Original Article

Whose Public Virtue? Exploring Freedom of Information Efficacy and Support

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Abstract

Little is known about public perceptions of how FOI laws influence government operations or impact citizens' daily lives. A large representative sample of U.S. adults was surveyed for support of FOI laws and perceptions of FOI efficacy. Findings showed advanced education and higher perceptions of general government efficacy to be strongly significant in predicting both support for FOI and greater FOI efficacy. Males and liberal respondents also demonstrated significance in predicting support for FOI and higher FOI efficacy, while Black race was a significant negative predictor in support for FOI and whether FOI improved government operations and accountability.

Introduction

Government transparency has reached the status of public virtue. Fenster (2021) called the idea of a thoroughly visible, accountable state "a preeminent administrative norm with an unimpeachable status as a pillar of democracy"

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(p. 286). Fenster cited Fish (2019) and Hood (2006) in suggesting that access to government information has achieved an almost religious certainty and devotion. Nonetheless, many have criticized government transparency laws and their administration (Kwoka & DuPey, 2021; Peters, 2021; Pozen, 2017; Stewart & Davis, 2016). Freedom of information (FOI) laws are both venerated by legislators and judges as a democratic imperative—called a "structural necessity in a real democracy" by the U.S. Supreme Court (NARA v. Favish, 2004, p. 172)—and critiqued by scholars, journalists, and requesters for falling well short of the laws' objectives. Implementing and administering FOI laws is costly—nearly $600 million in 2020 federal FOIA operating costs alone—yet there is little understanding of whether the general public believes FOI laws have any impact on their daily lives or influence on government operations.

Public opinion on access to government information and government transparency has documented sustained support for the people's right to know about public officials and their activities. The support though has not been monolithic. Research has shown varied support for access to different types of records (Driscoll et al., 2000), differing beliefs about who should have access to records (i.e., private individuals, commercial entities, and journalists; Cuillier & Piotrowski, 2009; Phelps & Bunker, 2001), different demands for transparency across dimensions (e.g., safety transparency, fiscal transparency, etc.; Piotrowski & Van Ryzin, 2007). Support for access to government information has also shown significant relationships with a wide and fluctuating range of demographic variables (Cuillier, 2008; Cuillier & Pinkleton, 2011).

Surveys on public opinion of government transparency have also focused on transparency's relationship with concepts such as trust in government, political efficacy, and civic engagement. Examining these relationships is important and valuable research, but it stops short of addressing the more direct relationship of whether the public believes FOI laws meaningfully influence the actions of government or favorably impact their own lives. The public regularly demonstrates support for the concept of transparent and accountable governance, but there are interesting unresolved questions about who believes the present legal mechanisms for establishing a transparent and accountable government are functioning as designed. Further, are certain sociopolitical factors correlated to perceptions of an efficacious FOI? If an almost religious fervor for government transparency exists, as scholars have suggested, the study seeks to help identify these congregants. Discovering the believers can lead to a stronger understanding of not only who but perhaps why some social factions feel as zealously as they do, and, just as consequently, why some are agnostic or disengaged with transparency efforts.

The present study seeks to establish a turn on the concept of efficacy, proposing an adaptation of efficacy concepts to the objectives of FOI. As government transparency is commonly thought to be a keystone of representative government, the study examines whether the public perceives FOI laws, as the predominant government transparency mechanism, to contribute to the ideals of democratic governance; specifically, whether FOI laws: (a) influence the operations of government or (b) have an impact on individuals' everyday lives. This study considers this novel concept of FOI efficacy, along with support for FOI, through a survey of 1,116 U.S. adult residents, representative of the national Census profile across age, gender, race, income, and geography.

A Tool for the Powerful

Pozen (2018) has explored the fundamental shift of U.S. transparency laws away from their origins as righteous accountability mechanisms to a tool dominated by commercial enterprises that churn money out of FOI laws and opportunistic political operations aimed not at honest governance but jamming up processes. Despite the noble original aim of these laws to lay bare the operations of government for the public to see, corporations and hard-edged politics have bent the legal framework into something almost unrecognizable. Many scholars have disparaged the present condition of U.S FOI mechanisms (Fenster, 2017; Peters, 2021; Stewart & Davis, 2016). Pozen (2020) has been especially critical of FOI laws and the generally sanguine assumptions of their positive effects. He has also judged transparency scholars as too confident in transparency's primacy in a democracy and too invested in transparency formalism, where scholars focus on legal language rather than the real-world manifestation of the laws (Pozen, 2020). A primary contention of Pozen's (2020) transparency scholarship purports that socially powerful forces are usurping the laws for unintended benefits. And while on some level this is to be expected, efforts at transparency reform have consistently focused on adding rigidity to FOI systems rather than rectifying its exploitation. Pozen (2020) is much less interested in the actors that have warped FOI systems and more intent on the grander goal of moving away from celebrating the laws and identifying them for what they have become: tools of the powerful that rarely serve democratic good. In discussing government transparency broadly, Pozen (2018) wrote, "[T]ransparency's transformation is a story not merely of random or inevitable drift, but of the iterated interaction between formal transparency structures and broader developments in the cultural, economic, technological, and legal environment." (p. 146). Transparency, he continued, is especially vulnerable to social factors,

including corporate capture and a general decline in faith in government, and has resulted in a crowding out of those the laws were designed for. Pozen (2017) called FOIA "arguably reactionary in a more substantive, political sense insofar as it empowers opponents of regulation, distributes government goods in a regressive fashion, and contributes to a culture of contempt" (p. 1101). Advocates of the mid-20th century transparency movement, which catalyzed the U.S. FOIA, were focused, perhaps naively, on developing durable tools for holding the government to account, but their efforts failed to anticipate political and social realities, such as corporate opportunism, the external value of government information, persistent internal resistance and decades of underfunding, that have fundamentally distorted the system. The endgame has been FOI mechanisms that scarcely serve civic interests and instead oblige those already in power. FOI processes have become so adversarial, time-intensive, and legally dense that they merely reinforce existing power asymmetries. Pozen (2017) listed powerful institutions and influential professions—commercial requesters, contractors, and lawyers—as the first-cut winners in the contemporary U.S. FOI ecosystem. It would seem to follow that were FOI demographics analyzed, the beneficiaries would be the demographics of the conventionally powerful and socioeconomically advantaged. The study explores this proposition by analyzing who supports FOI and who finds FOI efficacious.

