

Rick Blum, coordinator Sunshine in Government Initiative

Michael O'Connell, producer, It's All Journalism

Welcome to It's All Journalism. My name is Michael O'Connell. I'm here today with co-producer Anna Miars, and we're talking is Rick Blum, the coordinator for the [Sunshine in Government Initiative](#), a coalition of media groups promoting an accessible, accountable and open government. Today he's here to talk to us about why the Freedom of Information Act is so important for journalists. Good morning Rick.

Rick Blum, coordinator, Sunshine in Government initiative

Good morning.

Michael O'Connell

So, what's the one thing that journalists should know about FOIA, but they don't know?

Rick Blum

The one thing journalists should know about FOIA that they may not know is that it's a very effective tool. I'm going to say like three things.

Michael O'Connell

OK. Feel free.

Rick Blum

I'm just going to jump your question here. It's a very effective tool. It can take a heck of a long time. And you keep having to fight to get your records, but it is getting better. That's kind of my nutshell of what you need to know.

It's not going to force something to happen next week. But, if you're on deadline and you're expecting to file a FOIA request with an agency, it's going to be tough. I have to tell you. You've got to think ahead. If you're working on state or local level records, it's a lot easier to walk into that office and say, "I want to see this inspection record." You're much more likely to get it. At the federal level, they have a lot more reasons to say "No" or just to wait you out.

Michael O'Connell

Being a reporter/editor out in the field, when I would cover stories and something, sometimes you run up against a government bureaucrat, for lack of a better word, who would just say, "Oh, you can't have that information." But a lot of that information you can have. How do you start that conversation? Do you just say, "Look, it's my right to access this information." What's the procedure for basically requesting that type of information? Let's say, I need to get the spending records of some particular government department.

Rick Blum

I think the first step is to really take one step back and go to step zero, which is, use your sources. Do that typical journalism. If you've got a source and say, "Look, I did that inspection. I know it's a public record. I'll just email it to you or here you go." That's much faster, much better and much easier.

But, let's just assume you don't have that or you're in a fight where they really don't want to give it to you, but you know you [can] have it, file that FOIA request. Find their office, fill out the form, send it in and that will at least get you on record and get you a tracking number. Smaller agencies, things will go a little faster.

Make sure you fill out the form. If you can be as specific as possible, you're much more likely to get a response faster. If you're really fighting and you want to see all memos related to how a decision was made to declare a chemical safe, even though you've got residents, readers who are concerned about their drinking water or something like that, that might take a little longer and you might want to ask for a broader set of records. So, really try to figure out what you really need.

Michael O'Connell

Right.

Rick Blum

And then follow up with those folks and say, "Here's what I'm really looking for. I really want to get just how much money was spent. And so, I'm asking for all the memos about spending, but I'm really trying to get just the accounting. That's at the heart of what I'm trying to figure out." And then that person who's responding to your request, they can go back to the people with the records and say, "Look, don't give me every memo. Just if you've got a cost accounting, produce that. We'll send it to him. We'll ask him if that's going to do it." And then the journalist can go happily and do their story. So communicate.

Michael O'Connell

Would you discourage what you maybe could describe as a fishing expedition? Just like, "Oh, I want to get all the records on X." You know, is it more important or more effective to ask yourself, "What do I really need?" and ask for that specifically?

Rick Blum

Before you do the fishing expedition, I would try to do a little more talking to people and maybe you can get that stuff some other way. So yeah, I would discourage it. Just give it a little bit more effort to avoid the fishing expedition. But, a fishing expeditions can be very effective. I mean, they can be very effective, though I think it really is just a question of when do you feel that you've run up against a roadblock here. And then, get that broad FOIA request in and say, "This is what I'm really looking for."

Michael O'Connell

OK.

Rick Blum

And then they can, you know, government officials can start churning on your request. The people who are responsible for collecting the information to respond to you are not the people necessarily who are the ones who are writing the checks or making the decision about that chemical. So they are your allies. They can be your advocates within the agency.

Michael O'Connell

Just sort of within a broad stroke, what does FOIA cover? Is it just strictly getting information, just public information, or does it cover other areas that would be important to a journalist?

