

New Jersey

New Brunswick Home News Tribune

<http://www.thnt.com/apps/pbcs.dll/article?AID=/20060321/OPINION01/603210386/1079>

Open Public Records Act gains could be lost

There should not be any quarrel with the notion that government must keep its secrets, especially in this post-9/11 age. The public has no right to know, for example, the intimate details of security measures taken at a government building or inside a chemical plant, simply because such knowledge might constitute a grave threat to lives and property if it happens to fall into the wrong hands.

Conversely, neither is it beneficial for government to closet away all sorts of records that are not of a sensitive nature. Effective democracy depends upon the ability of citizens to closely examine the mechanics and motives of public officials and the public they serve. Such information not only is enlightening but essential to the delivery of representative government.

Each point of view is of special value right now, as New Jersey embarks on its fourth year of life under the state's updated Open Public Records Act, the 2002 law that upended the general assumption that most government records were not for widespread consumption unless citizens were able to legally establish otherwise. Now the onus for proving a government record should be kept out of sight lies for the most part with public officials, not with the public at large. Though the law is far from perfect, the principle was a revolutionary change in direction for New Jersey.

But now it is under fresh attack.

Government officials have revived former Attorney General Peter Harvey's Domestic Security Preparedness Task Force, which failed in its attempts last summer to hide away all sorts of records related to mass-transit systems, chemical plants, bridges, tunnels, public utilities, emergency-response plans, nuclear-power plants, inventories of biological agents and communication networks, to name but a few.

Once again, it is a no-brainer that sensitive information essential to state or national security should never be made public. But the citizenry would be wise to remain on the lookout for recommendations so overly broad they would bury documents the public has every right and every reason to see. What's more, classified records already are protected. When there is a dispute, a member of the public can file a formal request to see that information; an appeals process functions as arbiter. In this way, both both government and citizen are equally protected.

There are other efforts in Trenton intended to rewrite or augment the law as it stands. One would send whistle-blowers who leak documents to the news media to jail. Another would permit judges to close court proceedings that "might" touch on state or national security issues.

There might very well be some value in these and other initiatives that are sure to come down the pike. Then again, there might not. As usual, the devil is in the details. Meantime, the warning needs to be sounded; it serves citizens' own best interests to remain vigilant, to keep their eyes and ears open to all suggested changes in the law that might unwisely and unfairly limit their ability to peer inside the inner workings of government.

New Jerseyans waited for nearly three decades to get a clear look at the inside actions of their state, county and local governments. With passage of the expanded Open Public Records Act,

they finally were afforded the chance to see even basic information previously hidden from view. Look away, or lose interest, and those hard-won gains could be lost in a flash.

Asbury Park Press

Open records black-out

Denied requests and blacked-out explanations for the denials.

That's how 16 state departments responded to recent Asbury Park Press requests — sent under the state's Open Public Records Act — for basic financial information.

Gov. Corzine should direct state department heads to adhere to the spirit of OPRA and make the information available.

Over a two-week period, each department denied the Press' requests using the same legal language. Follow-up OPRA requests seeking copies of the correspondence between the departments about the initial requests from Investigations Editor Paul D'Ambrosio resulted in 91 pages of mostly blacked-out text.

One response from an OPRA officer began, "I am going to recommend to my management the following . . ." The remainder of the page was blacked out, until the closing sentence: "Please advise if you have any questions or need additional information." How about the information we asked for in the first place?

The Attorney General's office deemed the redaction necessary because the departmental correspondence was "advisory, consultative, deliberative" material. That sort of vague language invites arbitrary denials of reasonable OPRA requests.

The Open Public Records Act was designed to give taxpayers access to government information. Public officials should stop using it as an excuse to block that access.

<http://www.app.com/apps/pbcs.dll/article?AID=/20060313/OPINION/603130312/1029>

Shine the light on government

The media often use New Jersey's Open Public Records Act to gain access to government information, but we're not the motivation behind that law, or the federal Freedom of Information Act. You are. It makes your local, county, state and federal governments more accountable to you, the residents they're in place to serve.

This is Sunshine Week, a national initiative of media groups, universities and librarians, aimed at continuing the dialogue on the importance of open government to the public. Government access is the key to government accountability.

