

# The document divide

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## Public record requester demographics, efficacy and those left behind

By David Cuillier and A. Jay Wagner 

### Abstract

*Democratic theory suggests that people require accurate information, often via newspaper journalists, to make informed decisions and adequately self-govern. A survey of 330 U.S. public record requesters found that they skew heavily toward being White, male, non-Hispanic, educated, older, and affluent, compared with the U.S. population and the journalism community. Implications are discussed for journalism and society, particularly in light of newspaper layoffs and closures and heightened government secrecy.*

### Keywords

*freedom of information, public records, digital divide, knowledge gap*

Democratic theory assumes that the legal right for citizens and journalists to access public records provides every person equal access and confidence in seeing what their government is up to (Meiklejohn, 1948). The “right to know,” a statutory right throughout the United States, is considered a constitutional right in 60 nations (Mendel, 2023) and is a fundamental human right in dozens of countries

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(Bishop, 2011; McDonagh, 2013). Public records acquired through freedom of information (FOI) laws provide journalists the ability to hold government accountable, serving as a proxy for citizens in making informed decisions (Blasi, 1977). They might seek budget documents to assess government spending and waste, environmental records to alert the public to harmful chemicals, or government officials' emails to inform voters on how policy decisions are crafted. Civic information affords people the means to better their financial status and communities. Research indicates, for example, that access to public records improves drinking water quality (Benneer & Olmstead, 2008), makes restaurant food safer (Almanza et al., 2002), and empowers parents to choose better schools for their children (Palmaccio et al., 2022).

Legacy media—and newspapers in particular—traditionally have carried out an important role in acquiring public records and fostering better laws, including passage of the Freedom of Information Act (FOIA) in 1966 (Archibald, 1993; Martin & Lanosga, 2010; “Open Meeting Statutes,” 1962; Uhm, 2005). However, journalists' role in FOI has faltered of late, given the precipitous decline in the legacy media's financial resources (Pew Research Center, 2023), with the loss of 2,900 newspapers and 43,000 journalists—two-thirds of the workforce—since 2005 (Local News Initiative, 2023). As a result, local newspapers are less likely to sue for public records (Knight Foundation, 2016), and reliance on independent online journalists becomes more important (Dilliplane, 2023).

As the process of accessing records falls more heavily to independent journalists, freelancers, nonprofit groups, and even average citizens, will they have the knowledge, efficacy, and resources to carry the information-gathering torch? The public records process, fraught with delays, legalistic lingo, denials, and fees, burdens the casual information gatherer, requiring advanced skills in navigating legalese, funds to cover fees and litigation, and some element of belief that public records matter. Even journalists practiced in the art of acquiring records are dissuaded at times (Bluemink & Brush, 2005; Cuillier, 2017; Diffenderffer & Retzer, 2011). It is not enough to merely have public records available in computers or file cabinets—it takes time, effort, and resources to get them, and sometimes suing is not enough. “Even though they keep getting sued, it doesn't stop or change anything . . .” said San Jose Spotlight co-founder Ramona Giwargis, following a lawsuit for records from the city of San Jose. “What does it take?” (Sugars, 2024).

Furthermore, expanded acquisition and use of government records by journalists and nonjournalists alike could help combat the growing waves of misinformation spread globally by nefarious actors. While a growing proportion of the population in the United States views government with skepticism, some research indicates that dissemination of government-created information can improve trust in institutions (Cook et al., 2010). Equipping everyone with the skills in acquiring government records is even more important given the heightened secrecy in the United States since January 2025, including the firing of FOIA staff (Fu, 2025), dismantling of the Open Government Federal Advisory Committee (Nihill, 2025), and removal of agency websites (Singer, 2025).

This study extends the knowledge gap and digital divide literature by exploring the “document divide,” to ask if some people who are advantaged through education, race, affluence, and other attributes of societal power utilize public records to their advantage while others less advantaged navigate life in the dark. In line with existing

knowledge gap and FOI scholarship, the document divide hypothesis posits that higher socioeconomic standing will predict greater FOI use and behavior. The authors believe there to be important democratic implications to such a divide. This survey of 330 U.S. public records requesters shines light on who takes advantage of this civic information power, and who is left behind. Recommendations are provided for how government, civil society, academics, philanthropists, and journalists, might share the benefits of these laws toward the common good.

## Literature Review

Records of the government's business have been used by humans since at least the Greek states in the seventh century B.C., including creation of great libraries to hold literary, scholarly, and legal documents (Martin & Lanosga, 2010). Eventually, a person's right to know was first enshrined in statute as Sweden's 1766 Freedom of the Press Act (Lamble, 2002; Ortenhed & Wennberg, 2017). Scholars disagree on whether the U.S. colonial founders embraced transparency, with some pointing out early secrecy (Halstuk, 2002) and others noting some evidence of at least philosophical support for open records (Hoffman, 1981; Quinn, 2003; Uhm, 2008). Ultimately, while the right to access government records is not enshrined in the U.S. Constitution, it is afforded through public record statutes in every state, and for the federal government through the FOIA, thanks in large part to journalists and the group formerly named American Society of Newspaper Editors (Archibald, 1993; "Open Meeting Statutes," 1962; Uhm, 2005).

