

The West and the Pacific

South Dakota

The Argus Leader

Re-write it - Sunshine Week and Open Government

Today we inaugurate a new online feature of the Argus Leader editorial page: You Re-Write-It Editorials.

Sometimes we find readers don't want to write a letter to the editor, they want a whole new editorial. So this is your chance.

Each week we'll post an editorial. This week, it will be today's editorial on Sunshine Week and open government. If there's anything you think should be changed, you re-write it and we'll post your version. Maybe you agree with the editorial, but you think it should have included different information to back up the position. Or maybe you disagree and think the position should have been entirely different.

Doesn't matter. Agree or disagree. Alter slightly or re-write entirely. Your choice.

Have fun. **Here's the editorial ...**

Around the nation today, celebrations begin for the second annual Sunshine Week, a reminder of, and promotion of, open government and its importance to democracy.

Not in South Dakota. We have darn little to celebrate.

Here, it's more of a death-bed vigil with constant prayers for a miracle cure, but fearing we're just a step or two away from a wake.

What a tragedy, because the concept of open government is so simple and clearly beneficial. It merely means that voters and taxpayers, the people who elect and pay for our government, have a right to see and hear what our government is doing. That knowledge makes us more informed citizens, able to make better decisions. Period. Nothing more. Nothing less.

Who's responsible for the state of affairs in South Dakota? The news media, for sure. We haven't made the case consistently, or well, that open government is for all of us. Elected officials and taxpayer-paid employees, too. They've been able to operate behind closed doors for so long, the thought of opening them and letting the sun shine in gives them the willies.

And, without a doubt, South Dakota citizens, who typically fight for open government only as individuals, when it's a particular issue that affects one person or a small group.

Elected officials see open government as a media issue, because there's no general outcry from the public. It gives them cover, an excuse to keep our laws and procedures as they are.

Blame is pointless, though, except as a way of painting a picture of the South Dakota landscape. We're a state that barely gives lip service to open government, once in awhile making a move forward but more often taking a step backward. Look at the recent legislative session:

A bill to open more campaign finance information to the public. Killed.

A bill to close records on who gets permits to carry concealed weapons. Passed.
More information kept from the public.

In the 2005 session of the Legislature, a great compromise was reached that allowed the public to retain access to vital statistics -- marriages, divorces, births, deaths -- while protecting South Dakotans from identity theft. Everyone praised the compromise. The state Health Department killed it, with the blessing of Gov. Mike Rounds. That information is open now only to a select few.

And the state Open Meetings Commission, created two sessions ago to review complaints about government bodies violating the open meetings law? Complaints keep coming, from all over the state.

The commission was created, because in the three decades we've had an open meetings law, not a single government body ever has been prosecuted, despite a long list of obvious and admitted violations.

The commission is progress. But ... there still are no penalties. No sanctions whatsoever for violating the law.

The same is true of records, documents kept by the people whose salaries come from our tax money. If they refuse to give a South Dakotan something that's clearly open under the law, there's no penalty. And no recourse.

Depressing.

Even so, there's a tiny ray of sunshine that gives hope for that miracle. South Dakotans are getting involved. Many of the complaints before the Open Meetings Commission come from average citizens.

Government efforts to close out the public-- in the Legislature, in city councils, in school boards, in county commissions -- no longer go unchallenged. South Dakotans are starting to exercise their rights, only to find out that in many cases they don't have any.

Even legislators aren't completely against open government. They've OK'd an attorney

general's study of our open government laws.

Those of us hoping for an epiphany here will be disappointed. That's not coming. What we're seeing, though, is a growing appreciation of open government. Small step by small step. Slowly. But growing, nonetheless.

Celebration of Sunshine Week? Not yet. More like a solemn observance. A vigil. with hope and prayers for the future.

Open Government in S.D.

Today's Question

Debates on open government in South Dakota in the past few years have ranged from subdued to bitter. Open or secret pardons by the governor? Should state officials be able to tell South Dakotans when a company – in which they've invested or upon which they depend – is being investigated? Or not? Should community members have a right to know that a crime has been committed next door? Or not? Allow parents into a curriculum committee discussion on sex education? Or not? Is there a line to be drawn – the public's right to be informed about government actions vs. privacy or need for confidentiality? Or should everything be open? Who should decide? And how does all this play out in South Dakota?

Open government is an oxymoron. I do think that our elected officials should try to focus on an open exchange of ideas and opinions. I realize that there are many decisions that are made behind closed doors – i.e. you vote on my issue here and I will vote with you on your issue – however, pros and cons of issues should be public. Of equal importance should be the appearance of integrity and honesty. If something does not look good or feel right, it probably isn't. An example is the recent Gov. Mike Rounds airplane situation. Government is people and it is up to individuals to make changes. We need to stop blaming "them" and hold our elected officials accountable.

Jeanie O'Laughlin, 49, Mitchell, business professor

A seemingly complicated question, but if you believe as I do that one of the chief functions of government is to keep the people informed, then it is a simple one. Aside from matters of national security, I can't think offhand of too many instances where the state/local government shouldn't keep the public informed of decisions and actions by elected officials. In the past I think that in most, if not all cases, where secrecy has prevailed it is for reasons that had nothing to do with protecting the public but rather to protect an individual/government body from criticism and/or embarrassment, should the public learn of it. In my opinion this usually occurs when they (the officials) feel they can't properly justify their actions. At the national level this would be a more complicated question but not at the state or local level. Public officials are answerable to the public and how can the public judge performance if they are not privy to the decisions by made their elected officials. Is this situation peculiar to South Dakota? I think not but there has been no lack of situations in our state and local government to cause the public concern, as illustrated so often in your paper. The uproar caused by these situations in most cases might not have been half as bad if the public had been informed at the time. Whether the actions/decisions in our opinion were right or wrong we would have the confidence that we knew what was going on something we don't always feel is happening now.

Richie Barr, 67, Milbank, retired

One thing I learned growing up in school and continue to believe today is government is for the people and by the people. More government control and imposed restrictions is not good for anyone. Issues of privacy and confidentiality are important, but if one keeps their nose clean – then they won't blow it.

