

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Hearing on “FOIA at Fifty: Has the Sunshine Law’s Promise Been Fulfilled?”
July 12, 2016**

Last week we celebrated the 50th anniversary of the Freedom of Information Act, the Nation’s premier transparency law. This hearing is an opportunity to reflect on what FOIA has accomplished, and to celebrate the work we have done since passage of the original law to make it stronger. We are also here to learn about how to ensure this law lives up to its name for future generations.

For 50 years, FOIA has shed light on issues related to public safety, public health, and our national security. Prior to its passage, the Executive Branch operated largely in the dark. The American public had almost no insight into the decisions and actions of our federal bureaucracy. FOIA has empowered the American people to access and influence *their* government. It has ensured that our government of, by, and for the people is not one that is hidden from them.

As times change and technologies evolve, so too must our transparency laws. Senator Cornyn and I have worked together over the years to modernize FOIA with a series of improvements to the law. Less than two weeks ago, President Obama signed into law our bipartisan FOIA Improvement Act. Our bill ushers in the most significant reforms to FOIA since its enactment. The presumption of openness in our bill ensures that sunshine, not secrecy, is our government’s default setting. This policy embodies the very spirit of FOIA, and it will do more to improve the effectiveness of FOIA than any other reform.

But our work is not finished. FOIA requesters still face lengthy delays. Our FOIA process is stuck in the 20th century, lagging woefully behind the technologies of our time. Agencies have yet to develop best practices to make FOIA as responsive to the American people as possible.

We have before us today a panel of FOIA experts who have dedicated their careers to transparency and accountability. I thank each of them for joining us and for the work they have done. We are eager to have a substantive discussion about the past, present, and future of FOIA. On this major milestone for transparency in our democracy, I hope we recommit ourselves to supporting and strengthening this important law for future generations.

I also hope that we can work together to address the frustration and grief felt by the American people who are devastated by the loss of life in too many of our communities. There continues to be distrust between law enforcement and communities of color because of a long history of unfair treatment towards minorities. The death of two African American men, in Baton Rouge and St. Paul, are just the latest examples of what we have seen in St. Louis, Baltimore, Cleveland, and elsewhere. We must act in the wake of these tragedies, but not with the kind of hateful violence that took the lives of five police officers in Dallas last week. Violence is never the answer.

Our Committee is charged with addressing the civil rights laws and policies that affect law enforcement. It is our responsibility to help to lead a national conversation on the violence we have seen. Mr. Chairman, I respectfully renew my call for a public hearing on these issues. President Obama is traveling to Dallas today to grieve with a community heartbroken by the loss of five brave police officers. I hope that all of us on this Committee can work together to discuss the difficult challenges facing too many communities, and also to shine a light on what really works to unify and heal our communities, rather than divide us.

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