Democratic theory posits that people need information about their government to maintain control, or power, over the instruments that they created, and the press plays a critical role in acquiring public records and disseminating civic information to the public (Blasi, 1977; Meiklejohn, 1948). Under First Amendment theory, citizens in a democracy must be able to express themselves, and that "every individual is entitled to equal opportunity to share in common decisions which affect him" (Emerson, 1963, p. 880). To do so, Emerson wrote, "Successful operation of a democratic society and particularly the functioning of a system of free expression, depends upon members of the society having access to the information necessary for making decisions" (p. 954).

But do FOI laws actually empower *everyone*, or just those already in power? Studies indicate that FOIA is predominantly employed by commercial interests—with at least two-thirds of requests submitted by corporations and lawyers (Coalition of Journalists for Open Government, 2006; Fink, 2018; Galka, 2016; Kwoka, 2016, 2021; Pozen, 2018; Silver, 2016; Tapscott & Taylor, 2005). Information is power, and it provides an edge for corporate interests, whether that means requesting documents about competing government contractors, or datasets of voter registration rolls that can be monetized, or government mapping and demographic data to strategically expand factories or store outlets. The U.S. corporate world has shaped FOIA to suit its financial purposes through decades of lobbying (Rely & Schwalbe, 2016), and the system allows private businesses to benefit while evading public scrutiny (Pozen, 2017).

In addition, public record laws have been wielded as tools of political control, as Camaj (2016) found in Albania, Kosovo, and Montenegro. Giannella (1971), Relyea (1977) and O'Hanlon (1984) observed FOIA favoring requesters who have time,

resources, and expertise. Journalists are more likely to get records compared with racialized minorities (Open Society Justice Initiative, 2006). Michener and Rodrigues (2015) found that requesters with higher social status are more likely to get what they ask for, and Lagunes and Pocasangre (2018) found that those with higher social status are charged lower copy fees.

Some scholars have studied U.S. citizens' attitudes toward access to public records, generally finding that those most supportive tend to be affluent and educated (Cuillier & Piotrowski, 2009; New Zealand Office of the Ombudsman, 2021), and politically liberal (Cuillier & Pinkleton, 2011; Piotrowski & Van Ryzin, 2007). Wagner (2022) also found males, liberals, and those with advanced education to be much more likely to submit records requests. Wagner (2023) surveyed 1,116 U.S. residents to find that those self-identified as Black were less likely to believe that transparency makes a difference in improving society.

### ***Knowledge Gap and Digital Divide***

The knowledge gap hypothesis is among the more heavily researched and supported concepts in mass communication scholarship with reviews and meta-analyses consistently finding empirical support for the hypothesis, and in some cases nearly identical effect sizes (Gaziano, 1983; Hwang & Jeong, 2009; Lind & Boomgaarden, 2019; Viswanath & Finnegan, 1996). The knowledge gap hypothesis is a two-part proposition: (a) socioeconomic status (SES)—frequently operationalized as higher levels of educational attainment—predicts disparities in knowledge, and (b) increases in mass media reporting on a topic widen the knowledge gap, as higher SES segments tend to consume this information more rapidly (Tichenor et al., 1970, 1973).

Lind and Boomgaarden (2019) reasoned that higher education levels can lead some groups to learn more easily from information sources, “Among the main explanations for contrasting educational information attainment are differences in cognitive capacities to process information, media use habits, levels of prior knowledge, and social networks motivating information acquisition” (p. 211). The knowledge gap literature has underscored the connection between level of education and self-exposure to information (Donohue et al., 1975), the premise being that more highly educated individuals have more confidence, agency, and resources to dedicate toward seeking information and acquiring knowledge. They are more inclined to advocate for themselves and demonstrate a willingness to pursue different sources of information. As a result, they are more knowledgeable.

The concept of the document divide focuses not on the media's role in knowledge development but instead narrows on the relationship between education and information-seeking. The foundational logic undergirding the knowledge gap hypothesis posits that an infusion of mass media coverage into the public information ecosystem exacerbates existing knowledge gaps between populations with higher and lower SES, because populations with higher SES seek out and consume the mass media coverage faster than lower SES populations. Put simply, higher SES populations afford themselves of information opportunities, which lower SES populations are slower or less likely to. The document divide hypothesis mirrors these assumptions, proposing that higher SES predicts FOI use and success. The present study makes no effort to

measure knowledge and instead examines the information-seeking assumption and relationship to SES standing and FOI behaviors.