John Etrheim, 35, Sioux Falls, financial planner

A government serves the will of the people governed. Therefore, the public has a right to be informed about government actions because they concern all citizens. Pardons by the governor should definitely be open. Why should they be kept a secret if they're legal and justified? The governor has nothing to be afraid of if the pardons are untainted from any abuse of power or unethical incentives. State officials should be able to tell South Dakotans when a company is being investigated. "Investigated" doesn't necessarily mean guilty, and there's usually a good reason why the company is investigated in the first place. Thus South Dakotans deserve to know about it. Community members should have a right to know that a crime has been committed next door. The information could prevent other crimes by raising awareness and caution. The people governed should decide whether or not all governmental action should be open to the public because after all, it is the public that will be affected by the actions of the government, anyway.

Elisa Chan, 16, student, Sioux Falls

Yes, we should have an open government. I would also answer an emphatic "yes" to all questions with regard to information available to the public. There is no question that every parent should have access to all school curriculum and every person aware that a crime has been committed in their neighborhood. If a company is being investigated, whether invested in by the state or not, this should be public knowledge. Common sense should dictate that an investigation does not establish guilt. Open government should be mandated by the governor of this state.

Sue Scofield, 50, Wentworth, retired

I think the governor should have open pardons, and state officials should be able to tell the public when a company is being investigated. It is a good idea for some parents to be included in a committee discussion about sex education in schools. There is a line between the public's right to know and the need for confidentiality, especially when considering people under the age of majority (under 18). I think open government is a good thing, especially in South Dakota. And it would keep the public more informed, which is generally a good thing.

Alicia Brown, 21, Brookings, SDSU student

Transparent government is essential to democracy. The people have an inherent right to know what their elected and appointed leaders are saying and doing in the process of government. While this may sometimes make for messiness, as in recent curriculum discussions in Sioux Falls, democracy is an inherently messy system. Ultimate control must reside in the electorate.

Ron Sisk, 55, Sioux Falls, professor

I do not believe that there can be a cut-and-dried answer to the question, "Should everything be open?" There are policies and regulations to follow in different organizations and those will determine how much input the public will have at meetings or what information they will have access to. There are many meetings that are held in public but they are not public meetings. If people want to have input, they need to know what procedures will allow this or actually become involved with the organization or government entity.

Debbie Johnson, 47, Chamberlain, high school principal

This is a tough issue. I would say that the public has a right to know as much information on an issue as possible. I think the exception would be if the release of information would be detrimental to the well-being of a person or group. Otherwise, the public has a right to know what is going on within the government.

Deb Gearhart, 50, Madison, E-education director

I think we should always err on the side of openness. Since government is the servant of the people, how can there be anything but a striving to be as open and clear as possible? On the other hand, we tend to want to erode the right to privacy of others when we feel we may lose something precious to us, in particular, a portion of power. It's time we got over thinking anyone's life is more important than anyone else's. All citizens are to be treated equally. Most of those who slink in the shadows as they craft public policy have something they wish to hide. Let the light

shine on them. Where individual and personal decisions must be achingly made, grant persons the dignity of making them out of the spotlight. Where communal decisions are to me made, let every effort be put forth to encourage every citizen to participate from an informed stance. Here's a quote from William Sloane Coffin that resonates with me: "I think we can say that democracy is a form of government that demands more virtue of its citizens than any other form of government, but I do not think we can say that democracy guarantees that the virtue will be exercised. So let us term freedom of choice less a virtue than a necessity, a precondition to real freedom, which is the ability to make choices that are generous, loving, and wise. Our wills are not free when they will what is bigoted, narrow, ungenerous ..." (Credo, WJK, 2004:80)

Kathryn Timpany, 54, Sioux Falls, senior pastor

By statute, South Dakota is required to inform its citizens of any mandate voted on or debated in a quorum. All political contributions are required to be reported under campaign finance reform. All non-profit organizations are required not to openly endorse any candidate. All government officials are required to act professionally and ethically. Unfortunately, South Dakota government officials don't practice what they preach. A government that doesn't follow its own laws, has no law.

Don Malaterre, 51, Sioux Falls, accountant

Unfortunately, this all too often plays out in secrecy. Who should decide? Open meetings and open records should be written into law, and that law needs to be supported by an attitude of openness by elected and civil servants. Keeping secrets fosters mistrust and ignores the premise of democracy – literate and informed citizens making decisions for the good. There should be a presumption of openness in government with private dealings delineated in law.

Dave Graves, 47, Volga, newsletter editor

The reason for open government is to prevent the consolidation of power by an entrenched few, and to prevent the abuses that inevitably follow. The reason the entrenched few want to work in secrecy is so that no one knows what they are doing, which allows them to continue abusing power. If their abuses were made known, they would likely lose power and/or have to stop the abuses and/or make restitution for what was improperly accumulated. The human temptation to abuse such unmitigated power is irresistible. Only Christ has not been tempted. So we must know what is going on, to keep the checks and balances system working properly.

Ellie M. Vandenberg, 55, Volga, lawyer

I cannot think of an acceptable reason why everything in state government should not be open and transparent. All elected officials should want this and all voters should demand it. It is only by shining a bright light into those dark corners where the secret deals are made that the public can be assured of honest, forthright representation. Politicians tend to get into trouble when they can go behind closed doors to do their work. They sometimes do mischief. The governor should never be able to issue a secret pardon. Yes, state officials should be able to tell South Dakotans when a company that they are invested in is being investigated. I would want to know and I think that most people would want to know. Community members should have a right to know that a crime has been committed next door. They should have a right to know for their own safety, if nothing else. I do not think that parents should be allowed to go into a curriculum meeting discussing sex education. Their presence could be disruptive. They certainly have a right to know what is being discussed, and they can bring up their concerns at school board meetings. Where the line is drawn concerning privacy or confidentiality vs. the public's right to know should ultimately be in the hands of the voters. Too often when politicians cite privacy issues, they simply want to avoid embarrassment to themselves.

Jerry L. Wilson, 63, Sturgis, retired

No secret pardons, no secret investigations and no secrets between curriculum committees and parents. In the history of the world, every bad guy who set out to do something awful wanted to do it in secret. The longer the secret was kept, the more horrific the consequences. The concentration camps of World War II are a prime example. It doesn't hurt to be reminded, either,

that Hitler was an elected official. As citizens, we have a right to be informed and a duty to explore information. By the people, of the people and for the people – but the people have to care.

Jona Ohm, 25, Chamberlain, public relations

In government, one person's common sense and efficiency is another person's conspiracy. Governing boards end up dotting the Is and crossing the Ts to satisfy the nitpicking loonies and accountants, when it practically accomplishes nothing, over and over again. It's one of the things that makes government so unwieldy and inefficient. For every real abuse that gets ferreted out in these open government discussions, 10,000 transactions and decisions are inefficiently made and complicated unnecessarily, all because we can't trust each other any more.

