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# Freedom of Information Act

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## CONTENTS

1. [ORIGINS OF FOIA](#)
2. [FOIA BECOMES LAW](#)
3. [FOIA REQUEST](#)
4. [FOIA EXEMPTIONS](#)
5. [IMPACT OF FOIA](#)
6. [Sources](#)

The Freedom of Information Act, or FOIA, was signed into law by President Lyndon Johnson in 1966, giving the public the right to access records from any federal agency. FOIA plays an important role in keeping government transparent and accountable, and has been used to expose a wide range of government misconduct and waste, along with threats to the public's health and safety.

While FOIA is intended to increase transparency, it doesn't provide access to all government documents. There are a series of exemptions, set forth by Congress, that allow agencies to withhold information to protect national security and personal privacy, among other matters.

FOIA applies only to federal [executive branch](#) agency records, rather than those held by Congress, the federal judicial system and government agencies at the state and local levels. Since its passage, the FOIA has been strengthened by a series of amendments.

## ORIGINS OF FOIA

John Moss, a Democrat from Sacramento, [California](#), was elected to Congress in 1952, amidst the [Cold War](#) and an era of increasing government secrecy.

Moss started advocating for more government openness after the administration of President [Dwight D. Eisenhower](#) fired several thousand federal employees accused of being communists. When Moss asked to see the records associated with the dismissals, the administration refused to hand them over.

After Moss became chairman of a congressional subcommittee on government information in 1955, he held hearings about government transparency and conducted investigations into cases of federal agencies withholding information.

According to Moss, "The present trend toward government secrecy could end in a dictatorship. The more information that is made available, the greater will be the nation's security."

Newspaper editors, journalists, educators and scientists were among those who supported Moss's campaign against government secrecy, while many federal agencies opposed it, arguing that not being able to keep their records secret in certain instances would be detrimental to their work.

## FOIA BECOMES LAW

In 1966, after more than a decade of effort, Moss finally rallied enough support in Congress to pass FOIA.

Although President [Lyndon B. Johnson](#) was reluctant to sign the bill, believing it would limit the ability of government officials to communicate and function effectively, he did so on July 4, 1966.

Johnson refused to hold a public signing ceremony, like he did with other key legislation; however, he did remark in a statement: "I signed this measure with a deep sense of pride that the United States is an open society."

FOIA went into effect a year later, on July 4, 1967. Since that time, the FOIA has been strengthened by a series of amendments, starting in 1974 in the aftermath of the Watergate scandal involving President [Richard M. Nixon](#).

Before retiring from Congress in 1978, John Moss was instrumental in the passage of legislation including the Consumer Product Safety Act of 1972 and the Federal Privacy Act of 1974, and was the first member of Congress to propose impeachment proceedings against Nixon.

## FOIA REQUEST

In general, any U.S. citizen, foreign national or organization can make an FOIA request. The records of all executive branch agencies and departments are subject to the FOIA, while the law doesn't apply to those of Congress, the federal courts, the president and his immediate staff and the vice president.

But under the Presidential Records Act of 1978, the public can access most presidential records through the FOIA five to twelve years after the commander-in-chief exits the [White House](#). FOIA also doesn't apply to state governments; instead, each state has its own open-records laws.

Agencies are required to automatically make some types of information available, without a FOIA request. The government doesn't have a central location for handling FOIA requests; instead, each agency manages and responds to its own requests.

## FOIA EXEMPTIONS

Although FOIA was designed to increase government transparency, not all information must be made available to the public under the law.

Congress set forth nine exemptions that enable federal agencies to withhold records in cases where doing so would be harmful to national security or foreign policy, personal privacy, confidential business information and law enforcement records, among other interests. People have the right to appeal or file a lawsuit if they're dissatisfied with an agency's response to an FOIA request.

In 2016, the federal government received a record 800,000 FOIA requests; the agencies that handled the most requests were the Homeland Security, Justice and Defense departments, along with the National Archives and Records Administration.

## IMPACT OF FOIA

Because of FOIA, a wide range of government misconduct and waste has been exposed and threats to the public's health and safety have been disclosed.

FOIA requests have revealed everything from the FBI's surveillance of dozens of well-known African-American writers for five decades starting in 1919, to the fact that the [U.S. narrowly escaped detonating a hydrogen bomb over North Carolina](#) in 1961 when the B-52 bomber carrying it crashed.

Other notable examples include:

In the 1980s, activists learned after filing an FOIA request that the [Environmental Protection Agency](#) knew paper mills were discharging a toxic substance, dioxin, into rivers.

In the aftermath of 2005's [Hurricane Katrina](#), FOIA requests uncovered wasteful government spending during the recovery efforts.

In 2016, an FOIA request uncovered a government report that a major American supplier of parmesan cheese was substituting wood pulp for parmesan in its products.

## Sources

FOIA at 50. [The Washington Post](#).

Effective FOIA Requesting for Everyone. [National Security Archive](#).

John E. Moss, 84 is Dead; Father of Anti-Secrecy Law. [The New York Times](#).

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