However, information falling under one of the following nine statutory exemptions will not be released.

*Exemption 1:* Classified information for national defense and foreign policy;

*Exemption 2:* Internal personnel rules and practices;

*Exemption 3:* Information exempt under dozens of other federal laws;

*Exemption 4:* Confidential commercial or financial information such as trade secrets;

*Exemption 5:* Internal government communications before public policies are decided and announced;

*Exemption 6:* Personnel, medical or other information that affects an individual's privacy;

*Exemption 7:* Law enforcement activities, to protect confidential sources as well as ongoing processes and investigations from undue interference;

*Exemption 8:* Reports prepared by or for use by agencies regulating financial institutions;

*Exemption 9:* Geological information, data and maps about wells.

These exemptions can be used to restrict a significant amount of information. In addition, the law exempts the U.S. Congress, federal courts, the White House, and the military during wartime.

More comprehensive descriptions of the FOIA and its exemptions can be found in *Citizen's Guide on Using the Freedom of Information Act*, prepared by the Committee on Government Reform and Oversight of the U.S. House of Representatives ([http://www.tncrimlaw.com/foia\\_idx.html](http://www.tncrimlaw.com/foia_idx.html)).

The FOIA has been amended somewhat in the years since its inception. Some notable changes were proposed in 2005 when reform legislation was introduced by Senators John Cornyn (R TX) and Patrick Leahy (D VT). They sponsored two bills: the Openness Promotes Effectiveness in our National (OPEN) Government Act (S. 394) to improve government accountability by strengthening federal laws such as the Freedom of Information Act, and the Faster FOIA Act (S. 589) to create an advisory commission tasked with suggesting ways to decrease delays in the processing of FOIA requests. The OPEN Government Act has also been introduced in the House of Representatives. These proposed bills reflect a bipartisan acknowledgement that

government needs to be more, and not less, open. When this Resource Guide went to press, the bills were pending in the 109th Congress.

## **Sunshine Act**

The Sunshine Act and the Federal Advisory Committee Act (FACA) are the federal government's open meetings laws. The Sunshine Act covers agencies with collegial, multi-member leadership that are appointed by the President and confirmed by the Senate. There are about 50 such organizations, including commissions. The FACA addresses panels that make recommendations to the President and agencies of the federal government, but not panels that provide information to the Congress or the courts. There are about 1,000 such panels throughout the government.

These open meeting laws require the federal agencies to give advance notice of each group's meetings, even emergency ones, and to publish or post agendas or lists of items under discussion in advance of the meeting. Usually, the agencies must keep minutes and/or transcripts of all commission or panel meetings that are held, even if they are closed to the public. Meetings may be closed and conducted in "executive session," according to the law, if the discussion focuses on any of 10 subject matter exemptions. These exemptions are: classified information; housekeeping rules; subjects within the "catch-all" exemption; sensitive business records; criminal accusations; private personal information; police investigations; banking reports; regulatory information that would disrupt financial markets or institutions; and litigation. Still, agencies may not take formal action unless they are in public session.

## **The USA PATRIOT Act**

The USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act was enacted six weeks after September 11, 2001. This law gives federal officials "greater authority to track and intercept communications, both for law enforcement and foreign intelligence gathering purposes." Many believe that

the sweeping search and surveillance powers that are provided to domestic law enforcement and foreign intelligence agencies compromise many of the checks and balances that were previously in place to guard against abuse of power and infringement on civil liberties and privacy in this country. In fact, when Congress passed the bill, it required that 16 surveillance provisions in the Act expire at the end of 2005. A complete list of the 16 are available online (<http://www.npr.org/templates/story/story.php?storyId=4754214>). Legislative proposals to change the USA PATRIOT Act, including reauthorization of the sunset provisions and the SAFE (Security and Freedom Ensured) Act, continue in the House and Senate in 2006.

This act has greatly contributed to the growing government culture of secrecy. Many of the investigations involved are done in complete secrecy and without oversight.

### **Critical Infrastructure Information Act**

The Critical Infrastructure Information Act (CIAA) is Section 214 of the Homeland Security Act, enacted in November 2002. According to the Congressional Research Service, it was “enacted, in part, to respond to the need for the federal government and owners and operators of the nation’s critical infrastructures to share information on vulnerabilities and threats, and to promote information sharing between the private and public sectors in order to protect critical assets.”

Almost 85 percent of critical infrastructure in this country is owned by the private sector. Specifically, the law cites food and water systems, agriculture, health systems and emergency services, information and telecommunications, banking and finance, energy (electrical, nuclear, gas and oil, dams), transportation (air, roads, ports, waterways), the chemical and defense industries, postal and shipping entities, and national monuments and icons.

This information is provided by the private sector on a voluntary basis and disclosure is prohibited when the

information is accompanied by an “express statement of expectation of protection from disclosure.” Thus, this law eliminates the presumptive right of access by the public to these records, and guarantees that information so identified will not be released under any circumstances. The rationale for enacting the CIAA was to protect private industry from lawsuits, excessive administrative concerns and other potential unintended consequences when they share critical infrastructure information with the federal government. There is a concern that the CIAA (and the “sensitive but unclassified” category described below) undermines corporate and government accountability, and hides information from the public about infrastructure vulnerabilities and other “sensitive” information.

### **Sensitive But Unclassified**

The federal government has always used controls to protect scientific and technical information that could affect national security endeavors. Before 9/11, federal agencies used “sensitive but unclassified” (SBU) as a designation for information that did not meet the stricter standards of “classified,” but, when appropriately reviewed, was determined to be necessary to withhold under the latitude of the FOIA exemptions. In the aftermath of the 9/11 attacks, the White House and the Justice Department widened the ability to use SBU beyond the FOIA and its statutory exemptions. “Sensitive but unclassified” provisions were then enacted in the Homeland Security Act of 2002.