Rick Blum

The Freedom of Information Act has an assumption that all government records should be open to the public. At the federal level, there's some very clear exceptions to that to protect certain interests — personal privacy, national security, you know, trade secrets, confidential business information and then something called "the deliberative process." The argument is that agencies ought to be able to speak freely in coming up with a policy that creates better policy. But once that policy is made, then all the background information should be public.

That is so abused. It's really difficult to figure out what's a deliberative process exemption. So that is being so overused. There's certain broad exemptions and there's big fights over what information should be disclosed and what should be released. Generally, the presumption is openness.

Michael O'Connell

Openness. And so, that's where your organization comes in. You're fighting to make sure that that open process, that open dialogue continues. How is it that you're doing that?

Rick Blum

We are actually sort of an umbrella group of trade associations and the Associated Press, so that if you join the Society of Professional Journalists or the American Society of News Editors or the Newspaper Association of America, those organizations, we have nine organizations as part of the coalition, they're working together and collaborating to promote better both policies on FOIA and better practices. Getting agencies to use technology better to make the process more efficient.

So we're really trying to have Congress take some steps. They created in 2007 as part of the broad FOIA amendments an independent ombudsman to mediate disputes and to find ways to improve the process. So, we're very proud of that. We think that they ought to be doing a lot more to really sort of challenge agencies a bit more, but we are proud

that that was set up. So, if you're getting a "no" and you're not sure if that's an adequate "no" or an appropriate "no," you can go to this office, it's called the [Office of Government Information Services](#). Many states have these independent ombudsmen. They're pretty effective. We're trying to help make the process better and get journalists to work together.

Anna Miars, producer, It's All Journalism

And I think that that's especially important for new or young journalists, because they really may not know what their ability, once someone says "No," can I challenge that? Or would I be crossing a line? So I think having someone there as sort of a, I'm not sure what the right word is, but someone there to tell you what you can and can't do.

Michael O'Connell

An advocate.

Anna Miars

An advocate, exactly.

Rick Blum

Absolutely.

Anna Miars

It's really important because you may have missed an opportunity to push because you didn't know that you could or maybe you went too far when you shouldn't have.

Rick Blum

Right. When you get that "no," really think for yourself, "Is this really a 'no' or is this something where they might be embarrassed or have other people gotten this kind of stuff before? Have there been other stories? Have they talked to other journalists?"

Anna Miars

Right.

Rick Blum

Go to these conferences and see what stories have been done and then you can learn yourself. And then you can point out, "No, this has been released in the past."

Michael O'Connell

Yeah, there was something with my job here. I remember them, maybe this is a new initiative of the Obama administration of putting records out there that have already been FOIA'd.

Rick Blum

Right.

Michael O'Connell

Do you know what that is or what that —

Rick Blum

There is something. It's based a lot on new technologies. The Environmental Protection Agency is working with this Office of Government Information and they created something called [FOIA Online](#), and what it is, "Let's build it once, you know, one big tool, so that agencies can process their requests."

You can go online and you can fill out a FOIA request. You can pick out, there are seven, I think, participating agencies now. You pick out which agency you want to file your FOIA request is. So you have to kind of know which agency you're trying to look at. So you've got to figure that out. And then you write up, "I'm looking for these kind of records. I want this information." And, on the backend, on the other side for the agency, they can manage that electronically and digitally. If this spreads throughout the federal government, that's going to save them time.

Anna Miars

It streamlines the whole process, I would think.

Rick Blum

Streamlines the process. Right now, if you send a request to the Department of Energy for records about something and they look, and they say, "Look, we've got these records from the EPA about our weapons lab and sort of what's going on there, some radiation exposure or something like that. We need the EPA to check over these to see if there are any trade secret information or something." They print out the stuff, if it's not already on paper and they mail it. They stick it in an envelope and they mail it to the Environmental Protection Agency.

Well, the last 10 years after 9/11, what do we do with all the mail? We irradiate it and we check it and double check it and triple check it. So that just mail process adds a tremendous amount of time for an agency to send something to another agency for a referral. They call it a referral. You don't really need to know that.

Anna Miars

It's amazing that we still live in that world when we're so digital in so many ways.

Rick Blum

It's ridiculous.

Michael O'Connell

No.

Rick Blum

And that shows you the amount of lack of attention on FOIA that the federal government has brought to this. I think the Obama administration has been using White House staff to try to get agencies to do more. I think the president himself wants to be as transparent as possible. He said, "I want to be the most transparent administration ever." So I think that has helped those in agencies who want to make the situation better.