Literature

Information is perceived as more valuable when an individual feels efficacious, and efficacious individuals are more likely to assert themselves and use their abilities and resources to bring the value of information to fruition. As a result, efficacy is asymmetrical and can be experienced unevenly throughout society due to a broad range of factors. While access to government records may not represent as obvious of value as some other forms of knowledge, scholarship has showed that at many federal and state offices in the United States, commercial entities are the largest requesters (Fink, 2018; Kwoka, 2016), as commercial entities are able and willing to accept the bureaucratic burdens of the request process, because they both have the resources to weather administrative labor and know they can extract the value of the records. Scholars have examined the ties between social status, access to government information and beliefs that individuals think they can affect change. In their review of literature on government transparency and its effects on efficacy, Cicatiello et al. (2018) stated, "[W]hen government transparency is at work, policy makers may be primarily prone to respond to those citizens who have opportunity to scrutinize their

actions, namely, those who have the skills to exploit the availability of information" (p. 598).

Psychologist Albert Bandura is commonly credited with popularizing efficacy theory. He used the term as an explication of behavior change and as a conditional measure of how an individual would react to obstacles and adverse experiences (Bandura, 1977). He posited self-efficacy expectations as distinctly different from outcome expectations. Self-efficacy expectations occurred before the behavior or action, while response-outcome expectations project past the behavior. Bandura (1977) delineated, "An outcome expectancy is defined as a person's estimate that a given behavior will lead to certain outcomes. An efficacy expectation is the conviction that one can successfully execute the behavior required to produce the outcomes" (p. 193). An individual may believe a certain behavior will result in a particular outcome, but if the individual is uncertain in their ability to perform the necessary behavior, the outcome expectation can become muted or moot. When considering how an individual engages with government—often stereotypically presumed to be a labyrinthian experience—efficacy seems to be a pivotal concept in understanding not outcome expectations but whether individuals are interested or willing to participate from the outset.

Notably, Bandura (1982) also explored collective efficacy, a concept he defined as the degree to which people perceive groups' or organizations' ability to solve their problems and improve their lives through concerted effort. Perceptions of collective efficacy are influenced by myriad factors, but Bandura suggested social transactions frequently turn on power imbalances. In a given social transaction, individuals exercise the influence at their disposal and relinquish control when they have less influence. The modern socio-political environment breeds disillusionment and little collective efficacy because the imbalances between corporate and government power and citizen power are stark. When submitting a FOI request, the social transaction comprises the requester and the government entity. Despite FOI laws typically written to favor the requester, the de facto manifestation of these laws produces an imbalance that favors the government due to a series of physical and psychological barriers. The identity of the requester will also color the experience considerably. The requester can be a lawyer trained in the details of the law or merely a curious everyday citizen. The lawyer has social interaction influence tied to education and experience, among other factors. The common citizen will have less influence and thus forgo a good deal of control in the situation, driving down efficacy. The two different requesters are likely to undergo significantly different experiences when submitting a FOI request, and this experience is dependent on a wide range of factors, be they

demographic or psychological. This shapes both future outcome expectancy and efficacy expectation.

Political Efficacy and Government Efficacy

Social scientists have explored various conceptions of efficacy as directly related to democratic processes. Political efficacy was the first to earn sustained interest in political science scholarship. Defined by Campbell et al. (1954) as the "feeling that individual political action does have, or can have, an impact upon the political process" (p. 187). Scholars proposed splitting political efficacy along external and internal dimensions (Abramson & Aldrich, 1982). Internal efficacy is focused on individual perceptions of the individual's ability to navigate the system designed to allow for political influence, while external efficacy narrows on an individual's perception of whether public institutions are influenced by the will of the public. Cicatiello et al. (2018) examined the relationship between government transparency and efficacy. They built a transparency index using World Economic Forum data and used responses from a transnational survey of citizenship to develop an external efficacy variable. The results showed a strong connection between the two, finding that more available information on government activities positively correlated with higher perceptions of efficacy. Cuillier and Pinkleton (2011) studied relationships between support for transparency and perceptions of external efficacy. They found no significant relationship between the two but did find a cynicism index (operationalized via questions demonstrating a lack of confidence in the political system and a general disbelief in government officials and institutions) to be one of the strongest predictors of support for transparency in the study. In earlier research, Cuillier (2008) also found no relationship between efficacy and support for access to records.

Gil de Zuniga et al. (2017) offered a novel adaptation of political efficacy, turning attention away from political participation and outcomes to instead focus on perceptions of whether governments are "working on everyone's behalf, making decisions based on what citizens want, and representing all citizens" (p. 577). They found political efficacy as a concept to be too contextual, suggesting there needs to be a distinction between internal efficacy—whether an individual feels competent and capable of understanding and participating in politics—and external efficacy—whether the government is responsive to and capable of fulfilling public demands. Government efficacy, their term for the concept, is distinct from trust as well. Government efficacy is more comprehensive than trust. It includes individual perception of how well the "government allows for effective participation of all citizens, and

whether its policies are the result of everyone's input" (p. 577). While the study did not find any direct relationships between the important new conceptual evolution and political activity, Gil de Zuniga et al. (2017) did find that their three variables—government efficacy, internal efficacy, and external efficacy—behaved differently in their statistical model, suggesting that government efficacy does stand on its own as an independent construct.

General Transparency Effects

There has been substantial and ongoing inquiry into public opinion on access to public records and government transparency over the past two decades. The scholarship explores a wide range of subjects related to government transparency, access to government records and FOI laws. Much of the research has examined the external effects of government transparency, most commonly whether transparency has a relationship with reduced corruption (Bauhr & Grimes, 2014; Cucciniello et al., 2017; Schnell, 2017) or whether transparency or access correlates with trust in government (Bannister & Connolly, 2011; Grimmelikhuijsen, 2012; Grimmelikhuijsen et al., 2020; Grimmelikhuijsen & Meijer, 2014; Tolbert & Mossberger, 2006).

