

The Sun Shines in Over 60 Countries Worldwide

Sunshine Week—the brainchild of activists, journalists and media organizations—whose *raison d'être* is dependent upon access to information, marked its second anniversary in March 2006. Transparency groups in America use this week to heighten public awareness of their right-to-know and to illustrate the importance of openness and transparency in government with stories of achievements since Congress passed the Freedom of Information Act in 1966.

This year, however, Sunshine Week took on the appearance of an Irish wake—with storytelling of past accomplishments and much bemoaning of its current condition in America.

The director of the National Security Archive at George Washington University, Thomas Blanton, provided this incisive synopsis of government secrecy and the purpose of Sunshine Week:

Secrecy is the threshold tool that they use, the powerful use, to keep us in the dark, to keep their power, to keep control, to keep their turf, to keep their budgets. Because they are better off when we're in the dark. We're not safer in the dark. . . . And that's sort of the message of sunshine week.

And to provoke America to jealousy—lest it forget what has made it great—the Brookings Institute brought together leading experts from [India](#) and [Mexico](#) to showcase the progress their governments have made in nurturing transparency and openness.

[Today over 60 countries](#) outside of America's borders use right-to-know laws daily to improve economic and social conditions and to guard against corruption.

But as America prosecutes its war on terror, the civil and constitutional rights enjoyed prior to September 11 have ostensibly been placed in jeopardy by a new set of rules. This roll back has been caused by those in government who are applying these new guidelines in an indiscriminate fashion and withholding information with little or no bearing on legitimate national security interests—effectively turning back the clock on openness and transparency in government.

A heated debate in Congress turned on preserving the civil and constitutional rights enjoyed by U.S. citizens in light of the security measures required to prosecute a war on terror—now embodied in The Patriotic Act—and passed by near unanimous vote of Congress shortly following the terrorist attacks of September 11. Within one day of its sunset, after lengthy debate, attempted filibuster, and final acquiescence by the majority in Congress, The Patriot Act was renewed and signed into law by President Bush on March 9, 2006.

Balancing security concerns and civil liberties is a difficult task.

It is, however, cause for concern when narrowly crafted exclusions for national security are used *carte blanche* to restrict access to any and all records. And it has been found, more often than not, that when government agencies or politicians seek restricted access to documents unrelated to national security—it is due to ineptitude, malfeasance, or self-enriching schemes.

[Mr. Blanton](#), a veteran national security archivist and Freedom of Information Act specialist, commenced the briefing by reading the charges against America’s regression, roster-style, which can be summed up in one word: secrecy. His roster read, in part:

A secret energy task force that had secret meetings with Enron¹ . . . secret evidence about mercury and the fish and tuna fish that pregnant mothers and kids are eating . . . secret costs estimates about how much the Medicare drug plan² is actually going to cost the taxpayers. . . . a secret program to go back and look at the open shelves of the National Archives and pull off documents that have been out for decades and stick them back into the secret vaults. . . .

This was the tone of the briefing held at the Brookings Institute, as a comparison was made with America’s recent regression toward secrecy and the good progress seen in underdeveloped democratic countries in the creation and implementation of “right-to-know” laws.

It was a celebration of the spread of transparency in developing democracies and a warning to America’s leaders not to lose sight of that which helped make it the leader of the free world.

¹ Judicial Watch requested and was denied access to records and meetings of the Cheney Energy Policy Development Group and subsequently filed suit in the U.S. District Court on July 16, 2001. The case proceeded through appeals and was eventually decided by the U.S. Supreme Court on April 27, 2004. *See* attached link for details: [Judicial Watch, Inc. v. National Energy Policy Development Group](#).

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[Judicial Watch](#) obtained documents on the costs of the Medicare prescription drug bill, which were deliberately withheld from Congress and the American people. Congressional approval of the “Medicare Prescription Drug, Improvement and Modernization Act of 2003” was based on a Congressional Budget Office cost estimate of \$395 billion over 10 years. The Department of Health and Human Services cost estimate of \$534 billion was not provided to lawmakers.