Open-government advocates fight for a more free flow of information when officials put up roadblocks in the name of security, personnel matters or sensitivity. The balance between what the public has a right to know and what poses a security risk can be a tightrope walk. Are documents relating to a chemical plant fodder for a terrorist? Or are they lifesaving information for residents who need to know what type of chemicals are there, what is being done with them and any health threat they pose to the community?

Through OPRA, there is recourse to gain access to information some public officials may not want released. The public needs to know how its tax dollars are being spent so they can determine whether they're being put to good use or squandered.

Is your government as transparent as you want it to be? On the Web sites for Monmouth and Ocean counties, there are no direct telephone lines or e-mail addresses for the individual freeholders. That's unacceptable. Are your mayors, committee and council members accessible, with contact information easily found? If not, point it out at the next public meeting.

Can you find everything you need on your local or county Web site? Are meeting dates, locations, agendas and minutes handy and posted in a timely manner? Government leaders spend your tax dollars and make decisions affecting the quality of life for your family. You have the right to know the how, what, when, where and why of their actions.

A government that forgets it is there to serve the public is in danger of serving itself first. By insisting on open government practices, we make sure our elected and appointed officials know we'll hold them accountable.

Openness should be presumption in request for information

BY JOHN CORNYN

As our country celebrates Sunshine Week, which recognizes the importance of open government to the public, it is important to evaluate the significant progress of the past year toward reforming the Freedom of Information Act (FOIA), while also recognizing that more remains to be done to preserve the open-government principles on which the United States was founded.

While much of the FOIA reform efforts have focused on providing access generally, more can be done to improve the process specifically. Access to information is undoubtedly essential, but so is accelerating the rate at which requests are fulfilled. Access is of little value when requests for information are subject to lengthy delay.

Open government is one of the most basic requirements of a healthy democracy. The default position of our government must be one of openness. If records can be open, they should be open. If good reason exists to keep something closed, it is the government that should bear the burden to prove that need — not the other way around.

President Bush in December signed an executive order enhancing current FOIA policies. The move is one important step toward more sunshine in government.

The president's directive moves the country toward strengthening open government laws and reinforcing a national commitment to freedom of information. This order affirms that FOIA has provided citizens with important information about the functioning of government. It directs FOIA officials to reduce agency backlogs, create a process for everyday citizens to track the status of their request, and establishes a protocol for requestors to resolve FOIA disputes short of filing litigation.

John Cornyn is a Republican U.S. senator from Texas. He previously served as Texas attorney general and as a Texas Supreme Court justice.

Camden Courier Post

Time for leaders to stand for openness

To commemorate Sunshine Week 2006, we ask government officials to publicly discuss their support for the state's Open Public Records Act.

The simple concept of "government of the people, by the people and for the people" makes it clear: Our political system doesn't work when citizens are not included.

But while few would think of arguing against an open government, New Jersey residents still find themselves battling too often for access to public information.

It's a problem that was supposed to have been addressed by the state's Open Public Records Act in 2002. It's clear now, however, the law isn't enough by itself.

That's why we're taking this opportunity -- Sunshine Week 2006 -- to ask government officials in New Jersey to publicly state their support for OPRA's goals.

We believe the minimal effort of an official publicly stating his or her belief in the right of the public to gain access to most government records will help encourage residents to make use of those rights and pressure government workers to be more open with public information.

Government officials should have nothing to lose by making such a statement, and the state has everything to gain.

Any officials who wish to use the Courier-Post Opinion page to help make such a statement are welcome to send their declaration to us for publication later this week. We also encourage leaders to make their statements directly to their constituents during meetings with the public throughout the week and beyond.

Sunshine Week

That the promises continue after this week is of paramount importance.

Sunshine Week is an important annual event intended to foster improved dialogue between Americans and their leaders. But if the improved dialogue ends seven days after it began, the nation has made no progress.

Every year needs to build on what happened before.

Last year, for example, the Courier-Post used Sunshine Week as a springboard for a series of public meetings on how to properly use the Open Public Records Act.