Many scholars have explored whether transparency produces the positive social effects that advocates suggest it does. Bauhr and Grimes (2014) explored the implications of transparency, examining how transparency in corrupt locales influences political activity. The cross-national study used the World Bank's transparency and accountability data, finding that transparency in highly corrupt nations is more likely to increase political resignation, rather than indignation. In a survey of Chinese citizens, Wu et al. (2017) found that perceptions of transparent governance were correlated with perceptions of social equality. de Fine Licht et al. (2014) concluded that more information about decision-making seemed likely to improve perceptions of legitimacy. de Fine Licht (2014) also conducted an experiment with 1,032 participants exploring whether transparency improved public understanding and acceptance of policy decisions. Her study found that transparency can aid acceptance, but this is highly dependent on the policy domain. Porumbescu et al. (2017) conducted an experiment on U.S. residents, finding transparency has a positive relationship, though indirect, with voluntary compliance, and policy understanding. Though, ultimately, the policy domain and the presentation format of the information likely play key roles in compliance and understanding as well. Likewise, Zuffova (2020) found FOI laws' effect on state corruption to be conditional and especially contingent on a nation's internet saturation and press freedom. This conditionality

is a common refrain in transparency and access research; opinions on these general concepts often fluctuate depending on specific applications.

In a far-reaching review of the existing literature, Grimmelikhuijsen et al. (2017) warned that despite regularly being lauded by scholars and the press, transparency does not consistently lead to positive effects. They advised research should be more granular, as "the antecedents and effects of transparency are highly dependent on the particular context" (Grimmelikhuijsen et al. 2017, p. 305), while also suggesting much of the research may be subject to endogeneity. And Cordis and Warren (2014) attempted to address these contingencies by developing a statistical model factoring corruption and conviction rates, an index measuring FOI strength and a variable for media strength. The study found a strengthened FOI law both reduced corruption and increased the probability that corruption is uncovered. The authors argue that a conflation of these two findings has led previous researchers to underestimate the effects of FOI laws. Cucciniello et al. also produced a sweeping review of existing transparency research. They pulled literature from diverse fields and scholarly traditions, concluding the extant scholarship suggested a relationship between greater transparency and less corruption.

Ultimately, the literature does not present a clear or consistent picture as to explicit outcomes of transparency, but despite some methodological concerns, the scholarly consensus seems to suggest that transparency efforts generally correlate with positive social effects. However, positive effects are frequently contingent on other factors, and there is reason to believe that studying the general concept of "government transparency" may be too broad and ultimately too ambiguous to make decisive statements about whether the public supports government transparency or whether government transparency as a sweeping concept produces explicit external outcomes.

Trust in Government

In narrowing the search for the effects of transparency, the impact on trust in government has been a common subject of inquiry. Public opinion polling by news media in the United States has documented a long, slow decay in "Public Trust in Government" (2021). Dating back to the Eisenhower administration, reputable public opinion polling—the National Election Study (NES), CBS/New York Times, Gallup, ABC/Washington Post, and Pew—revealed a public never especially trusting of their government with peaks and valleys tied to major national events. The polling does show a considerable decline in trust over the past seven decades. The earliest NES polling, in 1958, documented 73% of the public trusted in the government. Since, fluctuations have occurred—notably a steep decline in 1974 after release of

the Pentagon Papers and the Watergate affair and a sharp incline after 9/11—but since the 1960s, the general trajectory of public trust in government has been undeniably negative. Since 2010, the percentage of the U.S. public that trusted the government has routinely been in the high teens. A more concentrated focus by opinion polling organizations found the U.S. public to be lacking in confidence on local public affairs (Gallup/Knight Foundation, 2020). Half did not believe they knew how to communicate concerns to local officials. A slim majority felt confident they had the information to get involved and make a difference. The public overwhelmingly found it harder to be well-informed despite the many avenues for learning about local public affairs.

And research has found similar disillusionment among the public with many scholars seeking to better understand the factors driving distrust in government. Grimmelikhuijsen et al.'s (2020) study on the effects of priming on trust in government found no relationship between priming respondents with transparency messages and increased trust in government. However, they did find demographic variables with significant correlation to increased trust. Bauhr and Grimes's (2014) article found no tie between transparency and trust in their global study. Grimmelikhuijsen and Meijer's survey of Utrecht-based adults found little support for their hypotheses tying transparency and trust in government. One conclusion though did find that higher levels of knowledge weakened the effect of transparency on distrust of government. Other scholars have also found little-to-no (and sometimes negative) correlation between transparency and trust (Grimmelikhuijsen, 2012; Grimmelikhuijsen et al., 2013). Roberts (2006) has also found that FOI laws in the United States and Canada did not increase trust in government. Roberts (2005) reasoned transparency naturally leads to press coverage and "the steady supply of news stories about mismanagement or abuse. . .work to reinforce perceptions about secretiveness' (p. 10). Despite these news stories being evidence of FOI efficacy, they are ultimately bad public relations and paradoxically leave the public negatively predisposed to FOI laws.

However, Tolbert and Mossberger (2006) found positive correlation. In a study using Pew survey data that explored trust, transparency, and efficacy in government across layers (i.e., federal, state, and local), they found that transparency had significant correlation with trust in government. They found more trust for more local governments, in line with previous research that has established individuals to be more supportive of more local politicians and government institutions (Nye, 1997; Thomas, 1998). Bannister and Connolly (2011) also found a correlation between transparency and trust, suggesting openness contributes to a rise in trust. They reasoned that when the public sees the work preceding the policy decision, individuals

may disagree, "but his or her reasons for lack of trust are then more likely to be due to differences of political perspective rather than as a result of opacity" (Bannister & Connolly, 2011, p. 145). Other scholars have also found positive ties (Kim & Lee, 2012; Welch et al., 2005). Piotrowski and Van Ryzin (2007) examined confidence in government, a concept akin to trust. They conducted a large multifaceted survey exploring confidence, demand for transparency at the local level and whether individuals had acquired government records recently. Confidence in local government leaders was moderate (mean of 2.87 on a 5-point Likert scale), and it was one of the study's strongest predictors, showing significant negative correlations with demand for fiscal transparency and two other general transparency scales. One key takeaway showed those that did not perceive the public to not have enough access to government were more likely to demand more access to government; or individuals that found government transparency to be lacking supported more government transparency.

Like studies on the general effects of transparency, scholarship on relationships between trust and transparency are anything but uniform in their findings. There seems to be no clear tie between trust or distrust and transparency, and given the breadth and complexity of a concept like trust in government this is somewhat expected. There are certainly mitigating factors that are difficult to account for, perhaps none more prominent than the nature of party politics and hot-button political issues than can dramatically swing perceptions of government.

