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April 6, 2011

The Honorable Amy Klobuchar
Member
Committee on the Judiciary
United States Senate
Washington, DC 20510-6275

Dear Senator Klobuchar:

It was an honor for me to appear before the Senate Judiciary Committee on March 15, 2011, and offer my testimony at the hearing on "The Freedom of Information Act: Ensuring Transparency and Accountability in the Digital Age."

My responses to your questions are submitted below for the hearing record.

1. Professor Cohen testified that there were four areas where significant problems remain for journalists and others seeking to use FOIA – delays / response times, fees, access to electronic records, and disclosure of frequently requested records. Do you agree that those areas need significant improvement? Is there an area that you would prioritize first?

Judicial Watch considers itself to be a member of the media and agrees that all the issues mentioned are of concern. As we are usually granted a fee waiver as a member of the media or in the public interest, the issue of fees does not impact us as significantly as it might other requestors.

Our primary concern is the failure by agencies to disclose records, if at all, in a timely manner as the FOIA requires.

2. Mr. Podesta mentioned that it would be useful for the Administration to require federal agencies to automatically publish their FOIA requests, as well as information responsive to those requests, through a centralized and searchable online database. What do you think of that proposal?

This proposal has merit and might allow agencies to more efficiently respond to multiple FOIA requests about a single topic of interest. However, the Freedom of Information Act requires agencies to search for and produce records to each response individually. Throwing documents on-line would be no substitute for the legal obligations agencies have to produce records as the law requires.

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As instructed by Chairman Leahy, an electronic version of this letter has been sent to the attention of Ms. Julia Gagne.

Thank you for the opportunity to respond to your questions and to appear before this honorable Committee.

Sincerely,



Thomas Fitton
President

cc: The Honorable Patrick Leahy, Chairman
The Honorable Charles E. Grassley, Ranking Member