Susan Wismer, 50, Birtton, CPA

The only way I can express how I feel about this subject is to put it into an analogy. Typically, parents only tell their children what they think they need to know, depending on age and maturity. I can only imagine the chaos that would erupt if everyone knew everything. That wouldn't be appropriate. But I do think we should be allowed to know about things that could harm our health (poisoned water or air) or if a rapist lives in the neighborhood, so we can safeguard our kids. Where do we draw the line, though? Pardons by the governor? Most politicians are not on the up and up – so what else is new? Investigating a major company? That depends on why and if it directly affects the public. Parents and sex education in the schools? Why aren't the parents taking the time to teach their kids about this at home? If society, as a whole, was better educated, a little more open-minded and less stressed out, I believe we might be able to handle more of the reality. The reality is, I don't think we're there yet.

Victoria Pennock, 42, Sioux Falls, business owner

I think openness in government is necessary. This issue is one of the things that make me most uncomfortable about living in this state. I believe that citizens have the right to know about the processes of government. If things are kept behind closed doors, even if nothing shady is going on, it still feels like something is being hidden. Of course parents should have a say in all education issues, not just sex education. As for criminals living next door – I sure want to know if there is a violent offender living in my neighborhood. This state is growing in population, and the time for the good ol' boys system of making decisions behind closed doors is past. We need our processes to be transparent. If our elected officials feel it is a burden for citizens to know how they conduct business, maybe they need to find another career.

Lori Pinkerd, 43, Lennox, retired Navy/substitute teacher

This is a area where there must be a decision made on a case-by-case basis. In general, I am in favor of letting the public know what is going on. However, in certain situations it may be appropriate to limit the information available to the public so as not to harm the parties involved. There must be a balancing of the competing interests involved.

Doyle Estes, 56, Hill City, lawyer

It depends on the situation – governors' pardons, crime next door (depends on the crime), parents and sex education, government actions, yes on all of these. Investigating a company that you have invested in – not until they are found to be guilty or innocent of a crime. How can you catch them, if they know your coming? Open government should be decided by vote. I'm naive; I thought we already did have an an open government. Basically, yes, with an exception of a few.

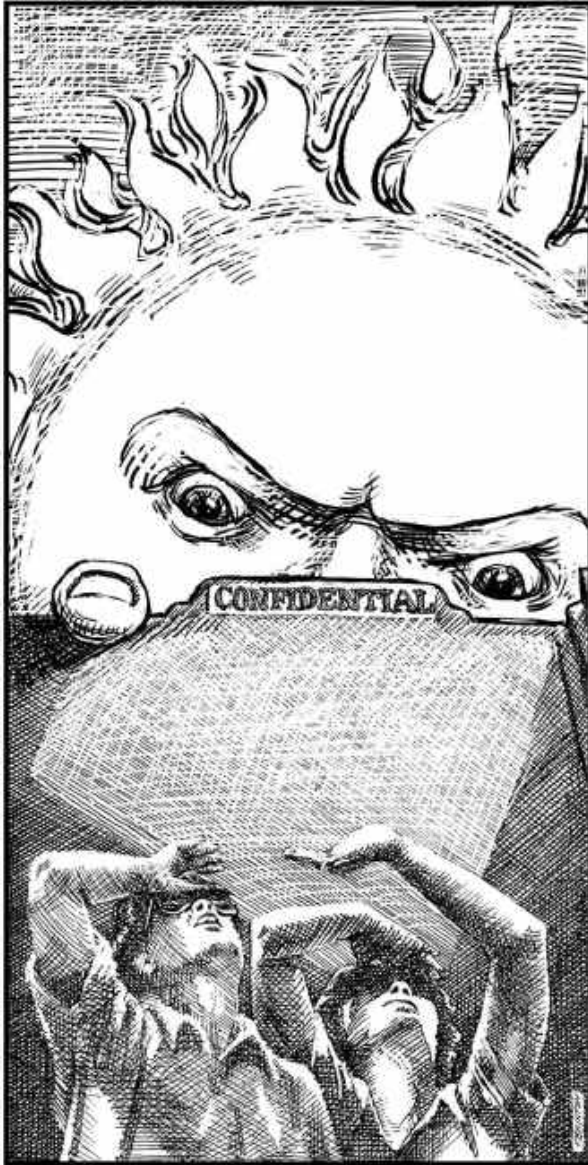
Janice Henke, 66, Sioux Falls, customers service

Whether information is available to the general public would be highly specific to each case. There are elected officials who are chosen or given leadership based upon their ability to make good decisions on behalf of whatever group they represent. In the case of a business being investigated it would not be fair to the business to expose the investigation if no wrong doing has been proven. If it has been proven that something is wrong then the public has a right to know. In the case of sex education, opinions are going to vary considerably and the popular decision is not

always the one that is in the best interest of the students or the public as a whole. We need to elect people of sound judgement who will make decisions based on the common good. Then, let them make the decisions. If it is in the best interest for the public to know, then the meeting should be open to the public. In some instances, this is neither wise nor beneficial.

Mary Anderson, 48, Vermillion, homemaker/volunteer

Colorado



Denver Post

http://www.denverpost.com/opinion/ci_3586570

Freedom of Information Act helps us all

By Christine Tatum
Denver Post Staff Writer
Denver Post.com

If my career in journalism has taught me anything, it is that government seldom tells the truth, the whole truth and nothing but the truth.

Admit a mistake, much less abject failure? Right. People - especially those entrenched in "the system" - are more concerned about saving their jobs, their money, their personal and political connections, their reputations, their time.

Catch them if you can.

The cover-ups and outright lies don't surprise me - but the degree to which Americans now appear willing to tolerate them does.

This week - observed in newsrooms across the country as "Sunshine Week" - marks the 40th anniversary of the Freedom of Information Act, the first law giving Americans the right to access federal government records. FOIA, as it is commonly called, is one of the most powerful tools Americans have to supervise the inner workings of their government. The act has been revised several times, but its gist remains the same: The public benefits when government conducts its business in the open.

Because of the FOIA:

- Environmental records have been released, exposing the degree to which companies have polluted land and water.
- Vietnam War veterans have learned about their exposure to Agent Orange.
- Vice President Spiro Agnew resigned in 1973 amid corruption charges.
- The Food and Drug Administration released studies about aspirin and Reye's Syndrome that resulted in mandatory warning labels.
- The Justice Department was ordered in 2000 to pay \$355,000 in legal fees in a case related to the FBI's crime lab. The department also was ordered to post 53,000 pages of related information on its website.