This section of the law does not clearly define SBU, leaving it open to various interpretations. This “loop-hole,” then, permits the withholding of large amounts of information that previously would have been in the public domain.

In addition, as the Department of Homeland Security shares information with state and local governments, there are restrictions under the law about the use and reuse of data that is determined to be SBU. This prohibits

## Open and Shut: Secrecy is Growing into the Norm

Under the post-9/11 calls for increased security across the nation, executive orders were issued to require review of all federal documents for such things as: “For Official Use,” “Sensitive but Unclassified” and “Not for Public Dissemination.” There are no defined criteria or standard procedures to assess how and why data is withheld under these new categories. For example, all 180,000 employees of the Department of Homeland Security have the right unilaterally to label any information crossing their desks as falling within these categories. It is then withheld from public access without further explanation.

There are documented examples to substantiate the growing concern about secrecy in this country. In these cases, documents or proceedings are being withheld systematically. Here are two such examples:

1. Before 2005, the U.S. Defense Department’s map office made topographic charts available to the public. They were used for such purposes as species distribution tracking by biologists and flight path charting by pilots. After 2005, the charts became unavailable in the name of security.
2. Before 2001, as a precaution taken after the massive chemical plant accident in Bhopal, India, the U.S. Environmental Protection Agency posted on its Web site every U.S. chemical plant’s plans for dealing with disasters. After 2001, the database was removed from that Web site.

There are numerous accounts such as these, but no single source has a complete record of previously available information that has been removed from public access. There is no doubt that information is disappearing from the public arena. To assess what is happening at the national level, *Open the Government.org*, a broad coalition of organizations, was formed. It publishes an annual Secrecy Report Card. The 2005 edition is available online at <http://www.openthegovernment.org>.

state and local governments from disclosing any such identified information that is provided to them, unless otherwise directed by the Department of Homeland Security.

### THE STATE LEVEL

Each state’s sunshine laws are unique. They differ, not only in language but in their political setting, enforcement and administrative practice. For records that pertain to an “investigation in process” and where disclosure would “be inimical to the public interest,” each state law has its own exemptions. These exemptions can be as many as the 300 in Florida or as few as New Jersey’s single exemption.

That said, state sunshine laws have similar basic structures. They generally declare that all records and meetings are open unless certain exemptions apply. The definitions of public records or agencies covered by the law and the related exemptions are, therefore, vital to any reading of each state’s laws. Oversight of state freedom of information and sunshine laws is usually within the purview of the office of the state attorney general, whose Web site often includes freedom of information (FOI) regulations and other information specific to that state.

Please see “Resources” on page 8, for a listing of valuable Web sites pertaining to state open government laws.

### Shield Laws

Shield laws are generally state measures that grant journalists the privilege of confidential sources, thereby ensuring the free flow of information to the public via newspapers, TV, radio and other news outlets. Under these laws, journalists do not have to identify their sources and cannot be forced to testify as a source themselves. The law varies in the 31 states and District of Columbia where shield laws have been enacted. There is no broad federal law concerning the free flow of information to journalists, that grants them the privilege of protecting confidential sources.

## Making an FOI Request

Here are some basic tips for making a freedom of information request at any level of government.

**Research.** What information do you want and where is it located? Reach out to the local librarian for help. Check municipal, state and federal Web sites. Most states have a designated office to help with searches of public records. Federal agencies have FOIA officers. The National Freedom of Information Coalition (<http://www.nfoic.org>) is a clearinghouse for information on state laws and how to use them. The Reporters Committee for Freedom of the Press (<http://www.rcfp.org>) publishes guides to using state and federal freedom of information laws.

**Write.** Most states require a written request. It can be a short letter stating what information you wish to secure. Be specific and make the request under a state or federal freedom of information statute.

**Pay.** Often there will be a photocopying fee and other costs related to your request. You can acknowledge this process in your letter or request a fee waiver. In some cases, you can go to a government office to view the documents and do your own copying.

**Be aware of loopholes.** Many public records are exempt from FOI laws. States have several exemptions and sometimes create new ones. Most documents impacting minors, criminal investigations, trade secrets and personal privacy are off-limits. But you also may be denied documents that you have a right to see.

**If the request is denied.** If you are denied access, be sure to use the FOI appeals process. A brief letter to the agency head will start an appeal.

**Keep a record.** Make copies of everything you send out. Be patient and persistent. You may be pleasantly surprised!

## LOCAL SUNSHINE EFFORTS

Local freedom of information processes, of course, vary even more than those in the 50 states. Generally, they rely on already enacted state statutes. Some municipalities have their own open government ordinances. One example is Benicia, California ([http://www.ci.benicia.ca.us/edb-agendas/reports/V-A\\_sunshine\\_ord.pdf](http://www.ci.benicia.ca.us/edb-agendas/reports/V-A_sunshine_ord.pdf)). Benicia's law was the culmination of 18 months of research and review by a local sunshine committee composed of interested citizens, including League members.

Many communities host their own Web sites, providing easy access to information ranging from school lunch menus to council meeting minutes and city contracts. There are several simple ways to find these sites, including online search engine tools and Web sites such as CityTownInfo.com (<http://www.citytowninfo.com>), which links to city and school districts nationwide.

An example of a local government site with detailed information is "Access to Public Information: A Resource Guide to Government in Columbia and Boone County, Missouri" (<http://foi.missouri.edu/access/index.html>). This material outlines the laws and local government activities that the public has a right to know about, and explains how to obtain the information or records that are required by law to be available.

## LOOK WHO'S WATCHING

Just as the League of Women Voters has worked for years to promote open government at all levels, there are many other organizations that do so, too. Appendix A provides a list of the key organizations working in this arena, along with their contact information.