Those meetings helped form the structure of our eight-page special section, "Your Right to Know." That publication detailed the importance of open government, spoke to New Jerseyans who have used the law for the good of the entire state and included a two-page centerpiece clearly detailing how to navigate OPRA and what to expect from a state record request form.

All of that information and more is still available on the Courier-Post Web site at courierpostonline.com/righttoknow.

In brief, here's the process residents must follow to obtain a government record:

Work with the agency you want a record from to determine precisely which record you need. You can't request specific information, you must request the record that contains that information.

Work with the agency to determine whether the information you're seeking is off limits. Information such as Social Security numbers and information that could jeopardize security will not be released under OPRA.

Fill out the agency's OPRA request form. Most agencies have their own variation of the state form.

Within seven business days, the agency is required to either produce the records, tell you when they will be produced or deny your request.

If your request is denied, you may contact the state Government Records Council to mediate the dispute and decide whether your request was wrongly denied.

Follow the rules

As important as it is for New Jerseyans to understand proper use of OPRA, however, it won't matter if government workers fail to abide by the rules.

"You can have a great law, but if public officials don't want to comply, you're not going to get access," Jay Stewart, executive director of the Washington-based Better Government Association, told Gannett New Jersey. "You have the law on the books and the reality on the ground, and sometimes they're not the same thing."

That's why we're hoping state officials can clear up any confusion for residents and government workers by categorically reminding everyone they are in favor of open government this week and throughout the year.

We hope they take this opportunity to ensure voters whose side they're on.

The Record, Bergen, Hackensack

<http://www.bergen.com/page.php?qstr=eXJpenk3ZjczN2Y3dnFIZUVFeXk0MDAmZmdiZWw3Zjd2cWVlRUV5eTY4OTYwMjUmeXJpenk3ZjcxN2Y3dnFIZUVFeXkxNA>

Government out of the shadows

It is Sunshine Week. No, that is not a proclamation by California raisin manufacturers or a tag created by Florida citrus producers. Sunshine Week is promoted by news organizations to highlight the importance of open government.

The "sunshine" refers to the sunshine laws that enable the public and media access to meetings, records and documents. This is not a week for journalists to navel gaze -- Sunshine Week is an important opportunity to understand why journalists do what they do and risk death or imprisonment to do it.

It is not about us. It is about you.

In 1997, Sen. Daniel Moynihan, D-N.Y., wrote: "We are not going to put an end to secrecy. It is at times legitimate and necessary. But it is possible to conceive that secrecy, a culture of secrecy, need not remain the only norm in American government as regards national security. It is possible to conceive that a competing culture of openness might develop which could assert and demonstrate greater efficiency."

That culture of openness has been under attack. The Bush administration has developed a widespread reputation for secrecy: The vice president's energy meetings in the West Wing, the president's authorization of warrant-less wiretaps, the detention of prisoners in the wake of Sept. 11 held without access to lawyers or without even being charged with a crime, and the reclassification of formerly declassified documents.

On a day-by-day basis, most journalists do not face these obstacles. What they face are municipal officials and clerks who may want to restrict access to public information. Reporters and the public want answers to:

What was said at a meeting?

What documentation backs up a council's decision?

How much is being spent and who is making a profit?

The headlines of today are often the result of laborious hours of work spent poring over files. Without an aggressive media with access to public records, the public remains in the dark. Would changes have been made in the Paterson school district or inside the state Schools Construction Corp. if it were not for aggressive reporting aided by the FOIA and the state Open Public Records Act.

The federal Freedom of Information Act was not created to benefit newspaper sales or television ratings. It was created to benefit U.S. citizens. The greatness of American democracy rests in the transparency of its government. When that government makes it harder to obtain information, it does a grave disservice, not to the media but its citizens.

The Coalition of Journalists for Open Government analyzed federal information requests from 2000 through 2004. The study found that while those requests declined, the number of denials for information increased.

Increasingly, the Bush administration has clamped down on access to information. Immigration detainees were held in secret; their deportation hearings were closed to the public. The Herald News unsuccessfully fought all the way to the U.S. Supreme Court to have access to those hearings.

It is important that the administration safeguards national security. It is equally important that it safeguards our great democratic traditions.