But getting back to this, this technology project, would just allow one agency to say, "Look, I've got these records. Just sent a note over to the EPA." They can look at the records right there. They can do the reviews. They can upload what they think the journalists should get. It's going to make things work a lot faster once it's built out totally.

Michael O'Connell

So, do you think that, you mentioned the Obama administration, when they came in, the thought was that they were going to try to promote more open government.

Rick Blum

Yes.

Michael O'Connell

Have you seen real progress in that?

Rick Blum

I've seen them promoting it and I've seen them spending staff time saying, "What can we do on transparency?" And they have built an international movement of sorts among governments to try to set standards and try to use peer pressure among governments to try to meet those standards. Brazil's been doing a lot on open government. India's got a strong open government/transparency set of laws. And the idea is, if you bring more governments in and you set some standards that they're going to challenge themselves to meet them. It's all voluntary. This open government directive also tried to get agencies to kind of do the same when they first came in.

So, I think there's been a lot to promote it. For journalists, to be frank, I don't think they've seen the results. It hasn't filtered down to FOIA requests, fundamentally, getting responded to in a much faster manner. You still have the people who are interested in the decisions or the policy outcomes making the decision, "Can the journalists see this or not?" We haven't segregated those things. We haven't really used technology as much as we can. This EPA project, I think, is very promising and they ought to grow it as much as they can and get more agencies in. The Department of the Navy just said they're coming in.

But still, you know, I think, the Office of Management and Budget, which is part of the White House, has had a lot of questions about this project. And so, I think they really haven't really focused on FOIA as much and that's the journalists' bread and butter. That's where, you know, there's embarrassment, you still have to get it out at the end of

the day, not promote you've got a policy program and this data set's going to help you focus in on car accidents at this intersection, so we're going to release this data set. FOIA is really the guarantee backstop that the public can get information.

Michael O'Connell

We've had a couple of people on the podcast who've been talking about the open government side of it from data, like from Data.gov.

Rick Blum

Right.

Michael O'Connell

Being able to get information to inform stories just by having a particular records on EPA measurements or whatever. The one everyone points to is Hurricane Sandy. The information that people were able to glean and lay over maps, where journalists could get that wealth of public information and turn it into something that was kind of bigger.

FOIA, obviously, Data.gov isn't necessarily part of that conversation or maybe it is. I don't know. When we started out talking, you said there are challenges. What challenges remain at this point do you think?

Rick Blum

I think that with FOIA it's just really focusing in on and getting the staff time within the agencies to really get their processing up. Some agencies focus more on it.

The Department of Homeland Security was just a basket case when they first formed in terms of transparency. We'd send them letters saying, "We're concerned about this policy area. Scientists are concerned about getting more data and you're sort of overlaying this homeland security concern, trying to keep everything secret." They wouldn't even call us back. But they've gotten better. Their FOIA office is much more efficient. They're processing more and they've focused staff time.

So, I just think there's just a matter of sort of churning through the requests. It takes management attention and it just takes a commitment. That hasn't really, I think, been fulfilled. That's a real issue.

And there are all sorts of policy challenges. I mean, the one thing that we do on a day-in and day-out basis is monitor proposed legislation in Congress for carve outs to FOIA. There's nine exemptions to FOIA and I mentioned a few of them. But one of those exemptions recognizes that there are other laws out there that are already on the books that exempt specific information from disclosure under FOIA. That's OK. That was a compromise when FOIA was first created in 1966 to say that, "Look, we recognize there are other laws out there."

So now, nobody's really tried to capture that and count them. We did try to do it. Our researcher Chris Green deserves a lot of credit. He had to go through a lot of these agency reports cause they have to cite every time they find one of these and use one of these in denying a request. There's about 300-350 of these things on the books. And so, what we try to do is when these things come up in Congress, we try to fight back a little bit.

We got rolled, as an industry, by the health privacy law, [HIPAA](#) [Health Insurance Portability and Accountability Act], that was passed a couple of years ago and the implementation of that has been a nightmare and journalists have had to go out and do trainings on what does HIPAA mean? And it's still over-interpreted to protect information that journalists should really get. And so, we've been trying to avoid that and try to come earlier in the process, so that onne day I might be working on space satellites, tracking space junk, which also has a dual use if you're going to get into the militarization of space.

