

Editor's Note

Advocates Make a Difference for Transparency

David Cuillier, Ph.D., Editor, *University of Arizona*

Sometimes it takes dedicated volunteers to push civic information into the light.

Like Charles N. Davis did when exposing “Senator Secrecy” while serving on the Society of Professional Journalists (SPJ) Freedom of Information Committee.

It was May 2007 when freedom of information advocates were hopeful about passage of the Open Government Act of 2007, which would create a federal ombudsman office for public record disputes, waive copy fees for requesters when agencies failed to respond within the 20-day statutory deadline, and enact other improvements to the Freedom of Information Act. The bill had passed the House overwhelmingly, cruised through the Senate Judiciary Committee, and was ready for a Senate vote.

That is, until a senator slipped a secret hold on the legislation May 24. Without any explanation, without even identifying one’s self, the senator imposed a freeze on the bill that stopped the legislation cold.

Davis, who taught journalism at the University of Missouri and served as executive director of the National Freedom of Information Coalition, jumped into action.

He crafted an interactive map of the states on the SPJ website and got members to call their senators to ask them point-blank if they placed the hold. As each senator confirmed that he or she did not, their respective state was shaded in.

In less than a week, one state stood out as unshaded: Arizona.

“Sen. Jon Kyl, R-Ariz., came blinking and grimacing into the sunlight and admitted that it was he who placed a secret hold ... on a bill that addresses secrecy in government,” [Davis wrote for Politico](#).¹

As a result of the public shaming, the hold was lifted and the legislation approved and signed into law in December 2007, creating what we now know as the [Office of Government Information Services](#).

¹ Charles N. Davis, *Kyl Secretly Stops Secrecy Legislation*, POLITICO (June 1, 2007), <https://www.politico.com/story/2007/06/kyl-secretly-stops-secrecy-legislation-004274>; See also Society of Professional Journalists press release (May 31, 2007), <https://www.spj.org/news.asp?REF=678>.

This is just one example, an ironic one at that, at how the nation's premier legislative body has enabled secrecy to undermine a transparent political process. The practice of the secret hold was outlawed by the Senate, yet it continues to this day.

That's what Shawn Musgrave, First Amendment Fellow at Reveal from The Center for Investigative Reporting, discovered when he examined the prevalence of secret holds that continue in the Senate. His findings are presented in this issue of the *Journal of Civic Information*.

Musgrave highlights other examples of engaged nonprofit organizations and citizens challenging this secretive practice, to expose these holds. That is comforting.

We need people like that more than ever.

People like Frank LoMonte, who founded this journal in August 2019 through the University of Florida's Brechner Center for Freedom of Information. Before that, he was executive director of the Student Press Law Center.

LoMonte has now stepped into a new role for improving civic information – as [legal counsel for CNN](#). Since 2017, he has left a mark at Brechner beyond just the creation of the journal – he led the start of the [Why Don't We Know](#) podcast, spearheaded a [campaign](#) to end unconstitutional government restraints on employee speech, published in more than 20 journals, and mentored the next leaders in freedom of information. He followed a distinguished line of Brechner directors who made a difference in the world.

We know that LoMonte's work will pay off dividends down the road, as previous Brechner directors have done. Bill Chamberlin, for example, mentored dozens of doctoral advisees, including Davis.

Thank you, Frank, and thanks to all the other tireless champions of government transparency who challenge secrecy and make the world a better place, one document at a time.

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