Support for Access, FOI, and Transparency

Support (or demand) for government transparency or access to government information is another popular area of research. Dating back to a 1997, U.S. state surveys found a public strongly in favor robust guarantees for access to state and local information, along with strong support for expanded access to records and public meetings (Boxall, 1998; Iven, 1997). Driscoll et al. (2000) asked a representative sample of 403 U.S. adults their opinions on support for access to government records. They found an overwhelming recognition of the role access plays in keeping the government honest. The public was generally very supportive of most instances of access but also demonstrated concern about access breaching individual privacy. The survey found tepid support for press access. Phelps and Bunker (2001) would also document a public preference for individual access over access by the press. Their study found, in a nationwide telephone survey, that the public supported instances of access to public records by private citizens, followed by marketers, then journalists.

Cuillier (2004) produced a series of surveys on access attitudes. The first survey found generally strong support for access, concern for invasion of privacy, but, perhaps most notably, respondents again demonstrated a preference for individual access over press access. Cuillier (2008) sought to determine the ties between political efficacy and support for press access to government records. The survey found political attitudes were the strongest predictors for general access to government records. Variables for community engagement and support for press rights were both significantly correlated with support for press access. Cuillier and Pinkleton (2011) tested political attitudes and their relationship to support for freedom of information. In contrast with Cuillier's (2008) study, this study found a significant relationship between political efficacy and support for transparency in principle. They also found political attitudes to be a significant predictor of support for transparency. The study built psychographic indices for skepticism, cynicism, apathy, complacency, liberalism, and external efficacy. Statistical analysis showed no significance for conventional demographic variables (i.e., age, gender, race, education, or income) but found strong significant relationships for many of their psychographic indices and political variables, with skepticism, cynicism, and political involvement demonstrating the strongest, positive relationships with support for transparency in principle. Cuillier and Piotrowski (2009) published an article using three separate surveys on support for access. In two of the three samples, both age and income predicted increased support for access. Internet use was the only variable to predict support across the three samples. Piotrowski and Van Ryzin (2007) asked individuals about support for specific instances of access to government information, then recategorized the responses into broader categories, such as safety transparency or fiscal transparency. The general results were mixed, but they found varied support among different demographic and political variables.

Surveys and polling have documented general support among the public, despite the prevailing skepticism of FOI scholars, journalists, and even the federal government. The federal House Oversight Committee held a critical hearing and produced a report succinctly titled "FOIA Is Broken" (2016). Journalists have regularly castigated administration of the laws ("Delayed, Denied, Dismissed," 2016). A civil rights organization presents annual awards for instances of egregious FOI administration (Maass et al., 2021). Scholars called for abandonment of the law in favor of new solutions (Pozen, 2017; Stewart & Davis, 2016). But it bears noting that amongst the disenchanted FOI professionals and legislators, the general public, with some consistency, has supported government transparency,

Hypotheses and Research Question

A first step in considering FOI efficacy involves examining its relationship with the conceptually adjacent government efficacy. It is a small logical step to perceive government as sincere and responsive to public interests and perceiving FOI as influencing government behavior and impacting society. While research has not been unanimous on the subject, Cicatiello et al. (2018) found the relationship between government transparency and external efficacy to be one of two principal findings in their study.

Hypothesis 1: Perceptions of Higher Government Efficacy Will Correlate With Higher Perceptions of FOI Efficacy

Piotrowski and Van Ryzin (2007) found higher income to predict more support for two different characterizations of government transparency. Cuillier and Piotrowski (2009) found a similar correlation between income and support for access to public records across two different samples. While support for transparency and FOI efficacy are distinct, given the novelty of FOI efficacy research, the past findings, and conceptual similarities seem strong enough to allow for hypothesis. Further, the literature supports a relationship between income and support for FOI and transparency, but the study seeks to determine whether the public perceives the laws to effect change, rather than merely express support for FOI laws and the general concept of transparency.

Hypothesis 2: Higher Household Income Will Predict Higher FOI Efficacy

Higher educational achievement has been commonly found to correlate with increased trust in government and higher perceptions of political or external efficacy. Cicatiello et al. (2018) also found strong relationships between educational attainment, transparency, and political efficacy. In one of their experiments, Grimmelikhuijsen et al. (2020) found having earned a college degree to be one of the stronger predictors of trust in government. And Cuillier and Piotrowski (2009) found educational attainment to be a significant predictor of support for access in one of their samples. Akin to Hypothesis 3, the study seeks to determine whether a common marker of support extends to perceiving an impact in government administration and society writ large.

Hypothesis 3: Higher Educational Attainment Will Predict Higher FOI Efficacy

Another common correlate of support for transparency, trust, and efficacy has been political beliefs. Liberal ideology and U.S. Democratic Party membership appear to be leading drivers of opinions regarding government transparency. Tejedo-Romero and de Araujo (2018) examined degrees of transparency in Spanish municipalities, finding that political factors had a strong effect on the level of transparency. Multiple studies have found Democrat and liberal ideology variables to be significant in predicting trust in government (Grimmelikhuijsen et al., 2020) and correlated with transparency (Piotrowski & Van Ryzin, 2007; Cuillier & Pinkleton, 2011). Wagner (2021b) has found that U.S. counties with Democratic voting patterns often correlate with better FOI outcomes and processes. Wagner (2021a) also showed that federal departments under Republican presidencies receive significantly more requests than under Democratic administrations, suggesting Democrats are more fervent believers in FOI and more active users of the laws. Anderson et al. (2022) found liberalism in a state's public policies to be positively correlated with transparency as required by state public records laws. There appears to be consistent scholarship demonstrating liberal ideology and Democratic Party membership to broadly support democratic principles, and this includes trust and support for transparency. Again, the present study seeks to test whether a common correlate of support and trust holds for FOI efficacy.

Hypothesis 4: Democratic Party Identification and Liberal Political Ideology Will Predict Higher FOI Efficacy

It is worth noting that Driscoll et al. (2000), in one of the earliest surveys of support for access, observed, "[T]he results suggest that public attitudes toward access to government documents are complex phenomena. . .public opinion regarding access seems exceptionally homogeneous across demographic and psychographic variables" (p. 34). And save a small number of variables, the research has borne this out. Demographic factors may be too coarse of variables to usefully understand support for wide and sweeping concepts like access to information or government transparency. Age has been a significant correlate in tests of support for FOI or transparency (Piotrowski & Van Ryzin, 2007; Cuillier & Piotrowski, 2009), but by and large the existing research is inconsistent and ultimately inconclusive regarding demographics and support for FOI. The study seeks to add to the literature by surveying the public on support for FOI laws.

Research Question 1: Do Any Demographic or Political Variables Predict Support for FOI?