The knowledge gap hypothesis was developed to highlight the role of mass media in deepening knowledge inequalities and ultimately social inequities (Lind & Boomgaarden, 2019, p. 210). In Tichenor et al.'s foundational scholarship, they were particularly interested in knowledge acquisition's role in perpetuating existing class structures. They viewed the correlation between higher SES and more media use as part of "a system that controls information so as to reinforce and maintain elites" (Tichenor et al., 1973, p. 422). There is little surprise that more formal education leads to better performance on formal knowledge assessments, but this early scholarship was especially interested in information-seeking deltas and their relationship to structural inequities. Donohue et al. (1975) echoed these concerns, "These patterns of differential acquisition of information have major consequences for maintenance of elite or specialized groups within the social structure and therefore may be viewed as social control through information control" (p. 5). The knowledge gap expands when the subject turns toward the government. Hwang and Jeong's (2009) meta-analysis of 46 studies found there to be an especially large knowledge gap between high and low SES individuals when testing social-political knowledge and that education and knowledge "may serve as a key factor contributing to the gaps in political interests, efficacy, and civic engagement among different strata of the population" (p. 523).

The document divide has a self-evident socio-political relationship. Access to government information, particularly when the benefits of FOI—a mechanism designed to democratize access to government information—are inordinately reaped by conventionally powerful social segments. As addressed elsewhere in this manuscript, FOI serves both a necessary utilitarian role in keeping the public informed and a crucial symbolic role as the primary locus of government transparency discourse. Without a right of access to government information, elected officials and their actions become untethered from the will of the public. When this right of access is reserved only for elites, it creates discrepancies in not only in who has knowledge of government but in who is engaged in government and ultimately who the government serves.

These phenomena are recognizable to those who have studied the digital divide—where some people have had greater access than others to communication technologies, such as the internet, Wi-Fi, and cell phones (Ragnedda & Muschert, 2013). Certain groups traditionally have been at a disadvantage in acquiring information digitally, including rural communities (Hindman, 2000), the less affluent (Ching et al., 2005), women (Macaya et al., 2021), and communities of color (Prestin et al., 2015). Given the broader reach of communication technologies in the United States over time, more recent research has focused on "second-level" digital divide, looking at the nuances of what types of information people access online, and how that affects their knowledge and attitudes (Buchi et al., 2016). Van Dijk and Hacker (2003) extended the digital divide conversation by demonstrating the necessity of both technology usage and digital skills, not merely possession of the hardware. They rejected sweeping language (e.g., "technological segregation" and "classical apartheid") but observed that those that were engaged in using new technologies, like the internet, were growing divides, and the growth favored those in higher SES segments. However, they highlighted digital skills as especially critical in narrowing any gaps in technological ability. One must be confident in their abilities to navigate hardware and software and

competent in their informational skills (e.g., literacy and numeracy). A key in arresting the growth of the digital divide was in ensuring all demographics had not only access to the technology but the necessary skills. Possession or use of the technology matters less when individuals lack the skills to unlock the technology's capabilities.

FOI laws were intended to be simple and transactional, ready-to-use by any individual in much the same way general software is designed to be intuitive for lay users. Yet, FOI laws are hardly simple for a novice requester. They often require an individual to have a great deal of time and persistence in filing, following up and clarifying their request. Government responses to FOI requests often arrive on letterhead and are typically written in a bureaucratic-legal language that can be challenging to decipher. Recourse for an unsatisfactory FOI outcome introduces byzantine administrative appeals or the filing of a formal lawsuit against a government entity. The document divide and digital divide are similar in that excitement over the very existence of new technologies and important laws, like FOI, has overshadowed disparities in the public's abilities to realize their intended purpose and usefulness, and these disparities are often correlated with higher and lower SES markers.

This study builds upon previous knowledge gap and digital divide research to explore societal disparities in the public records process. It also relies heavily on research in FOI, referred to above, that has found relationships between certain demographics and support for government transparency:

### ***H1:***

A higher proportion of public records requesters, compared with the overall U.S. population, will be male, White, non-Hispanic, affluent, older, educated, and politically liberal.

Given the frustrations of the public records process noted in previous research, certain requesters that have an edge over others may perceive FOI as impactful and important, which may influence motivation. Studies in digital divide have gone beyond simple demographics to explore other factors related to pursuit of knowledge. For example, studies have found that efficacy and motivation are related to greater use and adoption of information technologies, such as through online education (Lin et al., 2023), adoption of technology by seniors (Park & Feng, 2023), and internet use by homebound adults (Choi et al., 2013). Understanding the perceptions of public record requesters is yet to be studied, so this will be framed as a research question:

### ***RQ1:***

How will the perception that public records laws make a difference vary among different types of requesters?

