Citizen’s Right to Know/Citizen Participation

The League’s Position Statement of Position on the Citizen’s Right to Know/Citizen Participation, as announced by the National Board, June 1984:

The League of Women Voters of the United States believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen’s right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

League History

The League has long worked for the public’s right to know and for broad public participation in government as a necessary component of decision-making at all levels of government. League support for open meetings was first made explicit in the 1972 Congress position; in 1973, Leagues were empowered to apply that position at the state and local levels. Convention 1974 added to the League Principles the requisite that “government bodies protect the public’s right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible,” and decided that Leagues could act on the Principles—with the necessary safeguards of member understanding and support. The League supported the 1976 Government in the Sunshine law to enhance the public’s access to information.

In the 1980s, the League monitored and lobbied to revamp the way federal rules and regulations are made. The League supports broad public participation at every stage of the rule-making process. LWVUS, in coalition with numerous other organizations, opposed 1983 efforts by the Office of Management and Budget (OMB) to restrict the political advocacy activities of nonprofit organizations and thereby limit public participation in federal policy making. The coalition’s opposition resulted in a much less onerous OMB regulation.

As part of its concerns about the public’s rights, the League supports lobbying disclosure reform to provide information on the pressures exerted on the national policy-making process and guarantee the public’s access to influence the process.

Early in 1995, congressional leadership launched a broad attack on public participation in government decision making. Under the guise of “regulatory reform,” bills were introduced to make it much more difficult for federal agencies to promulgate regulations dealing with health, safety, and the environment. These bills were based on the premise that regulations should be judged solely on their cost to the public and private sectors and not on their benefits to society.

The League responded quickly to this major threat, lobbying both houses of Congress in opposition. Along with members of 200 other consumer, environmental, and disability rights organizations, League members met with their members of Congress and participated in media activities opposing these efforts. The opposition succeeded in stalling all regulatory reform legislation in the Senate in 1996. The
League also responded to a major congressional attack in the 104th Congress (1995-1996), when an amendment to severely limit the ability of nonprofits to speak out on public policy matters was added to several 1996 appropriations bills. Known as the Istook amendment after its primary sponsor, Rep. Ernest Istook of Oklahoma, the amendment was designed to limit public participation by forcing nonprofits to choose between community service and public policy.

The League, with hundreds of other nonprofits, organized a massive campaign to educate the public and members of Congress about the serious implications of this legislation. The Istook amendment eventually was dropped from the appropriations bills, but similar efforts continued in the 104th (1995-1997) and 105th (1997-1999) Congresses. The League continues to monitor attempts to gag nonprofit organizations.

In June 2000, LWVUS urged the Federal Communications Commission (FCC) to issue requirements for broadcasters to cover local public affairs in an effort to improve the public’s understanding of local governing issues.

Beginning with a grant from the Open Society Institute in 2001, LWVEF participated in the Judicial Independence Project. State and local Leagues, working in conjunction with the national office, assessed the levels of judicial independence in their state and developed citizen education campaigns to educate their communities about this important issue. A key part of this program was encouraging Leagues to include judicial candidates in their voters’ guides and to organize candidate forums for judicial candidates. In 2002 and 2003, more than 200 Leagues nationwide organized 70 forums, meetings, and workshops spotlighting their state court systems and the value of an independent judiciary.

This project continued in 2004-2008 and evolved into Safeguarding U.S. Democracy: Promoting an Independent Judiciary, a program that increased citizen understanding of the importance of our nation’s system of separation of powers and highlighted the vital need for protecting a vibrant and independent judiciary. In 2009 and 2010, the project gained a new focus on promoting diversity at all levels of the state judiciary. In the first year of The Quest for a More Diverse Judiciary, Leagues in Kansas worked on this initiative and saw success in the new appointments that followed. In the second year, South Carolina was added and was also successful. In 2012, the State of Washington was added with a more limited scope, and in the same year the League published From Theory to Practice: A Grassroots Education Campaign a practical guide for those wishing to create state-wide education campaigns and illustrate each step of the campaign with practical information learned in Kansas, South Carolina, and Washington.

In 2002 and 2004, LWVUS participated as amicus curiae in the case of Miller-El v. Cockrell. The League’s interest in the case focused on the use of race-based peremptory challenges to jurors as a means to block citizen participation in government. The U.S. Supreme Court agreed with the League’s position, but a lower federal court failed to carry out this interpretation, and the case was again before the U.S. Supreme Court in late 2004. The U.S. Supreme Court reaffirmed its earlier decision by agreeing with the League position.

In the 109th Congress (2005-2007), LWVUS endorsed the Openness Promotes Effectiveness in our National Government Act (OPEN) which expands the accessibility and accountability of the federal government by strengthening the Freedom of Information Act (FOIA) and making information more readily available to the public.
LWVEF has engaged in several efforts to assist Leagues in this area, and to become more visible in federal transparency efforts. In 2005, the League launched Openness in Government: Looking for the Sunshine, a project to broaden public awareness about the issues involved in, and the threats related to, accountability and transparency in government. The project was continued in 2006, under the name Observing Your Government in Action: Protecting Your Right to Know. The League developed educational materials about federal, state, and local laws concerning citizen access; the extent and types of threats to these laws that have occurred in recent years; and data on the increasing levels of information being placed off-limits since the terrorist attacks on the U.S. on September 11, 2001.

Additional projects were initiated in the following years. One focused on public document audits, providing financial support to Leagues in 11 states and a toolkit, Surveying Public Documents: Protecting Your Right to Know. In 2010, work started on an online resource called Sunshine 2.0, which provided criteria for assessing the transparency of local government websites and other online technologies.

At the federal level, the League was active in providing advice to the Obama Administration (2009-2017) as it proceeded to implement its Openness in Government Directive. In so doing, the League helped several good government groups work together.

The League served as a cosponsor of the annual Sunshine Week in the mid 2000’s, taking part in kickoff events in Washington, DC. Sunshine Week sponsors a nationwide live webcast to stimulate public discussion about why open government is important to everyone and why it is under challenge today. Leagues were encouraged to participate.

As we continue to push forward our general policy objectives, the League continues to make sure open meetings and open records laws are protected or expanded; state Leagues pushed for legislation to create increased transparency and public input in the redistricting process prior to the 2021 redistricting cycle.

The onset of the COVID-19 public health crisis presented new challenges to informed and active participation by citizens as states instituted shelter-in-place orders and social distancing measures, and governments transitioned to virtual or closed meetings. LWVUS created Virtual Transparency Guidelines for Leagues to utilize to advocate for open, transparent, and accessible processes for all governmental bodies in the face of COVID-19 and to be used in future emergencies requiring the limitation of in person contact.