Method

The study is premised on a 43-item survey of 1,116 U.S. adults. The survey was administered by Qualtrics. The sample was collected using Qualtrics's online panels. The panels are standing groups of respondents maintained by the company. A project manager monitors the sample as responses populate, adjusting survey distribution to fulfill sample criteria. Respondents are compensated by Qualtrics for their participation. The survey was live from October 8 to October 11, 2020.

Sample and Data Collection

The sample controlled for age, gender, race, and income, and the sample is in-line with national Census-derived markers for these independent variables. The sample also represents a fairly accurate geographic sample, where sample representation by state is very similar to the general population distribution among states. The male-female ratio is very close to even, and five respondents identified as non-binary or other. All races are represented within 2 percentage points of 2010 U.S. Census data. The sample underrepresents individuals of Hispanic or Latinx ethnicity by 4.2 percentage points. Household income is representative of 2019 ACS estimates, with slight oversampling of the middle income category and corresponding undersampling of the lower and upper income categories. The sample was not controlled for education, and as a result individuals with bachelor's and graduate degrees are overrepresented. The data has been weighted to correct for misrepresentation in ethnicity and education. Politically, the sample is very balanced along both ideological and party spectrums. Respondents were given the option of the seven most popular U.S. political parties, and 38% identified with the Democratic Party, and 39% identified with the Republican Party. More than 16% chose either none or other (and a majority of other respondents wrote-in "Independent"). No other party was chosen by 3% of respondents. Both voting variables—registered to vote and intention to vote—were high per post-2020 presidential election Census data, but the numbers accord with polling on motivation and engagement in the lead-up to the 2020 election ("Voters Are Highly Engaged," 2020). Descriptive statistics of the sample can be found in Table 1.

Table 1. Descriptive Statistics for Variables (*N* = 1,116).

Variables	*M*	*SD*	Minimum	Maximum
Age	45.153	17.179	18	80
Male	0.498	0.500	0	1
Education				
< HS degree	0.039	0.193	0	1
HS degree	0.401	0.490	0	1
Bachelor's	0.321	0.467	0	1
Graduate	0.238	0.426	0	1
Income				
<$50k	0.353	0.478	0	1
$50k–$99k	0.352	0.478	0	1
$100k–$149k	0.176	0.381	0	1
>$150k	0.119	0.324	0	1
Latinx	0.131	0.326	0	1
Race				
White	0.754	0.262	0	1
Black	0.141	0.349	0	1
American Indian	0.007	0.084	0	1
Hawaiian	0.006	0.079	0	1
Asian	0.050	0.218	0	1
Other	0.041	0.199	0	1
Democrat	0.619	0.486	0	1
Liberal	0.594	0.491	0	1
Voting interest	1.705	0.663	0	2
Current events	1.730	0.930	0	3
Government efficacy	22.661	6.748	9	36
Geography				
New England	0.039	0.193	0	1
Mid-Atlantic	0.150	0.357	0	1
E.N. Central	0.133	0.339	0	1
W.N. Central	0.050	0.218	0	1
S. Atlantic	0.251	0.434	0	1
E.S. Central	0.052	0.222	0	1
W.S. Central	0.121	0.326	0	1
Mountain	0.074	0.262	0	1
Pacific	0.127	0.333	0	1
U.S. Terr.	0.003	0.060	0	1
Wise use of resources	0.701	0.458	0	1
Government priority	0.828	0.387	0	1
Improves accountability	0.751	0.433	0	1
Improves government operations	2.09	0.734	1	3
Improves everyday life	0.186	0.810	1	3

In an effort to remove fraudulent data, halfway through the survey, respondents were asked to name the infectious disease causing the current global pandemic. Those that were unable to select COVID-19 from the four options had their survey terminated and answers removed from the data pool. As a second reliability check, respondent answers to their home state and home ZIP code were compared and found to match 90% of the time.

Dependent Variables

To test the hypotheses on support for FOI laws and perceptions of FOI efficacy, a series of questions were asked to examine the constructs from different theoretical and conceptual approaches. Three independent questions sought individual opinions on FOI (1) as a government priority, (2) as a wise use of government resources and, more directly, and (3) whether FOI laws improve accountability. Taken together, the series of support and efficacy variables provide a thorough consideration of the concepts, lending validity to consistent findings between them.

In surveying FOI support, three answers were tested independently. The Improves Accountability variable is the result of a single yes-no question asking whether the individual believed FOI laws improved government transparency and accountability. The Wise Use of Resources variable is the result of another single yes-no question asking whether FOI laws were a wise use of taxpayer resources. The Government Priority variable was developed using a question asking how the respondent would prioritize implementation of FOI laws given government's many priorities. The answers ranged from essential to not a priority, and the answers were collapsed into a binary variable with essential, high priority, and moderate priority answers recoded as one category, and low priority and not a priority answers recoded as another.

To test the hypotheses on FOI efficacy, the study adapted conceptions of external efficacy, focusing on whether public perceptions of the influence of FOI laws. The study used two independent questions; the first asking how much impact FOI laws have on the operations of government, and the second how much impact FOI laws have on the respondent's daily life. For both, the answer choices were none, a little, and a lot. These questions seek to understand whether the public perceives FOI laws to play a distinguishable role in democratic governance, the laws relationship to broader questions about democratic representation and whether the public perceives the laws' strength to not only influence government behavior but to extend into everyday lives.

Independent Variables

The independent variables run along two tracks: common demographic and political variables and opinions on government. The traditional demographic variables include age, gender, ethnicity, race, income, education, and geography. For age, respondents were asked to provide the year of their birth. The age variable was treated as continuous. The gender question provided three options: male, female, and binary or other. For statistical analysis, the responses were collapsed into a male-not male binary. The ethnicity and race questions were pulled from the U.S. Census, providing the same answer options. Individuals were asked if they identified as of Hispanic, Latinx, or Spanish origin and which race they would use to describe themselves: White, Black or African American, Asian, American Indian or Alaska Native, Native Hawaiian or Pacific Islander, or other. Respondents were asked about their previous year's total household income. Seven response categories were supplied, then recoded into three equal categories—0-$49,999, $50,000 to $99,999, and $100,000 and above—for statistical analysis. The survey asked individuals the highest degree or level of school completed, providing four answer options: (1) Some high school or less, (2) High school or trade school degree, (3) Bachelor's degree, and (4) Graduate degree. Respondents were asked to provide both their state of residence as well as the ZIP code of their residence. In analysis, the respondent's state residency was recoded into one of the nine U.S. Census Districts. There are two political opinion questions; a Likert scale tied to political ideology with extremely conservative on one end and extremely liberal on the other, with the options of neither in the middle and other also available. Respondents were asked to choose from the seven most popular political parties in the United States, with other and none as options. For statistical analysis, political party was collapsed into a binary, Democrat-not Democrat. Two other questions document political behavior in asking whether respondents were registered to vote for the upcoming 2020 presidential election and whether they were likely to vote in the election. There is also a Current Events index based on three questions about current international political events, as scholars have found engagement with political news and media habits to be a strong positive predictor of support for government transparency (Cuillier, 2008; Cuillier & Pinkleton, 2011). The index was operationalized by asking respondents about the current vice president of the United States (Mike Pence), the current president of China (Xi Jinping), and the location of a major political uprising (Belarus).