Ultimately, the only way to enforce public record laws in most states is through litigation, and some individuals might have more capacity to do so. Again, this has yet to be studied, so it will be phrased as a research question:

**RQ2:**

Will greater power dynamics (e.g., education, wealth, and male gender) be associated with more frequent litigation to enforce public records laws?

**Method**

A survey of 330 public records requesters in the United States, across all levels of government, was conducted in three phases from fall 2021 through summer 2022. A survey of the literature found no previous research that has surveyed public records requesters throughout the United States—most likely because contact information for requesters is difficult to obtain. Every agency keeps its own system for tracking requests, and few record logs provided to the public include name and contact information. Some scholars and privacy organizations suggest that information about requesters should be kept private to avoid a chilling effect (Lamdan, 2012). Some of that concern might be warranted, given reported abuse by agencies (Eddington, 2021; Michener et al., 2020), and exposing journalists' work products to the world, including their competitors (Reporters Committee for Freedom of the Press, 2016). Given this research is exploratory, the study employed three different survey methods to reach a broad array of record requesters. This study was approved by the researchers' university human subjects protection programs.

**Sample**

The first survey wave was conducted with users of MuckRock ([www.muckrock.com](http://www.muckrock.com)), a nonprofit service that has aided people in submitting more than 155,000 requests at all levels of government in the United States since 2010. MuckRock provided to the researchers the names and contact information of 707 individuals who had submitted requests through their service and registered for their newsletter, indicating they were open to outside solicitations. According to MuckRock's co-founder, about a third of the users are journalists and others are individuals or nonprofits seeking records in the public interest. Therefore, this sample is not generalizable to requesters overall, based on previous studies that indicate commercial users request the most records (Coalition of Journalists for Open Government, 2006; Fink, 2018; Galka, 2016; Kwoka, 2016, 2021; Pozen, 2018; Silver, 2016; Tapscott & Taylor, 2005). However, this group is an important part of the requester sphere, particularly for the purposes of this study in relation to records of public interest, often gathered by journalists. Individuals were contacted October 25, 2021, by email with a survey link and a US\$5 Amazon gift card code, which could be redeemed whether or not they completed the survey. Three follow-up emails were sent before the survey closed November 19, 2021. The survey yielded 113 completions (16% completion rate). Of those who responded, 42% were journalists, 33% were private citizens, 6% nonprofits, 4% academics, and 5% commercial requesters.

The second wave utilized listservs through journalism organizations, civil society groups, legal groups, and FOI networks, from November 29, 2021, through December 17, 2021, obtaining 109 completed surveys. A brief introduction and a link to the survey were sent to listservs that discuss FOI, including the Media Law Resource Center,

Free Expression Legal Network, National Freedom of Information Coalition FOI-L, Investigative Reporters and Editors, and American Bar Association. Of the 109 who completed the survey, 24% were journalists, 27% were private citizens, 19% nonprofits, 10% academics, and 15% commercial requesters. Because the total reach of the listservs is unknown, a response rate cannot be calculated. The survey included a question to filter out anyone who has not requested public records from the government. While they have their limitations, convenience samples through association listservs are commonly used in studying journalists and other groups, and can be useful for preliminary studies (Dahmen & Walth, 2021; Krumsvik, 2014; Molyneux & Zamith, 2020).

Given the limitations of a convenience sample, a third wave utilized a more representative stratified random sampling of government jurisdictions to obtain people who had submitted public records requests. The researchers used the U.S. Census Bureau's Census of Governments to randomly select 50 municipalities and 50 counties. An FOI request was submitted to each municipality and county seeking an FOI log for May 1, 2022, to Dec. 31, 2022. These logs are usually maintained by government agencies to process requests, often provided in Excel or a PDF, with date of request, name of requester, disposition, and other information. Also, requests were submitted for FOI logs held by the education and transportation departments in all 50 states. In addition, logs for the 64 federal agencies that processed more than 50 requests in 2020 were sought. In all, 139 logs were acquired, or about half of the 264 logs requested, and from those provided, 501 requesters were randomly selected. Many local and state logs included email contact information of requesters, but not so for federal agencies. The authors, with help from a graduate student, searched for contact information using social media and other sources. A brief solicitation email was sent to the requesters on June 10, 2022, including a link to the online survey and a US\$5 Amazon gift card code, which they could redeem whether or not they completed the survey. Six follow-up emails were sent and the survey was closed July 20, 2022. In all, 108 completed the survey (21.5% response rate), and of those, 19% were journalists, 10% were private citizens, 11% nonprofits, 8% academics, and 41% commercial requesters. This sample more closely mirrored previous research that has examined requester type via request logs, particularly in representing commercial requesters.