Most of these organizations have a national scope and monitor federal laws and administrative practices. Some are active in advocacy to address changes in federal law and practice. Currently, there is also a focus on trying to keep abreast of what is actually disappearing from federal government Web sites.

## They Did It! Sunshine in Action

Here are some examples of local citizens successfully using sunshine laws to secure public information:

In Washington, DC, a woman used FOI laws to track the legal owner of some drug-infested, abandoned buildings. She was able to identify the DC government as the landlord.

\* \* \*

In 2002, a high school government class in Grand Rapids, Michigan, used freedom of information laws to expose flaws in the county's jury-selection system.

\* \* \*

Aberdeen, Maryland, is a small town in the western part of the state located next to an Army munitions testing site. Years ago, the contents of the rocket fuel used there for the tests were found to be a toxic contaminant in the drinking water. As a result, the area was declared a Superfund site and received federal dollars for clean up.

Before 9/11, the residents of Aberdeen worked in cooperation with the Army testing site staff to review the results of the ongoing drinking water tests for these contaminants. After 9/11, Aberdeen folks were informed of new requirements related to the tests, which meant residents could no longer access the data.

After months of frustration and little progress with back-and-forth discussions, the Aberdeen community, with the help of the University of Maryland School of Law's Environmental Law Clinic, sued, challenging the Army's restrictions on this information. Eventually a compromise was reached that allowed Aberdeen residents reasonable access to the information. Thus, both sides were able to monitor the drinking water—the result sought from the beginning.

In addition, most states now have open government coalitions or freedom of information centers. These groups monitor changes in sunshine policies—both good and bad—within their state and local governments. They also provide information on how to follow state procedures correctly in order to access desired information.

Many of these organizations have joined together in several large nationwide coalitions to share resources and maximize impact. One such coalition is the National Freedom of Information Coalition (NFOIC), formed in 1989 to create a network for states that have freedom of information activities. The organization seeks to build broad-based, citizen-driven FOI coalitions. As of 2006, 39 state organizations comprise the coalition. They are listed in Appendix B and on the NFOIC Web site, <http://www.nfoic.org>. The NFOIC Web site is a clearinghouse for information about its members' ongoing work.

The other broad-based national coalition is OpenTheGovernment.org, which serves as a watchdog on open government processes at the federal level. Its mission is to advance the public's right to know and to reduce secrecy in government. Appendix C contains a listing of the coalition members, as does the Web site <http://www.openthegovernment.org>. The latter also provides links to the members' Web sites.

## RESOURCES

There are many sources of information and Web sites that provide comprehensive information about sunshine/openness laws, challenges to them and other related information. Some of the following resources have been mentioned earlier, and many of the organizations listed in Appendix A also provide various types of information.

**Freedom of Information Center**, housed at the University of Missouri School of Journalism (<http://foi.missouri.edu>), hosts the National Freedom of

Information Coalition. The Center is the research portion of the organization. Its Web site provides:

1. A list of the State Attorney General Web sites;
2. Information on every state's open government laws and practices;
3. Comprehensive analytical information on practices of local county open government law in the state of Missouri;
4. The Open Records Survey, which is a state-by-state list of reports prepared by organizations involved in analyzing the state laws and the effective use of open records processes.

The Center also has staff available to answer questions and provide training on various topics.

**Marion Brechner Citizen Access Project at the University of Florida** (<http://www.citizenaccess.org>) provides an online guide to state access laws and a database that allows researchers to compare and contrast the provisions of all 50 state laws.

**Reporters Committee for Freedom of the Press** is focused on providing publications on and information about public access and other First Amendment topics. Publications include the "First Amendment Handbook" and "How to Use the Federal FOI Act." Its Web site (<http://www.rcfp.org>) posts a guide to every state's open records and meetings laws, which is called "Tapping Officials' Secrets."

**Society of Professional Journalists** provides a toolkit on how to do FOI audits ([http://www.spj.org/foia\\_toolkit.asp](http://www.spj.org/foia_toolkit.asp)) as well as media alerts on FOI topics. The purpose of FOI audits is to determine the extent of the gap between what public records laws say and what citizens actually experience. They are most commonly undertaken by journalists.





# What Leagues Can Do



Leagues and other organizations have pressed for open government at all levels for many years. However, the pressures against government openness and sunshine have increased since 9/11. This is why the League of Women Voters Education Fund has produced this Resource Guide—to provide up-to-date information on resources and developments in this area and suggest activities that Leagues can undertake to get involved.

We have timed the issuance of this Guide to coincide with a nationwide effort called Sunshine Week. However, the activities highlighted here are appropriate throughout this year and beyond.

## SUNSHINE WEEK

Sunshine Week is the evolution of Sunshine Sunday, which began in Florida in March 2002. Led by the Florida Society of Newspaper Editors, Sunshine Sunday was developed in direct response to moves by the state legislature to severely restrict public information after the 9/11 attacks against the United States.

As interest and concern grew about similar actions to restrict freedom of information at the federal level, the American Society of Newspaper Editors coordinated the first national Sunshine Week in 2005, focusing on media coverage of open government issues. They told the stories of local citizens who used government

records for the benefit of their communities. Newspapers editorialized and commented on why this issue is important, and conducted programs to increase awareness of the issues.

The Sunshine Week organizers' goal in 2006 (and beyond) is to involve more organizations and the public by calling attention to current threats to open government. Regional and state Sunshine Week coordinators help journalists and other interested groups find stories, put on public forums, and so forth. A list of the coordinators and more detailed information about Sunshine Week can be found at <http://www.sunshineweek.org>.

The League of Women Voters Education Fund is supporting Sunshine Week in several ways in 2006, and is encouraging all Leagues to undertake activities during this week, in order to benefit from the associated publicity and visibility.