Michael O'Connell

Right, right, right.

Rick Blum

A week or two later, or a month later, it might come up in the farm bill. So you're trying to protect the ability of us to figure out where the land units are and sort of how do you find a farm? Where the boundaries are? We talk about getting into the weeds.

Michael O'Connell

Yeah.

Rick Blum

You're jumping into the weeds in a lot of places.

Michael O'Connell

No, no. In D.C., there's a lot of people who look at legislation and try to extrapolate how that's going to affect something else.

Rick Blum

Yes.

Michael O'Connell

It can drive you crazy as to what's going on. You said sort of before that as far as reporters and FOIA go that they may have more success at the local and state level? Actually, before I ask that question, let me back up and say, you said you're going to put this request in and you may have to wait a while. What are we talking about in waiting? Say compared to federal government and local.

Rick Blum

Local government, my understanding from people who actually talk to reporters who go into these offices is that you can get it the same day.

At the federal level, the use of privacy, individual privacy as a concern is much higher. You just don't have that same level of concern at the state and local level. So, at the state and local level, you might be able to walk into a city office and say, "I want this record" and they'll say, "OK, just a minute." And they'll produce it.

Depending on the agency, you could be talking a wait of a couple of years and then these really outlier cases, you're still waiting for requests from the '80s or the '90s. Or you might be talking a couple of weeks or a couple of months.

I put in a request. I was asking for backgrounds for members of federal advisory committees dealing with drug safety issues for some research that we were doing. This was in another job. I'd changed jobs twice before the agency called me back and said, "All right, we're ready to deal with your request. Are you still interested in this?" And I said, "Of course I am." I was interested now for different reasons. I wanted to see what I was going to get ...

Michael O'Connell

Right.

Rick Blum

... as a test. It was my turn and I waited in line and I said, "Just out of curiosity, you seem really friendly, what has taken so long? Have you been pulling the records together? Have you been fighting these battles and now you've got sort of a response and you're almost ready to give this to me?"

And the woman said on the phone to me, "No, no, you're next. This has just been a wait." And when she got to me, it went pretty quick. Within a week or two, she had sent me a set of documents. They had the backgrounds of these advisory committee members and these waivers. I was looking at waivers from conflict of interest. If somebody gets on an advisory committee, they get a waiver. What does that look like? Once she got to me, it was very fast. So there's this incredible backlog.

But if you're dealing with a big agency, I'd suggest that you go to something called FOIA.gov. It's run by the Department of Justice. They have a hand in encouraging agencies to comply with FOIA and do trainings. A lot of people are frustrated from the FOIA community from the disclosure world about their role and they want to see them do more. One thing that they did that was great was build this FOIA.gov. And that lets you look at just how agencies are performing and fulfilling their requests. How many requests did they get? How many did they process? What's their backlog? And you can kind of extrapolate how long you're going to have to wait.

Anna Miars

So it's not necessarily that they're pushing you off or that they're not wanting to deal with your request, it's more that they're busy and that it might be a shortage in staff.

Rick Blum

Absolutely.

Anna Miars

It's not, "Oh, we don't want to deal with that request so we'll slip it under the rug for a few years and come back when we absolutely have to."

Rick Blum

That does happen, but it's hard to —

Michael O'Connell

You don't want to give them a free pass.

Rick Blum

No, no free passes here. That does happen, but you can't assume. I can just be the wait time. Just the delay.

Anna Miars

It takes time to do it.

Rick Blum

Yes. So you can look at FOIA.gov and kind of see what the record is. You can see, OK, there is a delay here. But, don't give them a pass. You've got to continue to fight.

Anna Miars

Keep after them.

Rick Blum

Keep after them. Say, "Look, there's an exemption. I got something going on on a timely basis. I need this faster." And try to get them to expedite the process. You can get expedited processing. At some agencies, if you look at the record, the expedited process line is a lot longer. The wait time for that line is longer than the regular line. You do have to be a little careful, but you can ask for expedited processing and, you know, some of these smaller agencies they may not get the volume of request. It's good to really check where you're going.