## ***Survey Instrument***

An anonymous online survey was provided to all respondents, including 53 questions, through Qualtrics. Questions included demographics (education, race, age, Hispanic/non-Hispanic, gender, income, and political ideology), type of requester, and questions about their experiences and attitudes toward requesting public records. In addition to demographics, the main dependent variables of interest for this study were:

### ***FOI Efficacy***

Four questions asked respondents their perception of public records laws having impact on government and their lives. The first question asked, "Public records laws improve the operations of government," and allowed answers on a 1 to 5 Likert-type scale from strongly disagree to strongly agree. A second question asked, "How much of an impact do you believe public records laws have on government?" Answers

included “a very weak impact, a small impact, a moderate impact, a reasonably large impact,” and “a very large impact.” A third question asked, “Public records laws improve my everyday life,” followed by the 1 to 5 Likert-type agreement scale. The fourth question asked, “How much of an impact do you believe FOI and public records laws have on your everyday life?” with the same response impact choices. The four items were averaged to create an FOI Efficacy scale, and factor analysis indicated strong loading on one factor. A Cronbach’s alpha of .81 indicated relatively strong reliability for the four-item scale.

### **Lawsuit Frequency**

One question asked respondents “How often do you file public records lawsuits?” The five answer options were never, rarely, sometimes, often, and very frequently, coded 1 to 5. Responses were imported into SPSS for analysis.

## **Results**

To address the hypothesis, means were calculated for the respondents’ demographics and then compared with 2022 U.S. Census figures (See Table 1). Also, given the interest in how requesters compare to journalists, we included demographic figures from The American Journalist survey (Willnat et al., 2022). The means demonstrated that public record requesters indeed skew heavily toward White (88.4%), affluent (67.9% making more than US\$80,000), educated (88.4% bachelor’s degree or higher), male (62%), and older (average age 55), which was heavily representative of power dynamics in relation to the overall U.S. population and to U.S. journalists. In addition, public records requesters are much less likely to be Hispanic (5.6%) than the nation overall (19.2%) and were more likely to identify as politically liberal (60.2%) than the overall population (25%). This power-skewed portrait of requesters was represented across all three survey waves (see Table 2). The hypothesis was supported.

The first research question asked how perception of FOI impact—that it makes a difference in government and one’s own life—varies by demographic. Requesters who identified as White provided a higher mean average of belief that public record laws make a difference ( $M = 3.55$ ,  $SD = .65$ ), as compared with the other racial categories, which ranged from 2.70 for Pacific Islanders to 3.50 for “Other” (see Table 3). A correlation was found between being White and perceived efficacy of public record laws ( $r = .14$ ,  $p < .05$ ), and this statistically significant relationship held in regression analysis when controlling for other demographics ( $\beta = .129$ ,  $p < .05$ ). See Table 4. No relationships were found between efficacy and other demographic variables, such as gender, education, age, income, or political ideology. However, post hoc analysis found that those who identified as Black expressed less efficacy ( $M = 3.04$ ,  $SD = .72$ ), and that the correlation was statistically significant ( $r = -.13$ ,  $p < .05$ ).

The second research question asked if greater power dynamics (e.g., education, wealth, and male gender) are associated with more frequent litigation to enforce public records laws. A correlation was found between likelihood to sue and education ( $r = .14$ ,  $p < .05$ ), income ( $r = .13$ ,  $p < .05$ ), and males ( $r = .12$ ,  $p < .05$ ). The relationship for education remained statistically significant in regression analysis ( $\beta = .137$ ,  $p < .05$ ) and was close to significance for males ( $\beta = .103$ ,  $p = .09$ ). No relationship was found with age, race or political ideology (see Table 5). Post hoc analysis found that

**Table 1.**  
**Public Records Requester Demographics Comparison With Journalists and U.S. Population**

| <i>Demographic</i> | <i>Requesters(2022)</i> | <i>Journalists (2022)<sup>a</sup></i> | <i>U.S. Census (2022)<sup>b</sup></i> |
|--------------------|-------------------------|---------------------------------------|---------------------------------------|
| Male               | 62.0%                   | 59.1%                                 | 49.6%                                 |
| Hispanic           | 5.6%                    | 12.0%                                 | 19.2%                                 |
| White              | 88.4%                   | 82.0%                                 | 73.0%                                 |
| Age (median)       | 55 <sup>c</sup>         | 47                                    | 42                                    |
| Income             | 67.9% over US\$80,000   | US\$74,010 average                    | US\$50,145 average                    |
| Education          | 88.4% BA or higher      | 96.4% BA or higher                    | 24.6% BA or higher                    |
| Liberal            | 60.2%                   | 36.4%                                 | 25.0%                                 |

<sup>a</sup>Figures for journalist demographics from Willnat et al. (2022). <sup>b</sup>National Census data for the U.S. American Community Survey for 2022, <https://www.census.gov/programs-surveys/acs/data.html>. The median age is the median age of the labor force in the United States (overall median age, including children, is 39). Gallup survey data as of January 2022, <https://news.gallup.com/poll/388988/political-ideology-steady-conservatives-moderates-tie.aspx>. <sup>c</sup>Age for this study was collected in eight categories, coded 1 to 8: 18 to 24, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 to 74, and 75 to 84. This was different from how the journalist survey and Census collected age. The median for the 1 to 8 scale was 4.6, so roughly between the 45 to 54 and 55 to 64 categories. Therefore, we placed the estimated mean at 55.