## SUGGESTED ACTIVITIES

Many Leagues are already doing significant work in the openness in government area. The following is a list of suggested activities that Leagues may want to undertake during Sunshine Week and throughout the year. The list is not exhaustive but tries to capture a variety of internal and external activities that will help to bring attention to and understanding about the issue of citizens' right to know. Some of these activities require long-term planning. Other activities can be accomplished much more easily.



## Within the League

**Educate and involve League members** on challenges to open government, especially since 9/11. Use these vehicles to provide information to League members:

- Hold unit meetings to update members on open government challenges at the federal, state and local levels.
- Include an article in your League's *Voter*.
- Send an email blast to your members before and after Sunshine Week sharing press releases and other information from the LWVUS. When possible, localize the information to your area.
- Provide copies of the October 2005 *National Voter*. That issue focused on civil liberties.
- Provide copies of the "Local Voices" final report to your members, by downloading it from the LWVUS Web site or requesting copies from the LWVUS. Share the report at an upcoming meeting and draw special attention to the key finding about transparency in government.
- Hold unit meetings about the "Local Voices" project. Use the discussion materials or final report as the framework for the meeting. Both are available on the LWVUS Web site.

### Undertake research.

- Learn what other groups working on this issue in your state are doing. Reach out to and partner with libraries, colleges and universities, newspapers, broadcast media, and/or local chapters of other national groups.
- Research recent state/local developments on openness and secrecy.
- Reach out to the Society of Professional Journalists for information and training on FOI audits (<http://www.spj.org>).

### Monitor government activities.

- Use an "observer corps" to follow developments at the local government level by attending government meetings.
- Make FOI requests and follow what happens.
- Undertake FOI audits.

## Educating the Public

### Media outreach and visibility.

- Circulate the LWVUS press releases related to open government to media outlets, coalition partners, and potential members in your area.
- Submit a letter to the editor or an op-ed on the importance of open government and the League's commitment to preserving it.
- Create a media list of reporters, editors, broadcast producers, etc. who work the government beat, as well as talk show programs in your area. Contact some or all of them to make them aware that the League is a resource in the area of open government.
- Meet with the local newspaper editorial board(s) to discuss League support for open government, and encourage them to do an editorial.
- Post information about this topic on your League's Web site.
- Have local elected officials acknowledge open government/sunshine laws at public meetings or through public statements.

### Community forums.

- Hold community forums or other public meetings on the topic. Feature expert panelists such as a professor, a newspaper editor or reporter, a citizen who has used FOI requests to rectify or clarify a community issue, and/or a local elected official.
- Identify hometown heroes who have utilized open government techniques to advance a community query or resolve an issue. Invite them to tell their stories at a meeting.
- Use the "Local Voices" materials—either the discussion materials or final report—to hold public meetings and draw attention to this issue and others.

### Working with partners.

- Publicize the work of your League's "observer corps" and/or have a recruiting drive for more observers.
- Share this guide with other organizations in your area.

- Work with local civics/social studies teachers to draw attention to this topic. Offer to be a speaker at a local school or provide other materials.
- Add to the NFOIC database by sharing your experiences with state and local sunshine laws.

## **Advocacy**

**Advocate for change** at the state/local level on relevant laws and/or their implementation:

- Track state and local legislative and executive branch decisions that may be restricting access to information.
- Conduct an FOI audit or partner with another group to do so. See [http://www.spj.org/foia\\_toolkit.asp](http://www.spj.org/foia_toolkit.asp) for guidance on how to conduct an audit. A sample form from the toolkit can be found in Appendix E.
- Write letters/request meetings with appropriate officials.
- Testify when appropriate.
- Lobby.

**Raise the issue** with candidates and elected/appointed officials:

- Form an “observer corps” and/or raise the profile of your League’s “observer corps” at meetings by wearing League identifiers (such as pins, badges). Let elected officials know that someone is watching.
- Include a question about openness in government in Voters’ Guides or at candidate debates.
- Share the concerns expressed by the public on these issues by sending local elected officials a copy of the “Local Voices” report. Draw special attention to the finding about transparency in government in your cover letter or during your meeting.
- Write local elected officials to ask what they are doing to ensure the continuation and expansion of open government.
- Advocate FOI training for government staff.

# Appendix A

## OPEN GOVERNMENT ORGANIZATIONS

### **American Association of Law Libraries (AALL)**

The AALL is a professional organization devoted to improving the operation of law libraries and the distribution of legal information. More than 5,000 AALL members work in nearly 1,900 libraries serving government officials, the bench, the bar, legal scholars and the public. AALL provides leadership and advocacy in the field of legal and government information and information policy.

<http://www.aallnet.org>

### **American Library Association (ALA)**

The ALA is the oldest and largest library association in the world, with more than 64,000 members. The ALA mission is to promote the highest quality library and information services and public access to information. Through its advocacy efforts, the ALA strives to communicate the importance of libraries and librarians to our democratic society, to improve library funding and influence public policy about libraries and information-related issues, and to increase public awareness about the role and importance of libraries and library workers in every community.

<http://www.ala.org>

### **Coalition of Journalists for Open Government**

This is an alliance of more than 30 journalism-related organizations concerned about secrecy in government and the increasing closure of public records and meetings at all levels of government. Most of the coalition partners have individual freedom of information programs. As coalition members, they share information, coordinate activities and, when appropriate, combine efforts and resources in the fight for open government.

<http://www.cjog.net>

### **Electronic Privacy Information Center**

This is an organization that uses the Freedom of Information Act to obtain documents about the government's response to 9/11 and emerging surveillance efforts. It also teaches students how to use FOIA, provides strategy support to international requesters, and educates the public about open government through its Web site.