A Government Efficacy scale, derived from the work of Gil de Zuniga et al. (2017), was developed in an effort to understand whether respondents felt well-represented and whether the government was sincere in serving the

interests of the public. The scale sums the responses to three questions. The government opinion questions were designed to document opinion across the three major tiers of U.S. governance. The Government Efficacy scale consists of nine total questions (three questions each about federal, state, and local government). Three questions asked about perceived personal impact on government action, three about perceptions on whether the government is trying to serve the interest of the voters, and three about whether the government is operating accountably. The scale had a high level of internal consistency, as determined by a Cronbach's alpha of .916.

Data Analysis

Binary logistic regression was employed to test the FOI support hypotheses. The FOI support hypotheses relied on three dependent binary variables: Improves Accountability, Wise Use of Resources, and Government Priority. Pre-test assumptions were met, and independence of observations was found, dependent variables were mutually exclusive and linearity of continuous variables with respect to the logit of the dependent variable was assessed. Prior to all regression analysis, risk of multicollinearity was assessed, and in each case independent variables were found to be within acceptable tolerance levels, and all VIF values were below 4, and the mean VIF value for independent variables across all dependent variables 1.406. This suggests multicollinearity was not a problem in logistic regression. The binary logistic regression model for Improves Accountability was statistically significant $\chi^2(24)=280.829$, $p=.000$. The model correctly classified 80.7% of cases. Sensitivity was 94.7%, and specificity was 38.7%. Positive predictive value was 82.3%, and negative predictive value was 71.1%. The model for Wise Use of Resources was statistically significant $\chi^2(24)=293.577$, $p=.000$. The model correctly classified 76.1% of cases. Sensitivity was 90.3% and specificity was 42.6%. Positive predictive value was 78.7% and negative predictive value was 65.1%. The model for Government Priority was statistically significant $\chi^2(24)=188.829$, $p=.000$. The model correctly classified 82.9% of cases. Sensitivity was 97.0% and specificity was 20.0%. Positive predictive value was 82.8% and negative predictive value was 60.2%.

Ordinal logistic regression was used to test FOI efficacy hypotheses. In both instances, ordinal regression is used, as the Improves Government Operations and Improves Everyday Life variables are categorical and ordinal in nature. There were proportional odds for Improves Government Operations, as assessed by a log likelihood ratio test comparing the fitted model with varying location parameters, $\chi^2(24)=28.487$, $p=.240$. The deviance goodness-of-fit test indicated that the model was a good fit to the observed data,

$\chi^2(2,204)=1,872.935$, $p=1.000$. There were zero frequencies in 66.7% of cells. The final model statistically significantly predicted the dependent variable over and above the intercept-only model, $\chi^2(24)=492.978$, $p=.000$. There were also proportional odds for Improves Everyday Life, as assessed by a log likelihood ratio test comparing the fitted model with varying location parameters, $\chi^2(24)=16.710$, $p=.861$. The deviance goodness-of-fit test indicated that the model was a good fit to the observed data, $\chi^2(2,204)=1,952.399$, $p=1.000$. There were zero frequencies in 66.7% of cells. The final model statistically significantly predicted the dependent variable over and above the intercept-only model, $\chi^2(24)=468.509$, $p=.000$.

Results

Hypothesis 1 was supported. Government efficacy was one of the strongest significant predictors of FOI efficacy (see Table 2). An increase in one point in the Government Efficacy scale is associated with an increase in both FOI efficacy variables, with odds ratios suggesting a fairly strong relationship. The findings point to a strong relationship between those that perceive their governments to be more representative of and responsive to its constituents and those that find FOI to meaningfully influence the operations of government and impact their daily lives. This finding is somewhat expected in that government efficacy on some level presupposes an effective transparency mechanism, but it is notable for establishing a tie between the two perceptions. Hypothesis 2 was not supported. Statistical analysis did not predict a significant relationship between the median household income variable and either FOI efficacy variable. However, Hypothesis 3 was supported. Education was found to be a strong significant predictor of FOI efficacy. Those with higher educational achievement were predicted to score significantly higher on FOI efficacy variables. This further establishes education as a better general predictor of FOI behavior and opinion than income, which aligns with the existing literature.

Hypothesis 4 was partially supported. Democratic Party identity was not found to be a significant predictor of FOI efficacy. However, liberal ideology was a strong, significant predictor of greater FOI efficacy; in fact, odds ratios place it as the strongest significant predictor across Improves Government Operations and Improves Everyday Life. There are important distinctions between political ideology and political party identity, and the findings document these differences as significant in predicting FOI beliefs.

Black race was the only significant race or ethnicity variable to demonstrate significance, and it predicted a negative relationship with perception of

Table 2. Regression Predicting FOI Efficacy ($N = 1,116$).