**Table 2**  
**Demographics by Survey Wave (N = 330)**

| <i>Demographic</i>  | <i>MuckRock<br/>(n = 113)</i> | <i>Listservs<br/>(n = 109)</i> | <i>FOI Logs<br/>(n = 108)</i> | <i>Total<br/>(330)</i> |
|---------------------|-------------------------------|--------------------------------|-------------------------------|------------------------|
| Male                | 75.2%                         | 55.8%                          | 53.3%                         | 62.0%                  |
| Hispanic            | 4.5%                          | 5.8%                           | 6.7%                          | 5.6%                   |
| White               | 88.5%                         | 87.4%                          | 88.5%                         | 88.4%                  |
| Age (median)        | 42                            | 60%                            | 55                            | 55                     |
| Income (>US\$80K)   | 59.8%                         | 73.0%                          | 72.7%                         | 67.9%                  |
| Education (BA-plus) | 85.7%                         | 90.3%                          | 89.3%                         | 88.4%                  |
| Liberal             | 63.4%                         | 66.3%                          | 48.5%                         | 60.2%                  |

those who identified as lawyers were driving this relationship, with a mean of 2.19 ( $SD = 1.44$ ) out of a 1 to 5 scale in likelihood to sue—the highest mean of seven different requester categories, which averaged 1.60 ( $SD = 1.03$ ). Lawyers, along with academics, tended to have the highest level of education of the other categories, since they require graduate school, and they are also more likely to file lawsuits. The second highest category likely to sue was nonprofit organizations, at 2.10 ( $SD = 1.24$ ). The lowest category likely to sue was commercial enterprises, at 1.19 ( $SD = .63$ ), followed by average citizens, at 1.30 ( $SD = .61$ ). Journalists were in the middle at 1.67 ( $SD = 1.08$ ).

**Table 3**  
**Mean FOI Efficacy, by Demographics**

| <i>Predictors</i>     | <i>N</i> | <i>M</i> | <i>SD</i> |
|-----------------------|----------|----------|-----------|
| <b>Education</b>      |          |          |           |
| High school or less   | 2        | 3.40     | 1.13      |
| Some college          | 35       | 3.55     | .64       |
| College 4-year degree | 111      | 3.49     | .69       |
| Graduate degree       | 170      | 3.56     | .64       |
| <b>Gender</b>         |          |          |           |
| Male                  | 199      | 3.54     | .66       |
| Female                | 110      | 3.52     | .68       |
| <b>Age</b>            |          |          |           |
| 18-24                 | 2        | 3.40     | 1.13      |
| 25-34                 | 11       | 3.67     | .41       |
| 35-44                 | 68       | 3.51     | .63       |
| 45-54                 | 81       | 3.57     | .62       |
| 55-64                 | 65       | 3.54     | .73       |
| 65-74                 | 47       | 3.46     | .77       |
| 75-84                 | 44       | 3.53     | .62       |
| 85 and older          | 3        | 3.07     | .42       |
| <b>Race/Ethnicity</b> |          |          |           |
| White                 | 285      | 3.55     | .65       |
| Hispanic              | 18       | 3.40     | .66       |
| Asian                 | 10       | 3.23     | .76       |
| Native American       | 4        | 3.10     | 1.01      |
| Black                 | 10       | 3.04     | .72       |
| Pacific Islander      | 2        | 2.70     | .14       |
| Other                 | 18       | 3.50     | .63       |
| <b>Income</b>         |          |          |           |
| <US\$79,999           | 100      | 3.52     | .68       |
| US\$80,000 or greater | 212      | 3.54     | .65       |

*Note.* Mean responses are on a 5-point scale, with higher numbers indicating greater belief that freedom of information laws impact the government and their personal lives.