Obtaining information under state and federal open-records laws is arduous and expensive. There are forms, fees and many hours of time invested in pursuing the information. But the results are worth the effort. In the months following Hurricane Katrina, the public wants to know what officials knew and when. They want access to the e-mails, memos and faxes. They want to see a light at the end of the tunnel.

They want sunshine. So should we all.

USA Today

Citizen trust relies on open government

What people are saying about government secrecy:

Bennington (Vt.) Banner, in an editorial: "Happy Sunshine Week, everyone. It's the special week out of the year w

en we all get to celebrate open government and your right to know what elected officials are doing in your name. ... It is (the) opaque veil draped over public information by officials — who often deem themselves as the gatekeepers of what the public should know — which Sunshine Week stands to obliterate. Many of these officials do things that they don't want you to know about. They do things they know are wrong. ... If you, the taxpayers, don't want the government — local and national — spending your hard-earned tax dollars on whatever they wish, then Sunshine Week is for you."

Grand Forks (N.D.) Herald, in an editorial: "A Douglas County (Minn.) official tried ... to force a local newspaper to submit stories for approval before publishing them. Instead, his move ignited a firestorm of public opposition, and the policy was scrapped. ... When the news broke, the public was infuriated. ... By Friday, he was apologizing ... in the paper. 'Ironically, Sunshine Week started this Sunday, a time to celebrate First Amendment rights,' the paper said in an editorial. ... 'We're happy to report that the First Amendment is not taken lightly in Douglas County.' "

Beloit (Wis.) Daily News, in an editorial: "The idea behind the Founders' experiment in self-governance hinged on the engagement of an informed citizenry. They believed that if citizens had access to the facts, they would be capable of making sound decisions about public practice and policy. Many things may have changed since (Thomas) Jefferson's day, including how people access information. ... But one thing has not changed. The people still need to know, and can be trusted to know. Self-government cannot properly function if the people are kept in the dark. Eventually, an uninformed people will become a disengaged people, and government will become the master, not the servant, of the people."

Muskogee (Okla.) Daily Phoenix, in an editorial: "There is no question this (Bush) administration has exercised a higher degree of secrecy and claims of executive privilege. ... Government and public ... officials serve the public. They should not be allowed to conceal incompetence, irresponsibility and illegalities by claims of special privilege or special conditions."

Meredith Oakley, associate editor, in a column in the *Arkansas Democrat-Gazette*: "I learned long ago that some folks will go along with just about anything as long as they believe they will have a substantive hand in the outcome. Which, of course, they do. ... I'm not necessarily against compromising. I've done it myself on occasion. But the point at which principle is the only thing standing between victory and defeat is where I draw the line. ... Personally, I prefer stands such as the one taken last year by Gov. Bill Richardson and Attorney General Patricia Madrid of New Mexico (who wrote), 'Freedom of information may be the greatest anti-terrorist weapon in the United States' hands, because it allows everyone to think about potential terrorist threats and design anti-terrorism safeguards. In effect, we can create a marketplace of awareness and ideas.' "

The Truth, Elkhart, Ind., in an editorial: "Either out of ignorance or on purpose, some agencies and officials still err on the side of shutting out the public. Such moves take us down the path of creating distrust. We believe being more open enables the public to trust that government agencies are really doing the best they can for the taxpayers."

Frank Scandale, editor, in a column in *The Record*, Hackensack, N.J.: "Like Black History Month and Women's History Month and any number of other commemorative periods, the idea of having a Sunshine Week is not to remind us of our own cultural backgrounds or how old we might be, but to remind others that there are lessons to be learned, struggles to be waged, issues to be considered."

Pennsylvania

Pittsburgh Post-Gazette

Let the sun shine / Pennsylvanians still have problems with records

We'd still be in the dark if we'd waited for police to give us the details, but city Police Chief Dominic J. Costa was faulted by an internal investigation four years ago for his tactics at a standoff in Homewood when he was a ranking officer. He retired and police kept the report secret for four years, until Mr. Costa was tapped for the police chief's job this year and a reporter ferreted out the hidden records.