This is the kind of accountability that makes journalists weep with joy. But make no mistake: FOIA is not about journalists' rights. This remarkable piece of legislation helps make America the world's strongest democracy. It is about the right all citizens have to know what their government is doing in their name.

Yet the FOIA has been undermined seriously in recent years and is truly under attack. The Bush administration has led the charge - and it uses the War on Terror to justify its actions. As recently noted by the American Society of Newspaper Editors: "Using the terror attacks of 9/11 as a reason to turn essential American values

upside down, the federal government refused to name prisoners being held at Guantanamo Bay; dragged its feet at requests to turn over documents to the 9/11 Commission; and used the Patriot Act to issue secret search warrants."

Then there was the revelation in February that federal intelligence and security agencies for almost a decade have removed more than 55,000 pages of declassified historic documents from public access. After contending with the wrath of angry historians, Allen Weinstein, the nation's chief archivist, had the good sense to declare a moratorium on the removal of more documents until an audit is conducted to determine whether any of those records actually needs to be secret.

divorces and wills.

But there are bright spots in the battle for open government. Denver District Court Judge Catherine Lemon in December ordered the Denver Police Department to release internal-affairs documents concerning the discipline of two officers involved in the department's "spy files" case. People wanting to know if they are among the 51,000 people spied on by the Denver Intelligence Bureau since 1953 may now find out for free at the Denver Public Library. The floodgates were opened largely because members of CopWatch, a citizen group that monitors police activities, refused to take no for an answer.

What will you do to uphold the public's right to know how its government operates? If you're like most Americans, absolutely nothing - which is a terrible shame. But you're not like most Americans, are you?

Here's what you can do:

- Learn how FOIA works and use it. Visit the Society of Professional Journalists' website at www.spj.org/opendoors for a primer about the act and an alphabetized list of public records that can be requested. For example, consider looking into the campus crime rate reported by the colleges to which you're thinking about sending your children. Or ask to look at tax assessor records that affect your home and neighborhood. You'll find a template that helps you craft your requests in appropriate government-speak at the Reporters Committee for Freedom of the Press, www.rcfp.org.
- Pay attention. Government is constantly dreaming up exemptions that allow it to shield records from public review. Write to your elected officials, insisting that they reject such exemptions.
- Consider journalists a resource. Many of us routinely speak to classrooms and community groups to explain what kind of information citizens are entitled to and how they can find it.

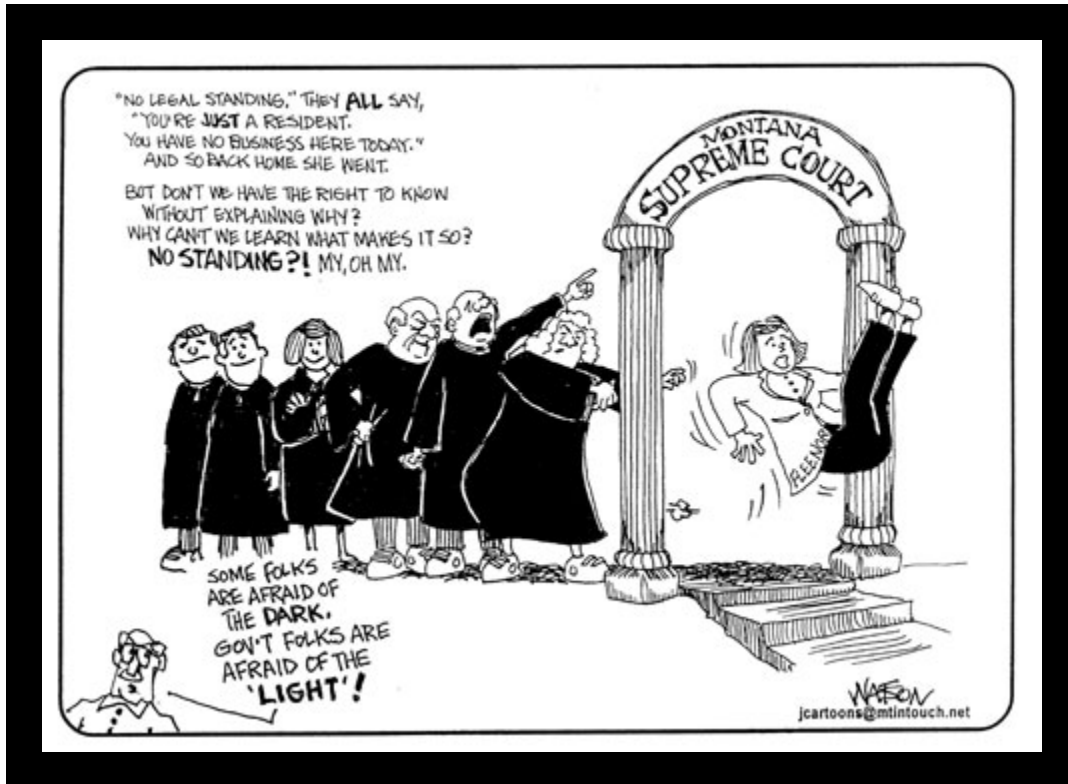
I always close my talks with this quote from President Abraham Lincoln: "Let the people know the facts, and the country will be safe."

Christine Tatum is a Denver Post staff writer and president-elect of the national Society of Professional

Montana

The Missoulan

Forecast: cloudy



Supreme Court closes the door on open meetings

by John S. Adams

Since the passage of the Montana Constitution in 1972, the people and press of this state have enjoyed some of the most liberal open government laws in the country. Last month's unanimous decision by the Montana Supreme Court to dismiss a lawsuit brought against the Darby School District has media experts worried that the decision could begin the reversal of three decades of sunshine in the state.

On Valentine's Day, the Montana Supreme Court unanimously dismissed a Ravalli County woman's lawsuit alleging that the Darby School District violated open meeting laws when it hired the district's superintendent in 2004. The woman, Bruceen Fleenor, planned to argue that the hiring was accomplished at a meeting that was not properly publicized, therefore violating the state's open meetings laws.

Fleenor never got the chance to make her argument. The Supreme Court upheld the Ravalli County District Court's decision to toss the case based on what the court determined was Fleenor's lack of legal standing to sue the district.

According to John Barrows, executive director of the Montana Newspaper Association (MNA), the suit raised serious questions about whether or not citizens have the legal right to claim a government violation of the state's open meetings laws.