Michael O'Connell

Now, I know we're talking mostly about the executive branch type things, agencies, and providing information. What about the other areas of government? Getting congress-

sional records, legislative or judicial records, is that harder to do? I mean, if I want to get information about a congressional deliberation on something or congressional reports, is that something that's easier to obtain?

Rick Blum

Under the federal FOIA, Congress, in their genius, they exempted themselves from FOIA, and FOIA only applies to the executive branch. The judicial branch has their own set of issues.

Anna Miars

Well, that's legal stuff. That would be hard to get your hands on anyway.

Rick Blum

Yeah, you could use [Pacer](#) and you have to pay. And there's been efforts to extract court records. [Aaron Swartz](#), one of this famous projects was to — this was open government advocate who recently committed suicide under threat of prosecution. He did something called RECAP, where he worked on a project to extract court records. But the federal FOIA really only applies to the executive branch.

Now, you can get around it and say, "Look, I want see." Ask an agency for all their communications with Congress on an X topic or, "I know you wrote a letter or you responded to a request, I'd like to see that response."

There have been efforts like the [Sunlight Foundation](#) has been trying to get Congress to put this stuff out more or to set an open government floor for the administration to say, "At a minimum, agencies should be putting out minutes of the meetings. They should be putting out the agendas of their senior officials. And they should be putting out routinely correspondence with member so Congress, who are often asking clarifying questions or interesting oversight questions, how an agency is dealing with this problem. And so, those responses should be public. There's nothing real confidential about that."

Michael O'Connell

And that's where it becomes important for the reporter to have a good relationship with representative or an elected official. Because quite often then will release information or share information for their own reasons and that can be very valuable. They can point you to things. So, it's all part of the big mix of what you're trying to do.

And before we started recording, we were talking about an other area of this and sort of police information at the local level.

We were going to have a friend of mine in from Northern Virginia who was going to talk about his efforts to try to get information from the local the police departments about police shootings and his efforts to try to open up those records. But he was unable to join us. So, what challenges do the reporters face when they're trying to get information that the local police department says that you can't have for whatever reason?

Rick Blum

Especially with these kind of police records, that's one area where you're going to hear "no" a lot more. It's very difficult. There's a lot of protections in place for these ongoing investigations. A lot of laws are very protective of that.

At the federal level, there's even an exception. FOIA doesn't even touch records and an agency doesn't even have to say if they found records or didn't records. The idea is that you could just use FOIA and you can find out whether your company's being investigated or whether an ongoing investigation was now closed. If they say, "Well, we found those responsive records. We looked through them and redacted this and this and this or we're not going to give you anything. But, we still have 27 pages of documents."

The way they respond will give you a clue about whether there's an ongoing investigation or not. So, it's very difficult in police departments, while they're out there to protect the public and God love them, they are very, very protective of their ongoing work. And so, it's become much more difficult to even get the police log. That's the bread and butter of the young journalist is to go out and go to those police records and say, "What happened? What did animal control officers do? Where was the police call?"

It's more difficult. It's especially more difficult after 9/11 to get those kinds of records because police were just clamping down. They didn't know what was going to turn into a big thing. Or, they were just using it as an excuse to push away that young reporter. They say, "Sorry, homeland security, you can't have that." So, it is much more difficult, I think. I'd like to see that turn around, but that's a difficult problem.

Michael O'Connell

Yeah, I remember I was a young reporter at 9/11 and I had just gotten a press card from the police department like months before 9/11 occurred. And when 9/11 occurred, suddenly, "Well, we're not really honoring those press cards anymore. We're not going to be in the business of handing out press cards, because we feel that that would be maybe some sort of guarantee of access to certain things."

Rick Blum

Yeah.

Michael O'Connell

So, suddenly there was this sort of barrier and there was a lot more control on the information. Getting this information is kind of important. We had [Tom Jackman](#) in here of *The Washington Post*, about a month ago.

And one of the cases he was talking about was a high school student who had committed suicide and there was a lot of debate going back and forth. Jackman was trying very hard to get information from the Fairfax County (Va.) Police Department as to how did this person die, because there was concern in the community. Because the police were

saying nothing, the perception was there was some sort of investigation going. Is there something that the public should be concerned about?

And Jackman had discovered that it was a suicide through his own reporting and ended up just coming out and saying, "Look, this is what I have found out."