Welcome to Sunshine Week, when the nation's newspapers call the public's attention to the importance of open records and open meetings. "Sunshine laws" decree what kind of government business can legally be done outside public scrutiny, but enforcement is spotty and penalties are light. Public servants on every level of government sometimes take advantage.

Almost any reporter can count off the popular shades of Sunshine violations:

- Police officers who protect "sensitive" suspects by slipping them through the booking system before bothering to fill out the public arrest paperwork.
- County registries that charge a dollar per sheet for photocopies of public records -- a complicated case can easily cost \$100.
- State legislators who vote themselves pay raises in the wee hours of the morning.
- A federal administration that uses the horrors of Sept. 11 to justify illegal wiretaps, covert prisons and an arrogant disregard for the Geneva Conventions.

"Nationally, more records are being closed to the public every day," said Susan Schwartz, Pennsylvania coordinator for Sunshine Week. "Legislators think they can get away with keeping citizens in the dark because they believe most people don't care."

People don't care "... until the flood comes and you discover that they've been lying to you about the levees," added Hodding Carter III, a former newspaperman from Mississippi who chairs the national effort. "Sunshine Week is about reaffirming the basic American belief that government belongs to the people and there is no such thing as 'government information.' It is the people's information."

Pennsylvania's public records law is considered one of the weakest in the nation. It is riddled with loopholes, exceptions and vague language. We need some wattage behind our Sunshine Law, to better expose deeds done in darkness with our tax dollars.

The Centre Daily **State College**

Shining light on public records

Approaching its 40th birthday, the Freedom of Information Act is looking more than a little worn around the edges. In fact, what it needs is a week of good, solid sunshine.

Those words on the National Sunshine Week Web page (www.sunshineweek.org) explain why the American Society of Newspaper Editors, with a grant from the John S. and James L. Knight Foundation, last year launched the first National Sunshine Week.

Sunday marked the beginning of the second celebration -- if celebration is the correct word -- of openness in government.

Again, as noted on the Sunshine Week Web page, "the current administration has been characterized by open-government observers -- both conservatives and liberals -- as one of the most secretive in recent history; a stance adopted even before the terrorist attacks of Sept. 11, 2001."

And Pennsylvania's Right to Know Law is one of the weakest in the nation. Public records -- or those that should be public -- are often closed unless they fall within a narrow definition, or they are kept secret by a bureaucrat who simply decides what they pertain to is no one's business.

But they are. In a free, self-governing society, they are everyone's business.

Again, quoting Sunshine Week organizers, this campaign is not about journalists and it is not about partisan politics. It is, however, about the public and how important protecting and promoting open government is to individuals and their communities.

Sunshine Week is not about protecting journalists' rights, it is about the right of all citizens to know what their government is doing -- and why.

After all, how can we perpetuate the government of the people, by the people and for the people if only a select, self-appointed few know what in the world is going on?

Chambersburg Public Opinion

<http://www.publicopiniononline.com/apps/pbcs.dll/article?AID=/20060311/OPINION01/603110311/1014/OPINION>

Our view: Government shouldn't hide what it's doing

This week, March 12-18, is Sunshine Week, designated by journalists to call attention to the importance of open government.

But it's not about journalists — it's about you.

Open meetings and open records laws — ranging from the federal Freedom of Information Act, to state "sunshine" laws — are vital to protecting your interests.

Open government has been called the foundation of democracy, because it forces representatives elected by the people to do their jobs — the public's business — in public, and to be accountable.

But the laws intended to ensure open government are in ever-increasing danger — from elected officials who prefer to work in secrecy, and from unwary citizens who don't understand or don't have time to worry about what their government is doing or hiding from them.

The federal Freedom of Information Act has been under intense attack from the Bush Administration since October 2001, when then-Attorney General John Ashcroft told federal agencies they should no longer presume the public had a right to government information, and to look instead for a legal basis to turn down Freedom of Information Act (FOIA) requests for government documents. There has been a marked increase in denials of access to public records.

Many people have bought into — "hook, line and sinker" — the administration's contention that extreme secrecy, including secret arrests, wiretapping, prisons and trials, is needed to protect Americans from terrorism. It seems that our healthy and essential skepticism of government blew up with the World Trade Center. Most people no longer ask for evidence of the need for secrecy. Those who do ask are called unpatriotic.

