

July 7, 2008

The Honorable Patrick Leahy  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Arlen Specter  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman and Senator Specter:

We write on behalf of the undersigned group of business, public interest, and historical organizations to endorse the OPEN FOIA Act (S. 2746), which would ensure transparency by requiring that every statutory carve-out to the Freedom of Information Act (FOIA) expressly reference section 552(b)(3) of that Act. These statutory exemptions limit public access to information under the FOIA and need to be openly discussed prior to enactment.

As you know, the intent of the FOIA, ensuring an open and accountable government, has been seriously undermined by members of Congress who attempt to limit public access to government information through inconspicuous provisions buried deep in proposed legislation. Such provisions can establish new FOIA exemptions under section 552(b)(3), often without any public debate about whether the new exemption is necessary or appropriate. Passage of S. 2746 is vitally important because it will require that every proposed new carve-out to the FOIA specifically reference the Act.

To preserve the ideals of openness that FOIA embodies, bills that exempt records from FOIA should be transparent about their intent and effect. By requiring that every proposed FOIA carve-out specifically reference 5 U.S.C. Section 552(b)(3), the OPEN FOIA Act will give members of the public and open government advocates the tools they need to find, analyze and challenge these hidden exemptions before they are passed into law. We therefore urge the Senate Judiciary Committee to report S. 2746 favorably and help it move quickly to the Senate floor for passage.

Thank you.

Sincerely,

Alliance for Patient Safety

American Association of Law Libraries

The Association of American Publishers

American Association of Small Property Owners

Association of American Physicians and Surgeons

American Civil Liberties Union

American Library Association

Awake In Philly

Bill of Rights Defense Committee

California First Amendment Coalition

Center for Democracy and Technology

Citizens for Responsibility and Ethics in Washington

Citizens Watch

Citizen Outreach Project

Defending Dissent Foundation

Electronic Frontier Foundation

Essential Information

iSolon.org

James Madison Project

Knowledge Ecology International

Liberty Coalition

Maine Association of Broadcasters

Minnesota Coalition on Government Information

The Multiracial Activist

National Freedom of Information Coalition

National Security Archive

New Jersey Foundation for Open Government

OMB Watch

Open Society Policy Center

OpenTheGovernment.org

People For the American Way

Project on Government Oversight

Public Citizen

The Rutherford Institute

U.S. Bill of Rights Foundation

Washington Coalition for Open Government

Woodhull Freedom Foundation

David F. Jackson, Freelance Investigative Journalist

Richard P. Kleeman, Former Chairman,  
National Freedom of Information Committee, Society  
of Professional Journalists