The police responded to that and things may have changed, probably not, but the response to that was, "Well, we're just not going to provide any information about people's deaths." Which is sort of a reaction of putting a wall around everything, which, again, I understand maybe some of their interests and needs to do that, but the fact is that a lot of that information people want to know for their own personal well being, their own personal safety. "Do we need to be concerned about crime? Do we need to be concerned about violence?"

In the case of police shootings, should we be concerned about the police investigating themselves? All the answers have been given.

Rick Blum

Right.

Michael O'Connell

So, it's important for journalists to advocate for that.

Rick Blum

Got to keep pushing, got to keep pushing.

Michael O'Connell

How can we keep pushing? How can we, as journalists, push to try to make sure that information and those opportunities are available to us?

Rick Blum

When you're getting a "no," and you know that you should, that there's a profound public interest in the story, or you're hearing this, "Well, we have to protect the personal privacy of this person that we're indefinitely detaining in Guantanamo," which has happened."

Michael O'Connell

Yeah.

Rick Blum

You've got to keep pushing to say there's a public interest in this story. You can do what some call the nuclear option, which is to convince your editor and write about it. Or, if you don't have an editor, just write about it. But you can also now, I think, use these ombudsmen. Many states have them. Texas has a very effective law and their attorney

general's office is organized, so they have a separate open records division. Sen. John Cornyn (R-Texas), who was the attorney general in Texas, he talks about how important that's been. They even put a government official in jail for not disclosing records when they should.

Use these office. Go and say, "Look, I'm getting this and this is ridiculous." And sometimes, the director of those offices can say, "You know what? Let me make a phone call." And can chew them out and say, "You are not standing on solid ground here. You've got to give this up." It's often just those informal conversations that can dislodge things.

So, know if you have an open government records office that you can appeal to. Figure out the process. You go through the appeal through the department or agency, you're still getting "no," find that independent office in your state. Most states have them. New York's a very effective one. They have 21 staff members.

At the federal level, it's this Office of Government Information Services. The problem for journalists at the federal level has been, you go through the process, you're still getting a "no," you can appeal within the agency, you're still getting a "no," then what do you do? Well, you've got to pony up \$150,000 to find a lawyer who can represent you and you can sue. What journalism organization now has that kind of resource to push? Well, not very many. That's why this independent ombudsman was created. But you can really keep pushing, really use the offices and appeal.

Anna Miars

Know you allies.

Michael O'Connell

Know your allies.

Rick Blum

Yeah, know your allies. I don't think that there's any secrets about how to do this. It's getting the information out.

Michael O'Connell

Do you feel that there's wider support for open government? I'm thinking of the police situation where, at first blush, where a lot of your readers might go, "Of course, you guys are being too nosy." But once you explain your case and how it might affect them, at that point, maybe they come around and they say, "Yeah, you do have a point." But in the larger sense, is the public sort of aware of the struggle that journalists sometimes have to go through? Is it something they really care about or would fight for and advocate for?

Rick Blum

I think once it's explained, the public is very supportive of openness. When they understand why, what's the interest. If there's a chemical plant explosion nearby, they become very aware suddenly that there was a chemical plant within in midst —

Michael O'Connell

Suddenly, there's a lot of cancer in the neighborhood or whatever.

Rick Blum

Exactly. Sometimes they don't even know there's a facility there and there's an accident or a fire and they're evacuated. And the neighbors are saying, "I didn't even know that. Why didn't we know?"

I think this sort of open government push, I think things are getting better. I think on a policy level things are getting better because you have these people who are pushing for open data. You have the journalism community that's pushing for open records.

I think what separates us as journalists and a community may be from those who are just pushing for agencies to get the data out, is that the journalist wants to know, "What's the story? What's the public story? What makes this interesting?" So, they're not just interested in getting data sets online, they're interested in using those data sets to get that story to explain why should the reader care, why should the listener care.

And I think that once the reader sees that story all come together, they're incredibly supportive. "We want those records. We don't want agencies to be able to hold back." I think, if you're a young journalists, be emboldened. If you have a story, if you're trying to piece something together, know there's a tremendous amount of support for that in this country. They want people who are out there who are journalists.

A First Amendment advocate, I was at a conference, said, "You know, the wonderful thing about our democracy is we have independent auditors in every agency, state and in every locality and they're called 'journalists.' And they go out and they hold people accountable for what they're trying to do." And there's tremendous support for that.

