



THE  
AMERICAN  
CONSERVATIVE  
UNION

June 7, 2007

The Honorable Mitch McConnell  
United States Senate  
361-A Russell Senate Office Building  
Washington, DC 20510

Dear Minority Leader McConnell,

I am writing to you today both as Chairman of the American Conservative Union and as Co-Chair of the Constitution Project's Liberty & Security Committee to urge your support for S. 849, the "Openness Promotes Effectiveness in our National Government Act," or OPEN Government Act. The OPEN Government Act will make common sense reforms to the way federal agencies process requests for documents under the Freedom of Information Act (FOIA). I urge the Senate to pass this bipartisan legislation soon.

The legislation has bipartisan support and was reported from the Senate Judiciary Committee by voice vote. It is sponsored by Sen. Patrick Leahy (D-VT) and Sen. John Cornyn (R-TX) and co-sponsored by 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. The Act would provide critical updates to FOIA, and 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.

Open government laws such as FOIA help foster accountability and allow the public to make informed choices in their communities. Unfortunately, after 40 years FOIA is beginning to show its age; FOIA has not been updated in more than a decade. 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 getting worse.

For several years, the Constitution Project's Liberty and Security Committee has urged Congress to strengthen the oversight provided by FOIA to improve government accountability while continuing to protect the secrecy of sensitive documents. This legislation 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.

I urge you to support the common sense open government reforms contained in S. 849. If you have any questions regarding this letter, please do not hesitate to contact Corey Owens of the Constitution Project at (202) 580-6922.

Sincerely,

David Keene