"The suit basically determined that even though Fleenor is a resident of Montana, a taxpayer, and a resident in that district, she doesn't have standing," says Barrows.

Justice Patricia Cotter, in writing the court's decision, said Fleenor did not meet the requirements to establish standing to bring the suit.

"[T]he complaining party must (1) clearly allege past, present or threatened injury to a property right or civil right, and (2) allege an injury that is distinguishable from the injury to the public generally..." Cotter wrote.

Barrows says the court's "narrow" reading of the law could have detrimental impacts on the public and the press. He's concerned that, based on the Fleenor decision, bureaucrats might begin asking reporters and citizens why they want access to meetings or documents in an attempt to determine their standing.

"I think this is a devastating decision," says Barrows.

Jim Clarke, the Associated Press' Montana bureau chief, agrees with Barrows' assessment.

"The color drained from my face when I read this decision," says Clarke. "I would have hoped that the Supreme Court Justices would have taken the facts as they are and realized that they are setting up a real uncomfortable test."

In a memo sent to publishers, editors and reporters around the state, Robin Meguire, a Helena freedom of information attorney, advised that "all reporters, if asked, should refuse to explain their reasons for requesting public documents and attending public meetings."

"What we want to do is have a situation where someone asks for access to public documents or meetings and is denied," says Meguire. "Then we'll bring another lawsuit and point out why [the Fleenor case] wasn't the best decision."

For its part, the Montana School Board Association (MTSBA) wasted no time in advising its members how the Fleenor decision could be interpreted by school districts across the state. The association's March newsletter includes an analysis of the decision by MTSBA staff attorney Tony Koenig.

“This ruling is important because it should limit politically motivated challenges to decisions of school district boards of trustees,” Koenig wrote. “The open meeting laws will no longer be available as a tool for attacking Board decisions unless the person or group bringing the lawsuit can show that they have been personally impacted by the decision. Additionally, the Supreme Court’s opinion in this case could affect open meeting lawsuits brought by the media, in that it may be difficult for a newspaper to show any personal stake in the decision of a school board.”

“I completely agree with that analysis. It’s just that the lawyer for the school board thinks this is a good thing and I think it’s a bad thing,” says Clem Work, professor of media law at the University of Montana Journalism School.

Work says when he read what he took as Koenig’s gleeful interpretation of the Fleenor decision he almost needed someone to perform the Heimlich maneuver on him.

“It sort of goes to the heart of open government,” says Work. “If citizens, and by extension the media, can’t go into court to enforce the open government laws because they haven’t been personally affected, it eviscerates our open government laws.”

The Associated Press, the MNA and FOI attorneys at the Meloy Trieweiler law firm in Helena are on the lookout for cases where citizens or journalists are denied access to government meetings or documents based on the Fleenor decision.

“I expect what’s going to happen is we’re going to have to fix this the hard way,” says Clarke. “The hard way is to go back to court.”

Barrows has said he’ll lobby for a legislative fix, but in the meantime he’s advising journalists to report to the MNA any incidents where they are denied access to open meetings or records.

“If you don’t get it, and we can put together a good case, we’ll go back to court,” says Barrows.

Sunday, March 12, marks the beginning of the second annual Sunshine Week: Your Right to Know, during which news outlets throughout the country draw public attention to the importance of open government.

Great Falls Tribune

<http://www.greatfallstribune.com/apps/pbcs.dll/article?AID=/20060313/OPINION01/603130304/1014>

Federal government secrecy at epidemic scale

We're not much interested in 1960s translations of foreign newspapers.

Or a 1948 memo on how to drop leaflets over communist countries. Or a 1950s study on the feasibility of an exchange program with the Soviets.

Probably you're not, either.

Still, after these documents were available to the public at the National Archives for decades, why did the feds suddenly decide they're classified?

Ditto for some 55,000 pages of other once-public documents recently listed as classified. Now they're secret.

Talk about silliness, some of these "secrets" were earlier published and distributed as part of the State Department's history series.

What's not silly is that the program to remove documents from the National Archives is indicative of the Bush administration's increasing tendency toward secrecy.

It's an alarming trend for those who believe a transparent government is vital to democracy — and the public's confidence in it.

"This administration has embraced secrecy as a right," said Steven Aftergood, head of the Project on Government Secrecy at the Federation for American Scientists.

No one is suggesting that information vital to national security be posted online or otherwise divulged.

But the Bush administration started shutting down public access well before 9/11, and clearly not all of it has to do with security.

Shortly after taking office, Vice President Cheney held secret meetings with energy company executives to formulate a national energy plan.

Also in those early days, Bush signed an order making secret all documents from his father's administration — documents that typically would be released 12 years after the administration left office.

That's also when the younger Bush authorized the secret program to start classifying documents in the National Archives. Not even Congress was informed.

After 9/11, "national security" was cited to shut down all sorts of information from virtually every federal agency.

File a request for information — no matter how innocuous — from the feds, then cool your heels.

A report released last week says the median wait for a Freedom of Information request now ranges from three months to four years, depending on the agency.

How do they even keep a straight face?

Now we learn of secret detention facilities overseas, secret wiretapping of U.S. citizens, secret surveillance of phone records, e-mail and financial documents.

OpenTheGovernment.org, an open government coalition, says fully 64 percent of federal advisory committee meetings in 2004 were closed to the public.

Independent Congressman Bernard Sanders of Vermont says we now have "perhaps the most secretive administration in the modern history of the United States.

"Whether it was the original planning for the war in Iraq, or energy policy meetings with the big oil companies, or attacks on our constitutional rights, the Bush administration has made it clear that they do not believe in open government."

Once recent example shows how secrecy can backfire.

That was the government's hidden negotiation of a deal in which a Dubai-owned company would operate U.S. ports.

There may have been a good rationale for the contract. But because it was negotiated behind closed doors — secret even from Congress — those reasons never got a good airing.

The ensuing outrage resulted in the deal being scuttled and the president's approval ratings dropping lower.

Even as our soldiers die fighting for democracy overseas, that very ideal is eroding here at home.

Democracies operate in the open. It's that whole "of the people, by the people, for the people" ideal.

That ideal perishes when government operates in the dark, shutting doors and hiding information.

The Billings Gazette

Right to know keeps government accountable to citizens

Knowledge is power. Public access to information is the difference between democracy and dictatorship. There's no government of, by or for the people when the people can't find out what the government is doing or effectively participate in its decisions.