At the state level, Pennsylvania continues to have among the weakest open meetings and open records laws in the country. Not coincidentally, we also have one of the largest and most expensive state governments.

In local government, so-called executive sessions — meetings of elected officials that are closed to the public — are frequent and easily abused.

Vague legal language allows judges to rule in favor of secrecy time and time again when records are requested by members of the media or public.

A recent example is the Commonwealth Court's Feb. 28 ruling that descriptions of legal services in a solicitor's invoice to a public agency (such as a borough or school district) are not accessible to the public. As a result, agencies may now conceal parts of legal bills that describe the legal services provided to the public agency.

Open government is neither a conservative nor a liberal issue. It's the underpinning of democracy and it will continue to be eroded day by day, unless we as citizens speak up.
— *By Becky Bennett*

Guest essay: Improve access to public records

By TERI HENNING

It is well understood that Pennsylvania has one of the worst open records laws in the country. In state-by-state surveys of open records laws, Pennsylvania generally falls within the bottom two or three.

What that means for Pennsylvania residents is that we are often unable to monitor the work of our local and state governments or to hold them accountable for their decisions. And it seems to get harder every day.

Laws continue to be passed that prevent access to information, as with the slots law — which exempts much applicant information from disclosure and allows the applicants themselves to designate documents as "confidential."

Court decisions have further limited access, as the Pennsylvania appellate courts have ruled an agency can refuse access to almost all of the information on public officials' cell phone bills and on legal invoices submitted to agencies.

In 2001, the Pennsylvania Supreme Court ruled that a document that supported the payment of \$145 million from public funds to settle a lawsuit was not a public record. The courts have also ruled that the public has no right to a draft contract or proposal until the contract or proposal is finalized — which is obviously too late for the public to comment.

In 2002, the Pennsylvania Right to Know Law — our state's open records act — was amended. The amendments brought some improvements, but ... many agencies tasked with interpreting the law continue to create obstacles to access, including delaying responses and charging additional, sometimes exorbitant fees, for those responses.

Additional reform is necessary to make the process run more smoothly.

But the real challenge ahead is amending the definition of public record under the Law. The current definition of public record, adopted in 1957, is outdated, overly restrictive, and (as is apparent from many of the court decisions over the years) often unworkable.

As it stands, a record is public under Pennsylvania law only if it fits into one of two narrow categories. The law contains a number of exemptions to the definition of public record, so that even if a record falls into one of the categories, it is not public if it would harm someone's reputation or if it would disclose "the institution, progress or results" of an agency's investigation.

In Pennsylvania, the burden is on the requester to establish that a particular record is public. The reverse should be true. The presumption should be that records held by public agencies are accessible to the public. From there, we should identify specific categories of records that are non-public. ...

Under Pennsylvania's current access laws, the requester has all of the burden, and the agency has all of the information (including what the document is called, where it is kept etc.). This makes no sense. ...

I hope we can find a way in 2006 to improve access to government. If enough people speak out on this issue, the General Assembly will listen.

- *Teri Henning is general counsel of the Pennsylvania Newspaper Association, Harrisburg.*

Hagerstown Herald-Mail

http://www.herald-mail.com/?module=displaystory&story_id=133171&format=html

Access to information is your right

By Bob Maginnis

If you strive to be a good journalist, you try to see things from the point of view of the people you're interviewing. And so, yes, I understand that in many cases, government officials would rather not tell citizens - and the press - everything that they're doing.

For example, if you're a county official who wants to dismiss a department head, but you don't have a really good reason to do so, you might not want to the public to know how much you're paying him or her to just go away quietly.

And if you're a government official who signed a 10-year lease for a Dual Highway office that would cost taxpayers millions - enough, many would say, to buy a new building - you might want to keep the details quiet.

If you are head of a Hagerstown agency whose annual overtime budget is nearly spent even though the year is only halfway through, you might not want to explain what happened.

Suppose you're a government official who has written an emergency plan that few people in your agency have reviewed and that's a bit short on detail. Wouldn't you like a chance to spruce it up before anybody reads it?

