

## **We Need Fewer Secrets**

*By Jimmy Carter  
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The U.S. Freedom of Information Act (FOIA) turns 40 tomorrow, the day we celebrate our independence. But this anniversary will not be a day of celebration for the right to information in our country. Our government leaders have become increasingly obsessed with secrecy. Obstructionist policies and deficient practices have ensured that many important public documents and official actions remain hidden from our view.

The events in our nation today -- war, civil rights violations, spiraling energy costs, campaign finance and lobbyist scandals -- dictate the growing need and citizens' desire for access to public documents. A poll conducted last year found that 70 percent of Americans are either somewhat or very concerned about government secrecy. This is understandable when the U.S. government uses at least 50 designations to restrict unclassified information and created 81 percent more "secrets" in 2005 than in 2000, according to the watchdog coalition [OpenTheGovernment.org](http://OpenTheGovernment.org).

Moreover, the response to FOIA requests often does not satisfy the transparency objectives or provisions of the law, which, for example, mandates an answer to information requests within 20 working days. According to the National Security Archives 2003 report, median response times may be as long as 905 working days at the Department of Agriculture and 1,113 working days at the Environmental Protection Agency. The only recourse for unsatisfied requesters is to appeal to the U.S. District Court, which is costly, timely and unavailable to most people. Policies that favor secrecy, implementation that does not satisfy the law, lack of a mandated oversight body and inaccessible enforcement mechanisms have put the United States behind much of the world in the right to information.

Increasingly, developed and developing nations are recognizing that a free flow of information is fundamental for democracy. Whether it's government or private companies that provide public services, access to their records increases accountability and allows citizens to participate more fully in public life. It is a critical tool in fighting corruption, and people can use it to improve their own lives in the areas of health care, education, housing and other public services. Perhaps most important, access to information advances citizens' trust in their government, allowing people to understand policy decisions and monitor their implementation.

Nearly 70 countries have passed legislation to ensure the right to request and receive public documents, the vast majority in the past decade and many in middle- and low-income nations. While the United States retreats, the international trend toward transparency grows, with laws often more comprehensive and effective than our own. Unlike FOIA, which covers only the executive branch, modern legislation includes all branches of power and some private companies. Moreover, new access laws establish ways to monitor implementation and enforce the right, holding agencies accountable for providing information quickly and fully.

What difference do these laws make?

In South Africa, a country emerging from authoritarian rule under the apartheid system, the act covering access to information gives individuals an opportunity to demand public documents and hold government accountable for its actions, an inconceivable notion just a decade ago. Requests have exposed inappropriate land-use practices, outdated HIV-AIDS policies and a scandalous billion-dollar arms deal. In the United Kingdom, the new law forced the government to reveal the factual basis for its decision to go to war in Iraq.

In Jamaica, one of the countries where the Carter Center has worked for the past four years to help establish an access-to-information regime, citizens have used their right to request documents concerning the protection of more than 2,500 children in public orphanages. Two years ago there were credible allegations of sexual and physical abuse. In the past year, a coalition of interested groups has made more than 40 information requests to determine whether new government recommendations were implemented to ensure the future safety and well-being of these vulnerable children.

Even in such unlikely places as Mali, India and Shanghai, efforts that allow access to information are ensuring greater transparency in decision making and a freer flow of information.

In the United States, we must seek amendments to FOIA to be more in line with emerging international standards, such as covering all branches of government; providing an oversight body to monitor compliance; including sanctions for failure to adhere to the law; and establishing an appeal mechanism that is easy to access, speedy and affordable. We cannot take freedom of information for granted. Our democracy depends on it.

The writer was the 39th president and is founder of the Carter Center.