[http://www.epic.org/open\\_gov](http://www.epic.org/open_gov)

### **Freedom of Information Center at the University of Missouri School of Journalism**

The FOI Center, founded in 1958, is the world's first such organization. It monitors and assists studies in governmental transparency in the United States and around the world. Its archive houses 1.5 million documents. Its work includes an e-newsletter, numerous scholarly articles, newspaper editorials

and trade press clips, and a comprehensive study of state FOI exemptions for homeland security.

<http://foi.missouri.edu>

### **Judicial Watch**

This is a conservative, non-partisan educational foundation that promotes transparency, accountability and integrity in government, politics and the law. Judicial Watch fulfills its educational mission through litigation, investigations and public outreach. Its Web site houses open records documents, legal filings and other educational materials for the public and the media.

<http://www.judicialwatch.org>

### **OpenTheGovernment.org**

This is an unprecedented coalition of journalists, consumer and good government groups, environmentalists, labor and others focused on making government a more open process for the overall health and safety of communities across the country. Its Web site provides information on the coalition's activities and links to each of its members' information-filled Web sites.

<http://www.openthegovernment.org>

### **National Freedom of Information Coalition (NFOIC)**

The NFOIC's goals are to help start up state FOI organizations, to initiate joint fundraising efforts with state organizations, to develop FOI programs, projects and publications that can be utilized by the member FOI organizations, and to support the states in their efforts to obtain funding for individual projects.

<http://www.nfoic.org>

### **National Security Archive**

This is a library and archive of declassified U.S. documents obtained through the Freedom of Information Act, a public interest law firm defending and expanding public access to government information, and a research institute on international affairs.

<http://www.nsarchive.org>

### **Project on Government Oversight**

This group conducts investigations to expose and remedy corruption, fraud and abuses of power within the federal government. To do so, it works with whistleblowers and concerned government officials. The group challenges excessive government secrecy, strengthens whistleblower protections and expands opportunities for citizens to participate in government.

<http://www.pogo.org>

# Appendix B

## STATE FREEDOM OF INFORMATION GROUPS AND ACADEMIC CENTERS (as of September 2005)

State	Group	Formed	Contact
Alabama	Alabama Center for Open Government <a href="http://www.alacog.org/execcommittee.html">http://www.alacog.org/execcommittee.html</a>	2000	Gregory Enns <a href="mailto:gregory.enns@tuscaloosaneews.com">gregory.enns@tuscaloosaneews.com</a>
Alaska	Alaska FOI	1998	Larry Campbell <a href="mailto:lcampbell@ap.org">lcampbell@ap.org</a>
Arizona	First Amendment Coalition of Arizona, Inc.	1982	Dan Barr <a href="mailto:barr@brownbain.com">barr@brownbain.com</a>
Arkansas	Unaffiliated group in existence; possible NFOIC formation ongoing		
California	California First Amendment Coalition <a href="http://www.cfac.org">http://www.cfac.org</a>	1988	Peter Scheer <a href="mailto:ps@cfac.org">ps@cfac.org</a>
California	California First Amendment Project <a href="http://www.thefirstamendment.org">http://www.thefirstamendment.org</a>	1992	David Greene <a href="mailto:fap@thefirstamendment.org">fap@thefirstamendment.org</a>
California	Californians Aware <a href="http://www.calaware.org/calaware/index.jsp">http://www.calaware.org/calaware/index.jsp</a>	2004	Terry Francke <a href="mailto:terry@calaware.org">terry@calaware.org</a>
Colorado	Colorado Freedom of Information Coalition	1987	John Fosholt <a href="mailto:john.fosholt@9news.com">john.fosholt@9news.com</a>
Connecticut	Connecticut Foundation for Open Government <a href="http://www.ctopengovt.org">http://www.ctopengovt.org</a>	1991	Mitchell Pearlman <a href="mailto:mitchell.pearlman@po.state.ct.us">mitchell.pearlman@po.state.ct.us</a>
Delaware	New England Associated Press News Executives Association: In progress.		
Florida	Brechner Center for Freedom of Information <a href="http://brechner.org">http://brechner.org</a>	1977	Sandra Chance <a href="mailto:schance@jou.ufl.edu">schance@jou.ufl.edu</a>
Florida	Florida First Amendment Foundation, Inc. <a href="http://www.floridafaf.org/index.htm">http://www.floridafaf.org/index.htm</a>	1984	Barbara Petersen <a href="mailto:sunshine@floridafaf.org">sunshine@floridafaf.org</a>
Georgia	Georgia First Amendment Foundation <a href="http://www.gfaf.org">http://www.gfaf.org</a>	1994	Hyde Post <a href="mailto:hyde@ajc.com">hyde@ajc.com</a>
Hawaii	Honolulu Community Media Council <a href="http://www.mediacouncil.org">http://www.mediacouncil.org</a>	1970	Holly Green <a href="mailto:info@mediacouncil.org">info@mediacouncil.org</a>
Hawaii	Open Government Coalition of Hawaii	1995	Stirling Morita <a href="mailto:smorita@starbulletin.com">smorita@starbulletin.com</a>
Idaho	Idahoans for Openness in Government <a href="http://www.openidaho.org">http://www.openidaho.org</a>	2004	Betsy Russell <a href="mailto:bzrussell@cablone.net">bzrussell@cablone.net</a>

