

Statement of

# **The Honorable Russ Feingold**

United States Senator  
Wisconsin  
March 14, 2007

Statement of U.S. Senator Russell D. Feingold  
Senate Committee on the Judiciary  
"Open Government: Reinvigorating the Freedom of Information Act"  
Wednesday, March 14, 2007

Chairman Leahy, thank you for holding this hearing on an issue of vital importance. The Freedom of Information Act is an essential piece of legislation for our democracy. It enables researchers, journalists, and interested citizens to obtain Executive Branch documents at a reasonable cost. At the same time, the Act protects certain documents from disclosure to shield national security, privacy, trade secrets, and other privileges. A government that permits citizens access to records that document its day-to-day decisions is one that fulfills the promise of democracy in a particularly significant way. Congress should regularly review and update how the law that makes such access possible is working.

When the Executive Branch knows its actions are subject to public scrutiny it has an added incentive to act in the public interest. I fear that this important value of government openness has taken a back seat in the years since the terrible events of September 11. Protecting our citizens from terrorist attacks must be the top priority of government, but we can do that while still showing the proper respect for the public's right to know.

Unfortunately, that has not been this Administration's attitude. From the excessive secrecy surrounding the post-9/11 detainees, to the lack of information about implementation of the controversial provisions of the USA PATRIOT Act, to instructions to federal agencies issued by former Attorney General Ashcroft that tightened the standards for granting an FOIA request, this Administration has too often tried to operate behind a veil of secrecy.

That is why I intend to cosponsor the bill that Senators Leahy and Cornyn introduced yesterday to strengthen the Freedom of Information Act. Thank you again, Mr. Chairman, for being such a strong leader on this issue. I am proud to join you in working to empower individual citizens to obtain the information they need to hold their government accountable. In so doing, we can help ensure that our democracy remains strong and vibrant.