Variables	Improve governement operations		Improve everyday life	
	B (SE)	β	*B (SE)*	β
Age	−0.004 (0.004)	.996	−0.010 (0.004)	.990*
Male	0.182 (0.133)	1.199	0.472 (0.132)	1.603***
Education	0.257 (0.088)	1.293**	0.264 (0.087)	1.302**
Income	−0.036 (0.076)	.962	−0.055 (0.076)	.946
Latinx	0.063 (0.217)	1.066	0.099 (0.217)	1.104
Race				
White	—	—	—	—
Black	−0.365 (0.193)	.694*	−0.214 (0.193)	.808
Am. Indian	0.496 (0.754)	1.642	0.936 (0.740)	2.549
Hawaiian	−0.192 (0.800)	.825	1.644 (0.858)	5.177
Asian	−0.367 (0.288)	.693	−0.266 (0.282)	.766
Other	−0.684 (0.336)	1.982	0.205 (0.332)	1.228
Democrat	0.014 (0.147)	1.014	−0.207 (0.145)	.813
Liberal	0.415 (0.143)	1.515**	0.315 (0.141)	1.371*
Voting Interest	0.088 (0.103)	1.092	0.031 (0.104)	1.032
Current Events	0.208 (0.073)	1.231**	−0.027 (0.073)	.973
Gov't Efficacy	0.192 (0.012)	1.211***	0.174 (0.011)	1.119***
Geography				
New England	−0.075 (0.354)	.928	−0.105 (0.350)	.900
Mid-Atlantic	−0.480 (0.240)	.619*	−0.108 (0.236)	.898
E.N. Central	−0.161 (0.247)	.851	−0.229 (0.244)	.796
W.N. Central	−0.362 (0.325)	.697	−0.022 (0.326)	.978
S. Atlantic	0.034 (0.220)	1.034	−0.129 (0.215)	.879
E.S. Central	−0.417 (0.331)	.659	0.058 (0.326)	1.060
W.S. Central	−0.187 (0.249)	.829	0.168 (0.245)	1.183
Mountain	0.436 (0.284)	.647	−0.143 (0.282)	.866
Pacific	—	—	—	—
U.S. Terr.	0.594 (1.139)	1.812	−0.002 (1.089)	.998
Nagelkerke R^2	.406		.387	
Cox & Snell R^2	.357		.343	

Note. Pacific (Geography) and White (Race) are the reference categories for the corresponding categorical variables.
*$p < .05$. **$p < .01$. ***$p < .001$

improving government operations. No geographic districts were significant predictors, relative the Pacific, suggesting that there is little variation in public opinion on FOI by location.

Table 3. Regression Predicting Support for FOI (*N*=1,116).

Variable	Improves accountability		Wise use of resources		Government priority	
	B (SE)	β	*B (SE)*	β	*B (SE)*	β
Age	0.001 (0.005)	1.001	0.009 (0.005)	1.009	0.000 (0.005)	1.009
Male	−0.163 (0.173)	.850	0.195 (0.163)	1.215	0.450 (0.185)	1.568*
Education	0.241 (0.115)	1.272*	0.234 (0.108)	1.264*	0.299 (0.124)	1.348*
Income	0.058 (0.102)	1.060	−0.059 (0.096)	.942	−0.042 (0.109)	.959
Latinx	0.451 (0.281)	1.570	0.357 (0.266)	1.429	0.289 (0.304)	1.335
Race						
White	—	—	—	—	—	—
Black	−0.797 (0.230)	.451**	−0.861 (0.222)	.423***	−0.756 (0.244)	.469**
American Indian	−1.593 (0.879)	.203	−1.212 (0.854)	.298	−0.501 (0.954)	.606
Hawaiian	−0.260 (0.977)	.771	−2.363 (1.026)	.094*	1.978 (1.406)	3.906
Asian	−0.191 (0.377)	.826	−0.538 (0.338)	.584	−0.538 (0.338)	.584
Other	−0.685 (0.402)	.504	−0.157 (0.407)	.855	−0.157 (0.407)	.855
Democrat	−0.177 (0.194)	.837	−0.158 (0.181)	.854	−0.136 (0.211)	.873
Liberal	0.407 (0.195)	1.502*	0.708 (0.182)	2.029***	0.845 (0.220)	2.327***
Voting interest	0.322 (0.121)	1.380**	0.419 (0.118)	1.521***	0.246 (0.128)	1.279
Current events	0.391 (0.099)	1.478***	0.429 (0.093)	1.536***	0.171 (0.107)	1.186
Government efficacy	0.163 (0.016)	1.176***	0.126 (0.014)	1.134***	0.112 (0.016)	1.119***
Geography						
New England	0.997 (0.517)	2.880	0.622 (0.452)	1.862	0.243 (0.515)	1.275
Mid-Atlantic	0.211 (0.313)	1.235	0.184 (0.293)	1.203	−0.345 (0.332)	.708
E.N. Central	0.821 (0.330)	2.274*	0.356 (0.300)	1.428	0.049 (0.344)	1.050
W.N. Central	0.177 (0.407)	1.194	0.415 (0.397)	1.514	0.283 (0.461)	1.327
S. Atlantic	0.405 (0.283)	1.500	0.417 (0.267)	1.517	0.108 (0.310)	1.114
E.S. Central	0.090 (0.411)	1.094	0.238 (0.389)	1.269	1.873 (0.625)	6.508**
W.S. Central	0.278 (0.319)	1.320	0.689 (0.313)	1.992*	0.417 (0.366)	1.517
Mountain	0.442 (0.374)	1.556	0.764 (0.366)	2.147*	0.272 (0.412)	1.312
Pacific	–	–	–	–	–	–
U.S. Terr.	1.058 (1.503)	2.880	0.045 (1.768)	1.046	−0.962 (1.647)	.382
Constant	−4.532 (0.552)	.011***	−4.693 (0.526)	.009***	−2.710 (0.550)	.067***
Nagelkerke R^2	.329		.328		.253	
Cox & Snell R^2	.222		.231		.156	

Note. Pacific (Geography) and White (Race) are the reference categories for the corresponding categorical variables.
*$p<.05$. **$p<.01$. ***$p<.001$

In considering Research Question 1, FOI support was operationalized through three individual questions. A number of independent variables were found to be significant across the three FOI support questions (see Table 3). Education, liberal ideology, and government efficacy predicted support across the three dependent variables. They were also significant predictors of FOI efficacy, though this is not especially surprising as support and efficacy are conceptually similar and finding an idea or mechanism efficacious is a logical antecedent to supporting it.

Notably, Black race was again a significant negative predictor across the three support variables. Respondents that identified as Black were significantly less likely than White respondents to believe FOI improves accountability and transparency, consider FOI to be a wise use of resources and find FOI to be a government priority. The Voting Interest variable and the Current Events variable both predicted significant positive support for FOI improving government accountability and as a wise use of resources (though not identified as an important government priority). There was scattered significance across three different geographic districts but little in the way of consistency, again supporting geography as not a significant driver in FOI opinions.