## Discussion

This preliminary study is the first to demonstrate that those in the United States acquiring public records are much more likely to be White, male, affluent, educated, older, non-Hispanic, and politically liberal, in comparison to the citizenry as a whole, and even compared with the journalism community, which has traditionally lagged in demographic, political, and socio-economic diversity (Moody-Ramirez et al., 2023; Willnat et al., 2022). Furthermore, the findings indicate that White requesters tend to

**Table 4**  
**Correlations and OLS Regression of Predictors for FOI Efficacy**

| <i>Predictors</i>  | <i>Correlation</i> | <i>B</i> | <i>SE B</i> | $\beta$ |
|--------------------|--------------------|----------|-------------|---------|
| Education          | .03                | .027     | .061        | .028    |
| Income             | .00                | -.003    | .019        | -.010   |
| Gender (male)      | .01                | .036     | -.083       | .026    |
| Age                | -.04               | -.019    | .028        | -.040   |
| Politics (Liberal) | .06                | .076     | .083        | .056    |
| White              | .14*               | .318     | .146        | .129*   |
| Total $R^2$ (%)    | 2.2%               |          |             |         |

\* $p < .05$ .

**Table 5**  
**Correlations and OLS Regression of Predictors for Frequency of Suing Agencies for Records**

| <i>Predictors</i>  | <i>Correlation</i> | <i>B</i> | <i>SE B</i> | $\beta$            |
|--------------------|--------------------|----------|-------------|--------------------|
| Education          | .14*               | .201     | .091        | .137*              |
| Income             | .13*               | .032     | .091        | .068               |
| Gender (Male)      | .12*               | .216     | -.125       | .103 ( $p = .09$ ) |
| Age                | .05                | .006     | .042        | .008               |
| Politics (Liberal) | -.01               | .014     | .124        | .007               |
| White              | -.04               | -.139    | .220        | -.037              |
| Total $R^2$ (%)    | 4.1%               |          |             |                    |

\* $p < .05$ .

share a stronger belief that public record laws work as intended, and educated requesters are more likely to enforce their rights through litigation, most likely representing lawyers in the sample.

These findings, in their totality, suggest a “document divide” in the United States, where those with greater societal power and wealth are more likely to utilize public record laws, furthering their advantage while others are left behind. Several factors may explain this. First, we know that journalists, academics, and lawyers are highly educated, and they comprise a significant portion of the sample (49%). Many requesters are acquiring records for their jobs from privileged positions—educated, affluent, and for those professions, often White and male. As these findings indicate, efficacy in the system is most highly associated with White requesters, perhaps because the U.S. legal system has generally favored Whites and those in power.

Another interesting finding is the high proportion of requesters that identify as politically liberal, which cannot be explained entirely by the education level of the participants because regression analysis controlled for education. Previous research sometimes has found relationships between liberal ideology and support for FOI (Cuillier & Pinkleton, 2011; Piotrowski & Van Ryzin, 2007; Wagner, 2022), even though government transparency is valued by those from throughout the political spectrum. This is particularly troubling given the conservative communities in the United States already resentful of government elites, frustrated enough to storm the nation's Capitol on January 6, 2021. Government transparency should not be perceived as a partisan issue driven by liberal ideology. Indeed, interest in public records crosses political lines, as the FOIA is used extensively by Judicial Watch and the Heritage Foundation (Lerner & Kroll, 2024), and conservative organizations even have their own nonprofit to coordinate their efforts in acquiring government information, called Right on Transparency (<https://rightontransparency.org/>). More efforts should be made to educate conservative citizens of their rights, particularly those in rural communities who may lack resources to acquire public records.

These findings present several implications for journalism, society, and the future of democratic self-governance in the United States. Democratic theory assumes that people need accurate information about their government so they can make informed decisions (Blasi, 1977; Meiklejohn, 1948). If the public records requester community skews heavily toward a select group of people—White, male, affluent, older, educated, and liberal—then others are left out of the process. Those who are educated and of means get information to perpetuate their elevated status, and are more willing to sue for records, while the rest go without, and the document divide widens.

As more legacy newspapers—traditionally the standard bearers for public record requests and litigation—go out of business at a pace of two per week (Local News Initiative, 2023), independent journalists and citizen advocates are left to fill the void, though without the training, support or efficacy to pursue records, including through the courts. Hwang and Jeong (2023) explored the relationships between the knowledge gap hypothesis and tendency to believe misinformation, finding there to be an education-based gap in misinformation acceptance. They noted that the knowledge gap widened due to SES individuals' having greater access to accurate information. This underscores the necessity of widespread, easy-to-access mechanisms for acquiring quality information. FOI laws fit hand-in-glove with this need to counter misinformation. As misinformation campaigns grow in scale and sophistication, the urgency of addressing gaps and failures in FOI systems continues to grow in importance.

