

Lauren Harper, Daniel Ellsberg chair on government secrecy
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Secrecy gives the government control. FOIA can restore the power imbalance

Excessive government secrecy takes many forms, including denying or ignoring FOIA requests and deleting data from websites.

These tactics prevent the public from meaningfully participating in self-government in every area secrecy touches, from domestic policy discussions on [climate change](#), to foreign policy debates around [international aid](#).

Sunshine Week, the annual celebration of the public's right to know, reminds us that the federal Freedom of Information Act, which allows the public to request the release of government information, is our best tool to counter this excessive secrecy and hold officials accountable.

But FOIA is in trouble, and we need congressional help to fix it.

Request backlogs [continue to grow](#), and it often [takes years](#) to receive documents — if you get them at all. Delays are compounded by the fact that many FOIA offices often don't have the resources they need to perform their jobs efficiently. To make matters worse, President Donald Trump's administration has [ordered agencies](#) to plan for "large scale reductions in force," which could further hobble FOIA offices, if not halt their work entirely.

The challenges are steep. But we must continue our work to protect and strengthen FOIA, because when it works, it's powerful. Here are just a few examples:

- **FOIA makes us ask tough questions about what the government does in our name.** The New Yorker's investigative podcast, *In the Dark*, used FOIA to obtain key records on the 2005 massacre of two dozen civilians in Haditha, Iraq, at the hands of U.S. Marines. The releases included [photos of the carnage](#) that the military tried to bury, and helped journalists build a database of [781 possible war crimes](#) committed by the U.S. in Iraq and Afghanistan since 2001. These revelations prompted Senators Elizabeth Warren and Chris Van Hollen [to ask](#) the Defense Department inspector general if the agency was following the rules for addressing war crimes.
- **When SCOTUS closes a door, FOIA opens a window.** Bloomberg reporter Jason Leopold's FOIA lawsuit for FBI records about its investigation into Trump's classified documents case got an [unexpected boost](#) from the Supreme Court's presidential immunity ruling. U.S. District [Judge Beryl Howell recently ruled](#) that the SCOTUS decision, as well as Trump's firing of the FBI officials working on the case, undercut the bureau's arguments that the documents must stay secret. Howell said the FBI's arguments

“crumble with no more weight than dust and just as little persuasiveness,” and that the presidential immunity could “open doors” for FOIA requests.

- **FOIA can help us make decisions about what we eat.** I always like to tell the story about the Food and Drug Administration FOIA release that showed [a popular blended Parmesan cheese](#) contained absolutely no Parmesan — but it did contain wood chips. I usually tell this story as a joke, but as federal food regulations are poised to undergo [massive changes](#), it’s clear that FOIA’s ability to provide access to food safety information is no laughing matter.

I’d argue it’s likely that the current administration knows how impactful FOIA can be, and that’s exactly why the Department of Government Efficiency is trying to [hide its records](#) from FOIA, and why FOIA staff at key agencies have been fired [en masse](#).

In spite of these challenges, the public will continue to file FOIA requests, appeals, and lawsuits to win the release of important information.

But we need more help to fix FOIA’s systemic problems, especially under an administration hostile to its implementation.

We must ask members of Congress, whose own access to government information [may be compromised](#), what it’s doing to ensure we all have the tools we need to scrutinize the government?

Answers to this question could look like Congress passing new FOIA amendments that require agencies to post more kinds of records proactively, passing a law that makes DOGE explicitly subject to FOIA, or holding regular hearings demanding to know why the Justice Department is not ensuring agencies are complying with the law, and what steps it will take to ensure compliance.

Securing access to information requires the public to be persistent, and to demand the same level of consistent attention from our elected officials. And it demands our attention year-round, and year-after-year.

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