Discussion and Conclusion

These results lead back to the article's title, "Whose public virtue?" If Fenster is to be believed and government transparency and accountability have become unimpeachable democratic norms of almost religious significance, who are these zealots and believers? It would seem, generally, they are the already-initiated, the already-convinced, and the well-heeled. Education and government efficacy strongly correlate with both FOI efficacy and support for FOI. Both independent variables can be read as markers of social rank or social class and often indicate an increased ability to influence the world around them. There is an evident logic to those with more education being both more supportive of FOI and confident in its impact. They better understand social systems and government hierarchies and this greater legibility increases confidence and belief in the system working for them. High FOI efficacy also accords with belief in general government efficacy. Those with a stronger knowledge of public officials and government mechanics seem to be more inclined to hold a conviction that it works as designed (and often in their favor). It would follow that those with higher perceptions of FOI efficacy, as an adjacent concept, would naturally have a higher perception of general government efficacy. Likewise, if one believes the government works reputably and in favor of its constituency, it would seem they are more likely to believe in the fundamental rightness of governments and are more likely to have had positive experiences when interacting with government.

With regard to supporting FOI, if an individual finds FOI to be efficacious and meeting its objectives, support for FOI is a short intellectual leap. Government transparency as a general democratic concept is unequivocally, fairly uniformly popular, and objections to its use of resources or calling it a non-priority would seem to stem from finding it unable to meet its aims. Other findings include males being more supportive of FOI and finding it more efficacious, and Black race predicting less support for FOI. These

results also suggest social and power dynamics may be driving factors in how the public perceives and uses FOI.

The consistency and strength of liberal ideology predicting FOI efficacy and support suggests further, more nuanced, research on the relationship between political beliefs and FOI. Liberal and Democratic support for FOI is one of the most common indicators of support (Cuillier & Pinkleton, 2011; Piotrowski & Van Ryzin, 2007). The finding may point to deeper factors that drive support for FOI and transparency. Future research should consider delving further into understanding the political party and ideological incentives in FOI. Surveys should look to move past common demographics and consider underlying psychographic issues (e.g., the theoretical ties and statistical correlates of liberal politics, cynicism, and support for transparency). Future research should also consider adding more rigorous multi-items scales in testing FOI support and efficacy. The present study is limited here, but the authors encourage scholars, especially those interested in FOI efficacy, to advance the discussion through more creative and robust measures.

Scholars using FOI audits, or field experiments, have found FOI laws generally advantageous, documenting significant ties between formal requests (vs. informal asks), better compliance, and concordance (i.e., government entities' willingness to exceed baseline legal expectations in aiding the requester; Grimmelikhuijsen et al., 2018; Worthy et al., 2017). In delving into citizen characteristics, Lagunes & Pocasangre (2018) produced a longitudinal experiment in Mexico and found there was no discrimination between requests submitted by regular male citizens and males whose request signaled economic and political clout. The finding suggests FOI outcomes are not influenced by an individual requester's social status. However, studies examining broader social conditions, such as municipal or county demographics, did document diminished compliance and worse outcomes for geographic regions with larger minority populations (Spac et al., 2018; Wagner, 2021b). These field experiments underscore the importance of FOI laws in providing civic access to government information, but they also suggest that the experience is hardly uniform.

The study points toward FOI as more likely growing social divides, rather than acting as a mechanism intended to make democracy clearer and more available to all. However, the aim of FOI has never been exhaustive use but in building a public capable of holding government to account when needed. So, seeking uniformity across demographic variables is not desired. But if the laws are only found to be supported by narrow demographic segments and primarily useful to commercial entities, then steps must be made to recalibrate the laws and their implementation. Cicatiello et al. (2018) concluded by suggesting reducing the behavioral costs of acquiring government information.

This would drive down the influence of social position and increase the accessibility of instrumental value. Cicatiello et al. (2018) warned that by failing to recognize the demand-side dimension of transparency, governments risk alienating "citizens who show lower skills, because they do not have adequate tools to benefit from, and a feeling a sense of discomfort, may prefer opacity to transparency" (p. 617). The present survey's findings bear this out. For respondents that indicated they had never submitted a FOI request, 15% said they were unaware of FOI laws; and 7% said they were either "discouraged by the complexity [or the] law was too difficult to navigate." Another 6% said they did not know the law applied to them.

And while it is unknown whether education is a proxy for social standing or whether FOI training can be employed as a method for leveling civic engagement, there have been notable efforts to expand FOI training and education. The Mexican state of Sinaloa, by statute, requires compulsory academic lessons on access to government information for all students, elementary schools to universities (both public and private; Doyle, 2002). In the United States, the Connecticut Freedom of Information Commission (n.d.), a state-sponsored ombuds and training board, provides materials and regular in-person training around the state, along with offering a FOI curriculum for high school students. Enhanced FOI education and training will not alone correct the disparities in FOI use and opinions, but these types of efforts can play an important role in closing the gap between those who actively engage with their government and those who believe they have no seat at the table. Neither will increased civic awareness and understanding of FOI laws improve the foundering implementation, but more unsatisfied requesters makes change more likely. A critical mass of disgruntled requesters could lead to statutory amendment, increased oversight and more resources.

While some scholars, Pozen among them, have advocated for moving away from FOI systems, this strikes that author as ill-advised. No matter how warped the laws may be at present, abandoning a transparency tool that can, however inconsistently, leverage consequential records from the government has civic value. FOI laws are not a panacea to all social ills but instead a key piece in building representative, efficacious democracy. The objective is not to turn each individual into a transparency fanatic but to raise awareness and make the laws more accessible. As a rule, FOI laws have been designed to be simple, but slipshod administration have severely hobbled the realization of more transparent and accountable governments. The study's findings and the literature in the field suggest more specificity and granularity is needed in researching transparency, access, and FOI laws. As a general subject, support is fairly homogeneous with research finding narrow instances or finer applications produce more conclusive results.

However, the study's findings document those in stereotypically lower power positions (less educated, females, Black individuals) to be less supportive of FOI and find it less efficacious. This suggests that many do not find FOI laws to be instrumental in enacting change and may merely see the laws as an extension of a system that does not support them. So, despite the FOI fervor of some, the revolutionary rhetoric of FOI may ring hollow for the uninitiated. It may not deliver for those that are not already comfortable in the halls of power, and instead merely be a tool for commercial gain and partisan warfare for those that know the language of government and how to navigate the special byways of FOI requests (e.g., Glomar responses, constructive denials, and communication conducted in unfamiliar legalese). Future researchers should take this into account. Further research into FOI user identity and experience is also encouraged. The broader issues with statutes and administration cannot be credibly addressed until a foundation is built on knowing who uses the laws (and who does not), how they experience the laws and what dissuades use. Once the article's title is addressed, legislators, judges, scholars, journalists, and private citizens can get to work in advancing a law that is more egalitarian and, in turn, a government more responsive to and representative of its people.

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