Open government guarantees in the Montana Constitution and in statute ensure that citizens can effectively participate in their state and local governments.

To highlight the vital role openness in government has in the United States, journalists and news

organizations across the country observe Sunshine Week. Starting today, The Gazette and many other news media will put extra effort into raising awareness of open government law. Gazette readers have heard quite a lot about open government issues over the past year as the newspaper was forced to sue the city repeatedly to get access to public documents and to a public meeting. Each case the District Court decided was decided in favor of the public's right to know.

Optimism on sunshine

The good news is that across Montana public officials usually follow the open meetings law, according to Mike Meloy, a Helena attorney who regularly fields open government questions for the Montana Freedom of Information Hotline.

"Most of the time, the person who has denied access doesn't understand the law," Meloy said. As the FOI hotline attorneys, Meloy's firm receives an average of three or four calls weekly. About 60 percent of the inquiries are from a journalist seeking access to a meeting or document. The rest are from other citizens who want to attend a public meeting or obtain public records. Some of the latter group are public officials themselves.

School trustees, city council members and county commissioners have called to ask if meetings and records have to be public.

"We always say yes," Meloy reported. "Most of the time, they're real happy to get that information."

Educational process

As Meloy said, upholding Montanans' right to know is first and foremost an educational process. Public officials need to understand the state's open meetings and records law and the constitutional guarantees of open government. That's part of their job.

Most open government questions and complaints are resolved with information the FOI attorney provides on the phone or in a letter. But Meloy has noticed a trend toward more refusals of school boards and districts to provide public information on privacy grounds. The Montana Constitution says that public records are public and allows an exception only when the concerns of individual privacy clearly exceed the public's claim for access. In 2004, when Billings School District 2 denied access to records about the conduct of two teachers at a school, The Gazette was forced to go to court to obtain the records. The District Court ruled in favor of public access. A public school records case from Cut Bank is headed for the state Supreme Court after a District Court ruled that the school board can withhold information about action it took in a case of some older students shooting BB guns at younger students.

A case involving the Darby school board made waves last month when the Montana Supreme Court ruled that a local woman hadn't established that she had standing to sue the school board for failing to give proper notice of a meeting at which a superintendent was hired. Meloy said the court's ruling is fairly narrow, but it may encourage school boards to try to deny demands for open meetings.

Court of public opinion

The court of public opinion can exact the harshest penalty (voting scofflaws out of office) for open government law violations. Otherwise, the consequence of violating open records and meetings law generally is having to pay the legal fees if the newspaper or citizen prevails. And those fees aren't paid by the persons who denied access; payment comes from public coffers. Decisions made in illegally closed meetings are void and have to be redone in a public meeting. That truth cause heartburn last year for a state pension board after Gov. Brian Schweitzer took it to court for failing to give proper notice of meetings before hiring a new executive.

When your elected public officials make a good effort to uphold the people's right to know, applaud. If they insist on doing the public's business in secret, tell them that's wrong.

There's reason for optimism about the future of open government in Montana. But nobody can

take it for granted. The right to know, like other fundamental rights, must be exercised regularly by citizens who value it.

Billings Outpost

<http://www.billingsnews.com/story?storyid=19363&issue=316>

To have open government, eternal vigilance needed

By JOAN HURDLE

Montana is the land of shining mountains and vast open spaces. It is also, we learned last Saturday, the land of the shining Constitution and of vast freedoms and privacy.

Even the preamble to the 1973 Montana Constitution is like poetry, or perhaps like a prayer.

Two panels, eight diversified panelists, brought together by the Billings League of Women Voters on Saturday morning, March 18, discussed the sunshine in Montana government and contrasted that with the federal government.

“We are so lucky in Montana!” said attorney Martha Sheehy.

A college librarian, Jane Howell; two newspaper editors, Steve Prosinski and David Crisp; a former U.S. attorney, Sherry Sheel Matteucci, a young attorney, Martha Sheehy, who practices constitutional law; another young attorney who happens to be a former national intelligence analyst, Becky Convery; a state senator, Jim Elliott, who is trying to obtain corporate tax information; and a public radio news director and legislative reporter, Jackie Yamanaka, all collaborated spontaneously to cover the issue of openness in government on a local, state and national level.

There was a lot of humor, wit and a great deal of intelligence evident in the discussions by such a diverse array of panelists.

Sherry Matteucci provided the theme, “The government is us.” She said that it is the “worst incarnation of government imaginable” when people become alienated from their government, seeing it as an enemy.

Every recent local issue was touched upon, as were important related historical and national issues related to openness in government, from the Patriot Act and the current rejection of science by not releasing current research, to Barb Bryan’s recent suit in the Montana Supreme Court, to have standing to sue in court as an ordinary citizen.

Prosinski detailed the Gazette’s successful fights for documents that the school district and the city had wanted to keep out of the public arena.

Crisp described newspapers as watchdogs for the public's right to know, but decried the way the press is now evolving into large profit-making institutions who are increasingly unable to uncover news for the public good.

Yamanaka dramatically set a legislative reporting scene beginning with deregulation and energy issues being discussed behind closed and even locked doors, up through the recent session with a new administration which made its point with the governor throwing down a box of bullets on the table and not letting the Republicans talk.

That remark sent my heart racing, because I happened to be serving 10 years earlier, in 1995, when the Democrat minority was never heard at all. I had personally shed a few tears out in my car after Speaker John Mercer remarked that we "just didn't have any chips." When Yamanaka said that, I personally felt glad that the governor didn't sit around and listen to them in some hypocritical way, that he didn't have to. My guess is that by 2005 they were pretty used to being in charge and maybe even thought they still were.

I used to think that political party designations helped us discuss issues though, and now I think the opposite. Gov. Brian Schweitzer and Lt. Gov. John Bohlinger are at their best when they work to overcome partisanship.

And the strength of the League of Women Voters is that it is a nonpartisan political organization.

The "bias theory" in the American press was addressed remarkably well by Crisp, and Sen. Elliott's discussed his effort to obtain corporate tax records from the Montana Department of Revenue. "As a policy maker," he reasoned, how can I make the best policy if I don't have the information? I hope I win," he said, "then we all win."

While we are very lucky in Montana, we were urged by Convery, the former intelligence analyst, to "stay vigilant." We are very glad she is back in Montana.

As citizens of Montana and the United States, we must take that advice to stay vigilant, as we exercise our right to vote, our right to know and our rights to fully participate in government at every level. If we don't use it, we could lose it.

