

# THE RUTHERFORD INSTITUTE

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Dear Minority Leader McConnell:

As president of The Rutherford Institute and a member of the Constitution Project's Liberty & Security Committee, I urge you to support S. 849, the "Openness Promotes Effectiveness in our National Government Act" or OPEN Government Act.

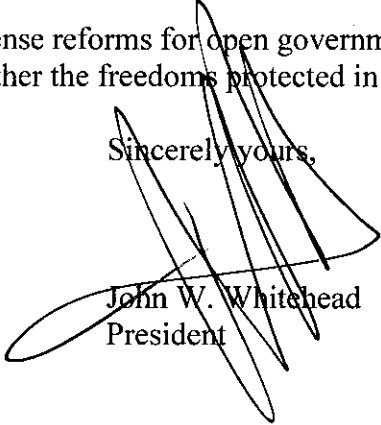
The OPEN Government Act aims to reform the way federal agencies process requests for documents under the Freedom of Information Act (FOIA). Open government laws such as FOIA help foster accountability and allow the public to make informed choices in their communities. Unfortunately, while FOIA requests for public documents continue to stream into federal agencies, the federal government's response is slowing. Too often, the public receives the documents they need too late or not at all, and the problem is worsening.

Thus, it is critical that Congress strengthen the oversight provided by FOIA to improve government accountability while continuing to protect the secrecy of sensitive documents. The OPEN Government Act contains common sense reform such as giving requesters a tracking number to follow the status of their requests online, creating an ombudsman to help requesters, imposing consequences on federal agencies for missing statutory deadlines and increasing agency accountability for FOIA decisions. In this way, this legislation will provide much-needed updates to FOIA, which has not been updated in more than a decade.

Sponsored by Sen. John Cornyn (R-TX) and Sen. Patrick Leahy (D-VT) and reported from the Senate Judiciary Committee by voice vote, the Act has received considerable bipartisan support and includes among its co-sponsors Sen. Sherrod Brown (D-OH), Sen. Ben Cardin (D-MD), Sen. Russell Feingold (D-WI), Sen. Johnny Isakson (R-GA), Sen. John Kerry (D-MA), Sen. Mary Landrieu (D-LA), and Sen. Arlen Specter (R-PA). Similar legislation (H.R. 1309) passed the House of Representatives by a vote of 308 - 117. Additionally, the Act has been endorsed by a broad range of groups including the U.S. Chamber of Commerce, the American Library Association, and the National Association of Manufacturers.

I urge you to support the common sense reforms for open government contained in S. 849—reforms that, if implemented, will further the freedoms protected in our Constitution.

Sincerely yours,

  
John W. Whitehead  
President