This document divide suggests a need for action by government, journalism organizations, academic institutions, civil society, and philanthropic funders. Government agencies could invest in technology to make the public records request process more seamless and explanatory to the average person. Research indicates that simply posting government data online is not enough, and might actually turn off citizens from acquiring information because it can overwhelm and frustrate them (Tai et al., 2024). The federal FOIA Advisory Committee, which provides recommendations to the National Archives and Records Administration, has suggested, for example, that federal agencies use one simple centralized platform for requests, and improve instructions and readability of FOIA websites (Freedom of Information Act Advisory Committee, 2024). Agencies also could be required to assist a requester before making a request, if asked. In addition, alternative mechanisms for dispute resolution, as in

Connecticut, Pennsylvania, Ohio, and New Jersey, allow people to challenge record denials without having to hire an attorney and go to court (Karanicolas & Kwoka, 2022).

Records request instructions could be translated into different languages, as the Connecticut Freedom of Information Commission does for Spanish speakers. In some countries, such as Colombia, agencies are required to translate records produced from requests into other languages, if requested. Fees should be waived for those who can demonstrate need, as in China. The reasoning and process for acquiring government information should be required curriculum in K-12 and universities, as it is in the state of Sinaloa, Mexico.

Although knowledge gap research has demonstrated the limits of training and public education campaigns (Viswanath & Finnegan, 1996), civil society and transparency advocacy organizations, such as state FOI coalitions, can focus their attention on aiding average people, conducting more training and online resources. Efforts like the Documenters (<https://www.documenters.org/>) in Chicago is an example of how people can be involved in their local government, building efficacy and skills to fill the gaps left by disappearing newspapers. One recent study showed that Documenters' recaps of public meetings are more readable, understandable, and helpful than the meeting minutes posted by agencies (Kelly, 2025).

University journalism programs, many of which already integrate public records training in their reporting or media law courses, could offer general education or special topic courses to the campus at large in "information gathering," which could include access to public records, effective online searching, interview techniques, and other skills that everyone could use. This could also help financially support journalism programs as enrollment drops among their core majors. Organizations like the Association for Education in Journalism and Mass Communication could help develop and disseminate curriculum. News organizations should explain to their readers and viewers how they acquired public records and include instructions and online resources for them to request the documents themselves.

Philanthropic foundations can help by supporting these efforts, increasing funding to organizations that provide FOI training and support for independent online news organizations, ethnic media, and citizen journalists. This is particularly important for ethnic media, which are often underfunded and ignored (Powell & Clark, 2023), and frequently focused on covering injustices that public records could shed light on. Increased training and resources for these small, independent news outlets could be provided through the Reporters Committee for Freedom of the Press, Institute for Nonprofit News, Local Independent Online News Publishers, Student Press Law Center, MuckRock.com, National FOI Coalition, Investigative Reporters and Editors, Society of Professional Journalists, Pivot Fund, and many other journalism-support groups.

### ***Limitations and Future Research***

This study was limited by the size of the sample, which could be increased in future research to improve statistical power. Also, future research could expand upon the method piloted in this research, through random stratified sampling of government agencies, acquisition of their FOIA logs, randomly selecting individual requesters and locating their contact information through social media and commercial information

providers. This study indicates that the FOIA-log method provides a much more representative sample as compared with listservs and users of MuckRock.com. Future research could also interview requesters to better understand the nuances of what they encounter in their quest for records. And in much the same way that the knowledge gap hypothesis has encouraged scholars to wrestle with the news media's role in creating and perpetuating disparities, scholars must continue to investigate the role of FOI in opening gaps in government knowledge and civic engagement.

## Conclusion

A survey of U.S. public records requesters—across all levels of government—indicated that a very select class of citizens is practiced in acquiring public records, perhaps in relation to their occupations as journalists, lawyers, academics or corporate users. As the news industry suffers layoffs and shutdowns, journalists will be less likely to serve as the public's proxy in acquiring government information.

This is more important than ever, given increasing secrecy in the United States since the beginning of the Trump administration. For sure, every president has kept secrets, and the percentage of FOIA requests fully complied with has continued to drop over the past several decades, from 38% in 2011 to 12% in fiscal year 2024, according to Department of Justice statistics (Office of Information Policy, 2024). Journalists, particularly those working in newspapers, have traditionally carried the banner for requesting records, suing for them, and advocating for better laws (Archibald, 1993; Martin & Lanosga, 2010; "Open Meeting Statutes," 1962; Uhm, 2005). As newspapers disappear (Local News Initiative, 2023), others, including average Americans, will need to push back against secrecy. To do so, they will need to be educated in the art of access, and the system should be streamlined for anyone to use. While this is unlikely to happen at the federal level, perhaps advances can be made by municipal and state agencies. This would serve everyone well, particularly rural conservatives who have felt left out of the system and are less likely to employ the public records process, according to this study.

It is incumbent upon the FOI world—journalists, lawyers, politicians, educators, civil society groups, and others, whether liberal or conservative—to create new opportunities for average Americans to acquire the skills, knowledge, resources, and efficacy to request their own records. That means redirecting resources and attention to empowering underrepresented communities in learning how to access their government, to bridge the document divide.

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