Joan Hurdle is a former state legislator from Billings who helped organize Saturday's League of Women Voters forum.

Oregon

Corvallis Gazette-Times

Govern in plain sight

Do you think that candidates for elected office should go on the record regarding their stance on taxation, school financing, health care and other matters over which they would have influence?

Is one day enough time for the public to respond to notice of a state legislative hearing?

Is it OK for lobbyists to disguise the source, recipient and amount of their campaign contributions, as long as they are adhering to the letter of campaign finance laws?

These issues are not relevant only in Washington, D.C. They are examples of issues that have come before Oregon lawmakers in the past two years, and they have involved both major political parties. They represent only a few examples of how open government in Oregon is not a closed issue, despite our progressive laws about open meetings and records.

These issues and many other examples of threats to Oregon's open meeting laws will take center stage beginning Sunday, March 12, the opening day of "Sunshine Week." Newspapers and media outlets around the nation will be publishing and airing stories that illustrate why it is important for our government and elected officials to conduct the public's business within the public's view — and what the public can do to cast more sunshine upon government.

At the same time, the week will highlight the efforts of Project Vote Smart, a organization whose slogan is "Politics is going to the dogs. Fight back by joining Project Vote Smart." The group's members include politicians as diverse as John McCain and Gerald Ford. More information about its work (and which politicians refuse to go on the record) is available at the group's Web site, vote-smart.org.

The Gazette-Times is getting into the spirit of things by inviting you to attend our "page-one" meetings (call 753-2641 for days and times) and to meet with the paper's editorial board from 4 to 5: 45 p.m. Thursday, March 16, at the Corvallis/Benton County Public Library's main conference room. The address is 645 N.W. Monroe Ave.

The main topic will be threats to open government, but it also will be our regular editorial board meeting. You are invited to join us in discussing which issues merit editorial discussion and to ask questions of publisher Mike McInally, managing editor Rob Priewe and editorial page editor Theresa Novak.

We'll also be discussing the goals and specific issues relating to "Sunshine Week," including specifics about the open government issues mentioned earlier.

As that venerable advocate of open government Thomas Jefferson noted: "If the nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be. An informed citizenry is at the heart of a dynamic democracy."

<http://www.gazettetimes.com/articles/2006/03/11/news/community/zmike.txt>

Sunshine Week is at hand

By MIKE MCINALLY
Gazette-Times Publisher

Among the many roles of the press in the United States is that of watchdog: One of our highest goals is helping you keep an eye on what your government is doing.

But when it comes to access to government, the press enjoys no rights or privileges that aren't shared by the public. In other words, you have exactly the same rights as we do at the

Gazette-Times when it comes to keeping tabs on government — the decisions it makes on your behalf and how it elects to spend your money.

If government closes its doors, then both the press and the public are stranded on the other side. We don't know what's going on. We can't tell you. Worse, you're barred from participating in the workings of your government.

It's worth pointing this out from time to time, and one of those times is "Sunshine Week," which starts tomorrow. Sunshine Week is a nationwide effort in which press outlets call attention to this simple proposition: Government works best in the sunshine.

Sunshine Week started a few years back in Florida. Two years ago, the effort went nationwide, and the Gazette-Times again is honored to be a part of it.

Over the next week, you'll read a variety of stories in the G-T highlighting the issue of openness in government. You'll read about whether we've made much progress in making sure that citizens can get access to records that the law says are public. You'll read about how access to public information in Oregon has been chipped away since the Sept. 11, 2001, terrorist attacks.

You'll also read about an ominous trend in the state Legislature toward doing the public's business in private — including the final months of the 2005 session, where important public decisions were made behind closed doors.

We hope you take the time to read these stories and to reflect on the importance of open government in Oregon and elsewhere — and you don't need me to remind you that this is an issue with the federal government as well.

In the spirit of Sunshine Week, we'd like to open up some of our news operations next week to your inspection as well. Let me call your attention to a couple of opportunities:

- Next week, from Monday to Friday, we're opening our 3 p.m. news meeting to the public. This is our daily news meeting, at which editors review the stories we have available for the next day's G-T — local, state, national, international — and decide which of those stories should be placed on page one. The discussion can get pretty lively, and we're inviting you to join it.

If you decide that you're interested, we do ask that you let us know beforehand, so we can make the necessary arrangements and make sure that we have enough space in our conference room. You can call me at 758-9502 for more information or call our receptionists at 753-2641. We'll include informal tours of the plant, if you're interested, as part of the experience. It all takes less than an hour.

- On Thursday, from 4 to about 5:45 p.m., we're moving our editorial board meeting to the Corvallis-Benton County Public Library, 645 N.W. Monroe Ave. You're invited, but a little background is in order: Our editorial board includes editor Rob Priewe, editorial page editor Theresa Novak and me. We meet once a week to hash out the G-T's editorial stands on the issues of the day. (Remember that the editorials are meant to be the opinion of the newspaper, and not necessarily those of any one person on the staff — but we'll talk more about that next week.)

Our meeting at the library will start with a few words from us about Sunshine Week, and then we'll talk about the editorial page specifically. Then, Theresa, Rob and I will talk about some of the editorial ideas we're working on, and we'll listen to your suggestions as well. At some point, I expect discussion might turn to your comments and thoughts about the G-T in general, and I'm preparing myself for that.

Expect a fairly informal and relaxed tone at the Thursday event, and if you can't be there right at 4 p.m., don't worry; show up whenever you can.

From what I've picked up about Corvallis thus far in my three months on the job, I'm expecting some wide-ranging and lively discussion. If the event seems to be a success, we'll plan on future public meetings with the editorial board.

And you can be sure that, even after Sunshine Week ends, we're going to continue to emphasize that a government that operates in darkness, behind closed doors, inevitably loses the trust and respect of its

citizens. Cynicism and apathy breed in the shadows. The antidote: A good dose of sunshine.

Mike McNally is the publisher of the Corvallis Gazette-Times. You can reach him at 758-9502 or by e-mail at Mike.McNally@lee.net.

Salem Statesman Journal

Open records ensure government acts properly

It's scary that many Americans are willing to surrender their rights

Do you like the idea that as a citizen, you have the right to watch your government at work?

Don't take that right for granted. It may not always be there.

In observance of Sunshine Week, which concludes today, The Associated Press analyzed new laws across the nation dealing with access to information. More than 60 percent made it harder for the public to get information from the government. Just 20 percent opened the books further, and the rest were neutral.