<b>State</b>	<b>Group</b>	<b>Formed</b>	<b>Contact</b>
Illinois	Citizen Advocacy Center <a href="http://www.citizenadvocacycenter.org/index.htm">http://www.citizenadvocacycenter.org/index.htm</a>	1993	Terry Pastika <a href="mailto:cac@citizenadvocacycenter.org">cac@citizenadvocacycenter.org</a>
Illinois	Illinois First Amendment Center <a href="http://www.illinoisfirstamendmentcenter.com">http://www.illinoisfirstamendmentcenter.com</a>	2002	Sue Montalvo <a href="mailto:smontalvo@il-press.com">smontalvo@il-press.com</a>
Indiana	Indiana Coalition for Open Government <a href="http://www.indianacog.org">http://www.indianacog.org</a>	1995	Mariam Percy <a href="mailto:mpercy@indianacog.org">mpercy@indianacog.org</a>
Iowa	Iowa Freedom of Information Council <a href="http://www.drake.edu/journalism/IFOICWebSite">http://www.drake.edu/journalism/IFOICWebSite</a>	1977	Kathleen Richardson <a href="mailto:kathleen.richardson@drake.edu">kathleen.richardson@drake.edu</a>
Kansas	Kansas Sunshine Coalition for Open Government <a href="http://www.sunshinecoalition.com/home.htm">http://www.sunshinecoalition.com/home.htm</a>	2000	Ron Keefover <a href="mailto:keefover@kscourts.org">keefover@kscourts.org</a>
Kentucky	Kentucky Freedom of Information Coalition	2004	David Thompson <a href="mailto:dthompson@kypress.com">dthompson@kypress.com</a>
Louisiana	Louisiana Coalition for Open Government, Inc.	1990	Jackie Ducote <a href="mailto:llightfoot@theadvocate.com">llightfoot@theadvocate.com</a>
Maine	Maine Freedom of Information Coalition <a href="http://www.mfoic.org">http://www.mfoic.org</a>	2003	Mal Leary <a href="mailto:Mal@MaineCapitolNews.com">Mal@MaineCapitolNews.com</a>
Maryland/DC	Maryland Foundation for Open Government	2004	Jim Lee <a href="mailto:jmlee@lcniofmd.com">jmlee@lcniofmd.com</a>
Massachusetts	New England Associated Press News Executives Association: In progress		
Michigan	Michigan Freedom of Information Committee <a href="http://www.mfoia.org">http://www.mfoia.org</a>	1989	Ben Burns <a href="mailto:info@mfoia.org">info@mfoia.org</a>
Minnesota	Minnesota Joint Media Committee	1973	John Finnegan <a href="mailto:jrsfr@comcast.net">jrsfr@comcast.net</a>
Mississippi	Mississippi Center for Freedom of Information <a href="http://www.mcfoi.org">http://www.mcfoi.org</a>	2001	Jeanni Atkins <a href="mailto:iatkins@olemiss.edu">iatkins@olemiss.edu</a>
Missouri	Freedom of Information Center <a href="http://foi.missouri.edu">http://foi.missouri.edu</a>	1958	Charles Davis <a href="mailto:daviscn@missouri.edu">daviscn@missouri.edu</a>
Montana	Montana Freedom of Information Hotline <a href="http://www.umt.edu/journalism/alumni/professional_resources/Montana_FOL.html">http://www.umt.edu/journalism/alumni/professional_resources/Montana_FOL.html</a>	1988	Ian Marquand <a href="mailto:ian@kpax.com">ian@kpax.com</a>
Nebraska	Nebraska Press Association <a href="http://www.nebpress.com">http://www.nebpress.com</a>	1879	Kent Warneke <a href="mailto:nebpress@nebpress.com">nebpress@nebpress.com</a>
Nevada	None		
New Hampshire	New England Associated Press News Executives Association: In progress		
New Jersey	New Jersey Foundation for Open Government <a href="http://www.njfog.org">http://www.njfog.org</a>	2001	Elizabeth Mason <a href="mailto:LLLL@optonline.net">LLLL@optonline.net</a>
New Mexico	New Mexico Foundation for Open Government <a href="http://www.nmfog.org">http://www.nmfog.org</a>	1989	Susan Walton <a href="mailto:swalton@sandiaprep.org">swalton@sandiaprep.org</a>

<b>State</b>	<b>Group</b>	<b>Formed</b>	<b>Contact</b>
New York	The Newhouse School, Syracuse University <a href="http://newhouse.syr.edu">http://newhouse.syr.edu</a>	1989	Barbara Fought <a href="mailto:bcfought@mailbox.syr.edu">bcfought@mailbox.syr.edu</a>
North Carolina	North Carolina Open Government Coalition <a href="http://www.ncopengov.org">http://www.ncopengov.org</a>	2005	Melanie Sill <a href="mailto:msill@newsobserver.com">msill@newsobserver.com</a>
North Dakota	None		
Ohio	Ohio Center for Privacy & The First Amendment <a href="http://www.jmc.kent.edu/cfp/cfp.htm">http://www.jmc.kent.edu/cfp/cfp.htm</a>	1991	Tim Smith <a href="mailto:tdsmith@kent.edu">tdsmith@kent.edu</a>
Ohio	Ohio Coalition for Open Government <a href="http://www.ohionews.org/ocog.html">http://www.ohionews.org/ocog.html</a>	1992	Frank Deaner <a href="mailto:fdeaner@ohionews.org">fdeaner@ohionews.org</a>
Oklahoma	FOI Oklahoma, Inc. <a href="http://www.foioklahoma.org">http://www.foioklahoma.org</a>	1990	Kay Bickham <a href="mailto:kaybickham@sbcglobal.net">kaybickham@sbcglobal.net</a>
Oregon	Open Oregon <a href="http://www.open-oregon.com">http://www.open-oregon.com</a>	1996	Tim Gleason <a href="mailto:tgleason@uoregon.edu">tgleason@uoregon.edu</a>
Pennsylvania	None		
Rhode Island	ACCESS/RI <a href="http://www.accessri.org">http://www.accessri.org</a>	1996	Barbara Meagher <a href="mailto:meagher@mail.uri.edu">meagher@mail.uri.edu</a>
South Carolina	None		
South Dakota	South Dakotans for Open Government <a href="http://www.sdog.org">http://www.sdog.org</a>	2003	David Bordewyk <a href="mailto:info@sdog.org">info@sdog.org</a>
Tennessee	Tennessee Coalition for Open Government <a href="http://www.tcog.info">http://www.tcog.info</a>	2003	Adam Yoemans <a href="mailto:tcog@comcast.net">tcog@comcast.net</a>
Texas	Freedom of Information Foundation of Texas <a href="http://www.foift.org">http://www.foift.org</a>	1978	Katherine Garner <a href="mailto:kgarner@foift.org">kgarner@foift.org</a>
Utah	Utah Foundation for Open Government	1992	Kathryn Petersen <a href="mailto:editor@southvalleyjournal.com">editor@southvalleyjournal.com</a>
Vermont	Forming	2006	Michael Donoghue <a href="mailto:mdonoghue@smcvt.edu">mdonoghue@smcvt.edu</a>
Virginia	Virginia Coalition for Open Government <a href="http://www.opengovva.org">http://www.opengovva.org</a>	1996	Frosty Landon <a href="mailto:flandon@opengovva.org">flandon@opengovva.org</a>
Washington	AccessNorthwest <a href="http://www.wsu.edu/~accessnw/index.html">http://www.wsu.edu/~accessnw/index.html</a>	2003	Susan Ross <a href="mailto:suross@wsu.edu">suross@wsu.edu</a>
Washington	Washington Coalition for Open Government <a href="http://www.washingtoncog.org">http://www.washingtoncog.org</a>	2002	Elly Snow <a href="mailto:info@washingtoncog.org">info@washingtoncog.org</a>
West Virginia	None		
Wisconsin	Wisconsin Freedom of Information Council <a href="http://www.wisfoic.org">http://www.wisfoic.org</a>	1978	Robert Drechsel <a href="mailto:drechsel@facstaff.wisc.edu">drechsel@facstaff.wisc.edu</a>
Wyoming	None		

