

Still searching for sunshine in 'open society'

It's been nearly 60 years since President Lyndon Johnson signed the Freedom of Information Act. The signing was done out of the view of the public, ironic considering a statement released with the passing of the bill noted Johnson signed it "with a deep sense of pride that the United States is an open society."

Turns out, Johnson's hand was forced by a unanimous vote in Congress, which marked the end of a very interesting story into how the act — those in the biz call it FOIA, pronounced foy-ah — came into existence.

Sunshine Week is observed March 12-18 across the United States. It is a week to spotlight the need for good, open government and accountability from those elected or hired to maintain public trust and funding.

Government transparency was first pushed by California Congressman John Moss in the early 1950s. During the Cold War, Moss started to lean in for a more open government. In 1955, Moss chaired a House subcommittee on government information. From that committee, he first suggested the Freedom of Information Act to Congress.

He had no support in Washington early on. It was, not surprisingly, massively supported by journalists from the jump. So Moss held hearings for a decade to build support, a slow drip into a bucket of accountability that inevitably filled as Americans sought info on everything from the Cuban Missile Crisis to the early days in Vietnam.

Eventually, Moss built enough support for a 307-0 vote in the House. Johnson wasn't super pleased with the legislation as war raged on a world away, obviously concerned about what information could be determined to be publicly accessible. A memo announcing the signing has a hand-written note from Johnson on the bottom marked "no ceremony."

Johnson's public statement was quite effusive in its praise of the bill: "This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest."

Maybe Johnson's mixed emotions were a harbinger of things to come. To this day, accessing information is tricky and time-consuming. It can also be expensive if an organization or citizen — this information is open to everyone, not just journalists — needs to bring in legal help to crack the code.

That doesn't mean accessing the information isn't worth jumping through those hoops, writing a check if necessary or waiting out entities that can try to run the clock out on those seeking public information.

The task of accessing public documents remains more difficult than it should be. Legally, government agencies have five days to respond to a Right-to-Know Law request. After that initial response, there are 30 days — not counting weekends — to find and collect documents before sending them; there may also be a fee tacked on for the work. Even then an appeal process can take place with the Pennsylvania Office of Open Records and it could be close to six months before one document is received.

In some instances, the records are handed over almost immediately with the complete understanding the documents are public. However, the default setting for too many government agencies is to take all the time allotted before submitting documents or filing an appeal.

And we haven't even touched on penalties for not following the law. The reason? They are essentially non-existent and hardly punitive.

Sunshine can be a marvelous disinfectant if used properly and accordingly. The shadows and gray zones still seem to be the most comfortable location, even 60 years after a president reluctantly opened the windows.

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