I think there was a little bit of fear. Well, you know, that's an understatement after 9/11, so there was support for being a little bit more careful. But I think that it's coming back and I think people are seeing, if you look at Bell, Calif., where the city council and mayor all had to resign and several are under, well, all except one had to resign, are all under criminal prosecution because they inflated their own salaries. They're paying themselves and they were stealing, allegedly, from the city taxpayers. And taxpayers were incredibly mad about it. So they see the value of openness.

If you're working at the *Military Times*, a couple of years ago, this is one of my favorite FOIA stories. There's a reporter who know through FOIA flak jackets, armored vests, were getting shipped out to soldiers in Iraq and Afghanistan that had failed all the ballistics tests. So the ballistics experts at the agency said, "Look, these things aren't doing a

darn thing." The guy, the procurement officer, knew it and still kept the trains running, still kept the flow out. Maybe he figured, "Well, something's better than nothing" or he felt a lot of pressure to just keep this going.

Well, as soon as the journalists said, "Look, I've got this story. I've got these records. I'm going to post this story tomorrow. I need your comment." Well, the next day they announced a recall of those vests to correct them and to get it right. And so, that's power.

We think, "Oh, this is about national security versus openness or public safety versus openness." But they work hand in hand. And so, I think, if you're a journalist, you've got to remember that. You maybe getting the letterhead that says "no" and it seems intimidating, you've got the story. You've got the public behind you.

Michael O'Connell

And it's our responsibility with the oversight of government and public spending and policy making to go out there and hold people accountable for things.

Rick Blum

Right.

Michael O'Connell

The one you just described, where lives were at stake, I mean, that type of mission, we have to take that seriously. We have to go that extra step and sometimes it's hard. We have to wait and spend money and it can be very frustrating.

When we wrap up our discussion with journalists, we generally ask what the future of journalism is, but you're not a journalist. You're a friend of journalists. What's the future of FOIA? What's the future of open government and open information?

Rick Blum

I think it's really trying to get all this wonderful things that going on with technology and to get them embedded in the FOIA world. And to get people to care a bit more about this bedrock guarantee law that we've had on the books for decades now and to try to really invest and to make that public right of access to government records real in terms of making the law work faster, more effectively, more efficiently. Harnessing that technology and then also getting this commitment to do it.

And I think also, after 9/11, there was a huge push back against transparency, that that was going to be a threat. And now we're seeing actually journalists are saying, "What happened at the federal level?" These concerns about unauthorized disclosures. These *New York Times*, *Washington Post* stories that you see, it's affecting them at the local level because they're trying to do homeland security stories. And so, I think that the future will be less about the *Post* and the *Times* writing these important stories and running up against these questions about leaks, but also seeing it more at the local level too. I think it's going to evolve and I think that every journalist, every blogger, every per-

son who's trying to do journalism should be mindful of these kinds of fights and these kinds of issues.

And hone your craft and learn not just FOIA but also remember the basic tenets of journalism, which is go to the source, try to get multiple sources. Get a story and bring it to the agency. Get feedback from the folks you're writing about. All of those bedrock steps that you learn are really important. They help protect us as we are trying to bring the First Amendment to life. They help you do a better story, but they also help make sure that the government's interest in keeping certain secrets for national security or whatever reasons and the public's right to get information and the media's right to do these stories under our First Amendment really continue for the next generation.

Michael O'Connell

Yeah. And this is an opportunity for journalists to help make change in policy and just the way things are done.

Rick Blum

Yes. Yes. And we're better organized. I hate to get all flowery on us, but that's when you come back to it. Every generation has to fight to maintain that delicate balance, and it's tense sometimes. But it's important to keep that fight up. We are getting better at it on certain issues, but we have to keep at it.

Michael O'Connell

Constant vigilance. Rick Blum, thank you for coming in. You're with the Sunshine in Government Initiative. How can people find out more about your organization?

Rick Blum

They can go online obviously, SunshineInGovernment.org. We try to be on [Facebook](https://www.facebook.com). We try to highlight fights we're fighting and get involved that way. And also, work through our member organizations, the ASNEs, the SPJs, the Online News Association. Work through them and we work closely with all of our members.

Michael O'Connell

Well, thanks very much for coming in.

Rick Blum

Thanks. Thanks a lot.