Another example: If you are members of a group redeveloping a former federal facility and you change your mind about donating some of the assets to the community, well, why stir everybody up?

Why? Because in all the cases I've cited - real cases, all of them - citizens are paying the bills through their taxes. One the principles that guides the writing of Herald-Mail editorials is that the public has a right to expect fair value for its tax dollars.

Unfortunately, as government gets more complex, some government officials have gotten better at concealing information that they believe would be embarrassing or misunderstood by the public.

That's why a group of editors and reporters launched the first national "Sunshine Week - Your Right to Know" in 2005. The Herald-Mail participated then and will work again this year to promote the idea that citizens have the right to know what their government is doing.

During this coming week, articles will tell you just how to do that. If you have Internet access, you can also visit www.herald-mail.com and click on "Freedom of Information."

From there you will be linked to information on how laws governing access to information work in Maryland, Pennsylvania, West Virginia and on the federal level. There are even sample letters for use in making information requests under the laws of all three states.

When you're deciding what to ask for, it's important to remember that while you can ask for information that exists - reports, memos, lists of government employee salaries - you can't force the government to create a document that doesn't already exist.

For example, if you'd like to compare the salaries paid to department heads in the city governments of Frederick, Md., and Hagerstown, if either city government has done a report on that subject, you can request it. If neither has done such a report, you cannot force them to create one. You can get both lists and do your own comparisons, however.

My suggestion for citizens seeking information is to approach the receptionist in the agency that has what you want and ask to talk to someone about, for example, sewer connections.

That first person you speak to is unlikely to be the one who gives information to you. Their first reaction will most likely be to circle the wagons, clam up and wait for direction from a supervisor.

If you growl at this person, who is probably a nice, dedicated government employee, you will not help your cause.

Yes, it's your right to have the information, but under Maryland's law, for example, agencies have 30 days to comply, although records should be produced "immediately" if they're available.

You will be more likely to get what you need quickly if you're polite about it.

That does not mean you shouldn't be persistent. In the examples I cited at the beginning of this column, the information wasn't sought because the reporter or citizen was merely curious, but because they wanted to know how well something paid for by the people was working.

If a department head is dismissed by local government, shouldn't it be for a reason so good that he or she doesn't have to be paid to leave?

If a government agency is renting an office for a price that seems more like a mortgage payment on the Empire State Building, why is such luxury necessary?

If your agency's overtime budget is being expended too quickly, even though you told everyone that adding extra people would prevent that from happening, are you using good management practices?

And if your emergency plan seems a bit less than adequate, who decided it wasn't important enough to make sure it was better?

Figuring out the answers to these questions depends on having information - information that should be available, because you paid for it through your taxes. Sunshine Week isn't just about what the press wants to know, but about the what you as a citizen need to know.

Delaware

The Delaware News Journal, Wilmington

Ask your local officials why they are frightened of the sun shining in

There was a time in America when to utter the slightest criticism of the president landed you in jail. This was after the Constitution was ratified and after the First Amendment was put on the books. They didn't matter.

John Adams was president. Among the people his henchmen actually jailed was a New Jersey town drunk who made an off-color barroom joke about a cannonball and Mr. Adams' rear end. The concept was called seditious libel. It held that criticism of a government official, even if true, lowered the esteem of the official in the eyes of the country and thus undermined the government.

The concept lingered on the law books for far longer than many Americans would like to admit. But it did pass away. As more people came to vote, the more they had to say. Some of it was genteel and sophisticated. Much of it was raucous and insulting. But Americans, including government leaders, got used to the idea that officials worked for the people and what they did was the people's business.

Which brings us to a more modern problem. While Delawareans are free to say what they think about local, state and federal officials, they are not always free to see what the officials are doing.

Deals can be made that affect thousands of people and millions of dollars, but the public can't see the records. Audits of government performance can be conducted -- and buried if the results are embarrassing to the officials in charge. Citizens can request public information and read in the statutes that they are entitled to it in a timely manner, only to find that its release is subject to the whim of an official.

At the state level in Delaware, citizens have a right to information from all government agencies, except the one they want to see the most, the state Legislature.