# Appendix C

## MEMBERS OF THE OPENTHEGOVERNMENT.ORG COALITION

Here is a list of the OpenTheGovernment.org Coalition partners as of January, 2006. Note that some partners do not have Web sites. For more specific information concerning this list, contact:

Rick Blum, Director, *OpenTheGovernment.org*  
(202) 234-8494  
*info@openthegovernment.org*

American Association of Law Libraries (<http://aallnet.org>)  
American Booksellers Foundation for Free Expression (<http://www.abffe.org/>)  
American Library Association (<http://ala.org>)  
Association of American Publishers (<http://www.publishers.org/>)  
Association of Research Libraries (<http://www.arl.org/>)  
Bally Bay Publications  
Californians Aware (<http://calaware.org>)  
Center for American Progress (<http://www.americanprogress.org>)  
Center for Democracy and Technology (<http://www.cdt.org/>)  
Common Cause (<http://www.commoncause.org/>)  
Electronic Privacy Information Center (<http://www.epic.org>)  
Environmental Defense (<http://www.environmentaldefense.org>)  
Federation of American Scientists (<http://www.fas.org>)  
First Amendment Foundation (<http://www.firstamend.org/>)  
Freedom of Information Center, University of Missouri School of Journalism (<http://foi.missouri.edu>)  
Friends Committee on National Legislation (<http://www.fcnl.org>)  
Fund for Constitutional Government (<http://www.epic.org/fcg/>)  
Government Accountability Project (<http://www.whistleblower.org>)  
Humanist Society of New Mexico (<http://nm.humanists.net/>)  
Human Rights First (<http://www.humanrightsfirst.org>)  
Institute for Defense and Disarmament Studies (<http://www.idds.org/>)  
National Coalition Against Censorship (<http://www.ncac.org/>)  
National Coalition for History (<http://www.h-net.org/~nch/>)  
National Committee Against Repressive Legislation (<http://www.ncarl.org/>)  
National Freedom of Information Coalition (<http://www.nfoic.org>)  
National Security Archive (<http://www.nsarchive.org>)  
National Security Whistleblowers Coalition (<http://www.nswbc.org/>)  
New Jersey Work Environment Council (<http://www.njwec.org/>)  
Northwest Environmental Justice Center  
OMB Watch (<http://www.ombwatch.org/>)  
PEN American Center (<http://www.pen.org/>)  
People for the American Way (<http://www.pfaw.org/pfaw>)  
Positive Financial Advisors, Inc  
Project On Government Oversight (<http://www.pogo.org>)  
Public Employees for Environmental Responsibility (<http://www.peer.org/>)  
ReclaimDemocracy.org (<http://www.reclaimdemocracy.org/>)  
Reporters Committee for Freedom of the Press (<http://www.rcfp.org>)  
Society of American Archivists (<http://www.archivists.org/>)  
Society of Professional Journalists (<http://www.spj.org>)  
Southeastern American Association of Law Libraries (<http://www.aallnet.org/chapter/seaall/>)  
Special Libraries Association (<http://www.sla.org>)  
U.S. Public Interest Research Group (<http://www.pirg.org/>)  
Working Group on Community Right-to-Know (<http://www.crtk.org/>)



# Appendix D

## RELEVANT WEB SITES

American Association of Law Libraries

<http://www.aallnet.org>

American Library Association

<http://www.ala.org>

Citizen's Guide on Using the Freedom of Information Act

[http://www.tncrimlaw.com/foia\\_indx.html](http://www.tncrimlaw.com/foia_indx.html)

City of Benicia, California Sunshine Ordinance

[http://www.ci.benicia.ca.us/edb-agendas/reports/V-A\\_sunshine\\_ord.pdf](http://www.ci.benicia.ca.us/edb-agendas/reports/V-A_sunshine_ord.pdf)

CityTownInfo.com

<http://www.citytowninfo.com>

Coalition of Journalists for Open Government

<http://www.cjog.net>

Electronic Privacy Information Center: Open Government

[http://www.epic.org/open\\_gov](http://www.epic.org/open_gov)

