

June 26, 2014

VIA EMAIL

The Honorable Patrick Leahy
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Cornyn
517 Hart Senate Office Building
Washington, DC 20510

RE: FOIA Improvement Act of 2014

Dear Chairman Leahy and Senator Cornyn:

We the undersigned organizations are writing to commend you on introducing the FOIA Improvement Act of 2014. This landmark legislation strengthens the Freedom of Information Act to ensure that every American has the ability to know what the government is up to and why. We appreciate your tireless efforts in support of a more transparent and accountable government. This legislation goes a long way toward realizing that goal.

Several provisions merit particular praise. At long last, the public's interest will be weighed against administration assertions of privilege under FOIA Exemption 5. This provides the public an essential tool to challenge bald administration claims of a need for secrecy in a way that respects our separation of powers. In addition, it ensures the public's access to our nation's history through a cut-off on assertions of privilege for documents older than 25 years.

Further, the legislation codifies a presumption of disclosure and openness. History has shown openness is not a matter that should be left to the discretion of a particular administration. While we appreciate recent White House efforts to reset the balance, ultimately this is an issue that Congress should resolve.

We also welcome the provision that closes a loophole under which agencies had charged fees to requesters even when they had failed to meet the FOIA's deadlines.

These are just some of the many groundbreaking improvements included in the FOIA Improvement Act of 2014. We heartily applaud the legislation and look forward to a prompt markup by the Senate Committee on the Judiciary.

We welcome the opportunity to discuss this with you further. Please contact Anne Weismann, chief counsel, Citizens for Responsibility and Ethics in Washington, at aweismann@citizensforethics.org or 202-408-5565.

With best regards,

American Association of Law Libraries
American Booksellers Foundation for Free Expression
American Library Association
American Society of News Editors
Association of American Publishers
Association of Research Libraries
Appeal for Justice
Arizona Newspapers Association
Article 19
Cause of Action
Center for Effective Government
Citizens for Responsibility and Ethics in Washington – CREW
Defending Dissent Foundation
Don't Tread on Educators
Essential Information
Federation of American Scientists
First Amendment Coalition
Government Accountability Project – GAP
iSolon.org
Liberty Coalition
Mississippi Center for Freedom of Information
National Coalition Against Censorship
National Coalition for History
National Security Archive
National Security Counselors
National Sustainable Agriculture Coalition
OpenTheGovernment.org
People For the American Way
Physicians for Human Rights
Project On Government Oversight – POGO
Public Citizen
Reporters Committee for Freedom of the Press
The Rural Coalition/Coalición Rural
Sage Information Services
Savannah River Site Watch
Society of American Archivists
Society of Professional Journalists
Student Press Law Center
The Sunlight Foundation
Tully Center for Free Speech at Syracuse University
University of Florida's Brechner Center for Freedom of Information
Utah Foundation for Open Government
Washington Civil Rights Council
Washington Coalition for Open Government