This isn't talk about freedom of the press. It is talk about your freedom. And if you don't think so, take a look at the lobbyist story on the front page.

This week is Sunshine Week, a time devoted to getting Americans, specifically Delawareans, to think about how much vital information is hidden from you. This isn't personal information, not the prying kind that some officials use as a dodge to keep secrets.

This is information you paid for. This is information that may affect you. And your children.

In John Adams' day, officials thought names could hurt them. Today's officials aren't afraid of names. They're afraid of sunshine.

West Virginia

Huntington Herald Dispatch

<http://www.herald-dispatch.com/apps/pbcs.dll/article?AID=/20060314/OPINION/603140305/1034>

Trend of hiding information is bad for public

The terrorist attacks of 9/11 have allowed public officials and employees to make themselves less accountable to the public. How? By restricting the previously free flow of information.

According to The Associated Press, West Virginia lawmakers have doubled the number of exemptions under the state's Freedom of Information Act in the past five years. West Virginia and many other states have followed the federal example and moved to add homeland security exemptions to the state's open records laws, according to the AP.

The state Division of Homeland Security and Emergency Management even has an emergency rule that would restrict release of information related to mining accidents. State officials would need family consent to release the names of people killed or injured in mine accidents. Information recorded by the mine command center that contains information about actual or potential crimes would also be exempt.

This sounds more like state officials covering for themselves after the disastrous word that the Sago miners had been found safe and alive. That early report, which leaked out of the command center, was wrong and led to a major embarrassment for all involved in the rescue and recovery operations.

Something like this is taken care of better with emergency management procedures, not with rewriting Freedom of Information laws.

Thanks to the Freedom of Information Act and similar laws, people can know how their elected officials spend taxpayers' money. They know who has access to the corridors of power. They can know what mine operators are being fined and how those fines are negotiated downward.

Information is power. Restricting information consolidates power in the hands of those who have it.

In most cases, more information is better than less information. Gov. Joe Manchin and the leadership of the Legislature should ask themselves if the present trend of restricting information is really in the public's interest.

They already know what the answer is.

Virginia

Roanoke Times

<http://www.roanoke.com/editorials/wb/wb/xp-56607>

Government shadows lengthen dangerously

Americans should take time this week to reflect on the value of open government and consider the serious threats it faces.

Americans possess tremendous tools to monitor their government, but it was not always so.

The Constitution says very little about the public's right to know what its government is doing. The spirit of open government is there, but the nation's fundamental document guarantees only a periodic journal of congressional proceedings and an accounting of federal receipts and expenditures.

Government owes the governed more.

Recognizing that debt, Congress 40 years ago passed the Freedom of Information Act, which codified the public's right to know. Practically overnight, ordinary Americans could demand official records and receive them.

Sunshine Week, this week, exists to remind Americans how lucky they are and how fragile the windows on government are.

Most years, Virginians need look no further than a recent session of the General Assembly to witness the erosion of open government. Lawmakers this year, however, abstained from efforts to increase secrecy.

Instead, the Virginia Coalition for Open Government celebrates its 10th anniversary; the Freedom of Information Advisory Council continues to do good work; and access to state data grows easier as more information migrates to the Internet. There is still room for improvement, but the commonwealth maintains some of the strongest open government laws in the nation.

No, the dangerous push for secrecy is taking place in Washington, where the scions of secrecy have forgone erosion in favor of a backhoe.

Since 1999, the federal government each year has classified more documents and declassified fewer. During the same period, the number of FOIA requests has more than doubled, but funding for processing them has barely increased, creating significant bureaucratic hurdles to obtaining information.

The current executive and congressional leadership's hostility to openness also manifests in direct attempts to cut the public out of the loop.

Reclassifying documents that were once public, easing reporting rules for polluters, stamping documents that cannot be classified "sensitive but unclassified" to keep them hidden, threatening journalists with prosecution for revealing unlawful wiretapping and other closed-door policies all reveal a preference for shadows to sunshine.

Some things must remain secret in the interest of national security, but a growing chasm lies between what the public should not know and what some elected officials do not want known.

This week, and all year, citizens should demand better. If America slips into the darkness at the bottom of the chasm, climbing out will not be easy.