Florida Society of Newspaper Editors

<http://www.fsne.org>

Freedom of Information Center at the University of Missouri School of Journalism

<http://foi.missouri.edu>

Freedom of Information Center at the University of Missouri School of Journalism: Access to Public Information

<http://foi.missouri.edu/access/index.html>

Freedom of Information Center at the University of Missouri School of Journalism: Federal and State FOI Resources and Guides

<http://foi.missouri.edu/laws.html>

Freedom of Information Center at the University of Missouri School of Journalism: Open Records Survey

<http://foi.missouri.edu/openrecseries.html>

Freedom of Information Center at the University of Missouri School of Journalism: State FOIA Laws

<http://foi.missouri.edu/citelist.html>

Judicial Watch

<http://www.judicialwatch.org>

League of Women Voters

<http://www.lwv.org>

Marion Brechner Citizen Access Project at the University of Florida

<http://www.citizenaccess.org>

National Freedom of Information Coalition

<http://www.nfoic.org>

National Security Archive

<http://www.nsarchive.org>

OpenTheGovernment.org Coalition

<http://www.openthegovernment.org>

Project on Government Oversight

<http://www.pogo.org>

Reporters Committee for Freedom of the Press

<http://www.rcfp.org>

Reporters Committee for Freedom of the Press: Tapping Officials' Secrets

<http://www.rcfp.org/cgi-local/tapping/index.cgi>

Society of Professional Journalists: FOIA Toolkit

[http://www.spj.org/foia\\_toolkit.asp](http://www.spj.org/foia_toolkit.asp)

Sunshine Week

<http://www.sunshineweek.org>

USA Patriot Act Provisions Under Review

<http://www.npr.org/templates/story/story.php?storyId=4754214>

# Appendix E

## SAMPLE FORM FOR FREEDOM OF INFORMATION (FOI) AUDITS

### Montana Open Records Audit 2003 Reporting Form

Auditor:

County surveyed:

Record sought:

Office/entity visited:

Time started:

Time finished:

Did you get records on your first request?	Yes	No
Second request?	Yes	No
Third request?	Yes	No
Was a manager or supervisor summoned?	Yes	No
Was a sign-in required when entering?	Yes	No
Was some sort of request form required?	Yes	No
Was a signature required?	Yes	No
Were you asked for your name?	Yes	No
Were you asked for ID?	Yes	No
Were any fees charged?	Yes	No

If yes, how much?

Name of employee contacted:

General demeanor of employee/staff:

If you did not get the records, what was the rationale given?

Other comments about this audit:

This form has been excerpted from the Society of Professional Journalists' FOI Audit Toolkit, p. 20, [http://www.spj.org/foia\\_toolkit.asp](http://www.spj.org/foia_toolkit.asp), and was originally created by the Montana Freedom of Information Hotline, Inc.

# Appendix F

## REFERENCES

*A Citizen's Platform for our Environmental Right to Know*, OMB Watch, An Agenda for Access Report, March, 2001.

"Access to Meetings of the Federal Government, Summary of The Sunshine Act," Access Reports Newsletters, [www.accessreports.com/statutes/sunshine.htm](http://www.accessreports.com/statutes/sunshine.htm).

Blum, Rick and Moulton, Sean, "Sorry, That's Classified: How Post-9/11 Secrecy Holds the Public Interest Hostage," *Non-Profit Quarterly*, Fall, 2004.

Coalition of Journalists for Open Government Useful Web sites, <http://www.cjog.net/website.html>.

Doyle, Charles, Congressional Research Service, The Library of Congress, reports on The USA PATRIOT Act, April, 2002.

Knezo, Genevieve J., "'Sensitive But Unclassified' and Other Federal Security Controls on Scientific and Technical Information: History and Current Controversy," Specialist in Science and Technology Policy Resources, Science and Industry Division, Congressional Research Service, The Library of Congress, July, 2003.

Leighninger, Matt, *Citizens Building Communities: The ABCs of Public Dialogue*, League of Women Voters, 2005.

*Local Voices: Citizen Conversations on Civil Liberties and Secure Communities*, League of Women Voters, 2005.

McMasters, Paul, "FOIA, it's always there. Debated, disliked, sometimes scorned, it remains the cornerstone of openness," *Quill*, October, 1996.

Moberly, Greg, "Benicia Moves Toward More Openness," *Vallejo Times-Herald*, February 13, 2005.

Nather, David, "Classified, A Rise in State Secrets," *Congressional Quarterly*, July, 2005.

Pincus, Walter, "Pentagon Expanding Its Domestic Surveillance Activity, Fears of Post 9/11 Terrorism Spur Proposals for New Powers," *The Washington Post*, November 27, 2005.

Roberts, Alasdair, *Blacked Out: Government Secrecy in the Information Age*, Cambridge University Press, February, 2006.

*Secrecy Report Card 2004 and 2005, Quantitative Indicators of Secrecy in the Federal Government*, A Report by OpenTheGovernment.Org, Americans for Less Secrecy, More Democracy.

"Sensitive But Unclassified Provisions in the Homeland Security Act of 2002," OMB Watch, June, 2003.

"Transition, 2002 Biennial Report," OMB Watch.

U.S. Department of Justice Office of Information and Privacy, Critical Infrastructure Information Regulations Issued by the Department of Homeland Security, FOIA Post.

*What We Know About You: Privacy, Security and Community Concerns, Talking Points: A Guide for Using the Discussion Video*, Preview Forum, Using Media to Engage the Public and Journalists on Social Issues, Fall 2005.

"Who's Doing What on Secrecy and Open Government Issues: A Sampling," OpenTheGovernment.Org, 2005.







LEAGUE OF WOMEN VOTERS®

1730 M Street, NW, Suite 1000  
Washington DC 20036

*[www.lwv.org](http://www.lwv.org)*