If that trend keeps up, local, state and national officials eventually will be free to operate out of the public eye, just as they used to. Citizen watchdogs such as Salem's Carole Smith will have a tougher time tracking down how their city enforces downtown parking laws. People will find it difficult to monitor controversial land-use decisions the way Eleanor Miller of Salem has done.

During the past few days, Statesman Journal reporters have recounted how they used public-records requests to research stories for this paper. Some needed changes have happened as a result:

- The Public Employees Retirement System is re-examining how it reports salaries of recently retired workers, especially those who earn more in retirement than they did on the job.
- Two government agencies are investigating the case of an employee who performed badly, then got a favorable settlement from the Willamette Education Service District.
- The Salem-Keizer School District has sponsored workshops about reporting sexual abuse, and the Legislature opened the employment records of teachers convicted of certain crimes.

Without public records, these stories could have boiled down to inconclusive exercises of "he said, she said." Officials would have been free to selectively reconstruct history.

Public records, on the other hand, create a paper trail for all to see. But citizens must care enough about that right to keep it from getting eaten away, one exemption at a time.

Since 9/11, the trend of putting records off-limits has gathered steam. Many Americans seem willing to surrender their rights if there's a hint that greater security will result.

Americans are of two minds, according to a poll from Washington State University. Nearly seven in 10 people surveyed said open public records and meetings keep government honest. But 63 percent said it was OK for officials to keep records secret if they think it's necessary, and 73 percent said the president should "make some public records secret if it might help with the war on terrorism."

That's scary. Once access to information is shut off, the public has no way to tell whether the restrictions are warranted or whether higher-ups are doing a good job with their added responsibility.

As the saying goes, Do you feel safer in the dark?

A lot of eyes -- skeptical, trusting and every point in between -- are the best insurance that government will do the right thing.

California

San Jose Mercury News

A Front Page note from the executive editor

SAN JOSE IS ENTITLED TO OPEN GOVERNMENT

Dear Reader,

A rotunda made of glass rises from a public plaza in the heart of downtown, the centerpiece of San Jose's striking \$382 million City Hall and the symbolic seat of government for the nation's 10th-largest city.

"It reflects a contemporary vision of government being transparent and open to view," Rob Steinberg, the local architect involved in the project, said just before its completion last fall. The dome, he said, is "welcoming everybody to see the people's business."

But too often these days, the "people's business" at City Hall is obscured by secrecy. The noble intentions of the dome are clouded by an arrogant disregard for public participation.

Little or late notice about important decisions limits public debate. A clear preference to withhold, rather than release, public documents hinders the free flow of information. Deals cut in private are presented to a surprised public left holding the bills.

We've seen all this, and more, in the past several years from elected officials who talk about transparency in government but usually operate in a way that guarantees the opposite result.

Enough. San Jose needs a sunshine law -- the kind of strong, open government ordinance that cities across the state, including San Francisco and Oakland, use to ensure that the public's business takes place in full view.

This week, you may hear a lot about open government and freedom of information. Editors across the country will be writing about "Sunshine Week" -- an annual effort of the American Society of Newspaper Editors to make sure the public understands the importance of keeping the public's business in the open.

Clearly, editors have a lot at stake in this battle: Access to information is the bread and butter of our newspapers and Web sites.

Without the Public Records Act, the Mercury News never could have revealed the real story behind the cost overruns at the new City Hall. Without the Brown Act, which mandates open

meetings, council members could line up a majority of votes in secret -- which got the city council into trouble recently when it attempted to take over the Tropicana Shopping Center. We have fought in court, not always successfully, for information that you should know: public employees' salaries, the criminal history of a priest who molested a disabled man and witness accounts of ticket-fixing by a local judge, among other battles.

And while we'd sure like to spend less on legal bills arguing for information that clearly is or should be public, the need for a sunshine law in San Jose ultimately isn't about us.

It's about you.

You are entitled to public information.

That's why this effort to push for greater access is being supported by the League of Women Voters of San Jose/Santa Clara and several area neighborhood associations concerned about open government. It's also backed by the San Jose Business Journal and Silicon Valley Community Newspapers.

San Jose at the helm

We hope the move to greater transparency is embraced by all of our communities in Silicon Valley. And we expect that San Jose -- as the largest city in Northern California -- can blaze the trail for others.

Here's just one example of why a sunshine law is needed. In January, the operators of San Jose's Grand Prix got a \$4 million subsidy in taxpayer money to keep the downtown race afloat for the next two years.

It doesn't matter whether you hated the race or thought it was a lively event that brought more than 150,000 people downtown. Even the amount of the subsidy isn't the issue.

The issue is that although the mayor knew in November that a new infusion of the public's cash had been requested, the public wasn't told the details until 24 hours before the city council took a final vote on the matter. There were no meetings held ahead of time, allowing residents to engage in a meaningful debate about how their money was being spent. That's not transparent government. That's doing business behind closed doors -- no matter how much natural light comes into that dramatic new City Hall.

What's interesting is that if the same issue had come up in San Francisco, Oakland or even in Milpitas, residents would have learned about the subsidy in time to react to it. In Oakland, they would have had 10 days' notice in advance of the meeting; in Milpitas, eight days; in San Francisco, three. Why the difference? Those cities have sunshine laws.

Unfortunately, the handling of the race subsidy is not an anomaly in San Jose.

There was the \$80 million proposal San Jose officials made to Major League Soccer in an attempt to attract a new team to replace the departed Earthquakes -- all before the issue ever came to a public council vote, let alone a full public airing. . . . And let's not forget the downtown land designated for housing -- property that, in secret talks, really was being considered for a baseball stadium. . . . And the Norcal garbage scandal -- another backroom deal that cost the city \$11.25 million. . . . And the \$45 million surprise involving the cost of furniture for the new City Hall.

Sunshine laws help prevent that kind of secrecy by closing loopholes in the state's Public Records Act and Brown Act, creating stricter provisions for notifying residents of meetings and more explicit criteria for what information must be released and when.

Given the demonstrated penchant for secrecy here, we need to get beyond talking about open government. We need to start doing something about it.

Guiding principles

A San Jose sunshine law could be based on four principles that are proven to work well in cities nationwide:

- The public's business should take place in public -- including meetings of the council, advisory committees, boards and commissions, as well as meetings of the Redevelopment Agency.
- Members of the public should have a meaningful opportunity to participate in decisions that affect them and to understand how those decisions are made.
- Government records are presumed public, unless specifically exempted to protect vital interests.
- Members of the public should not need a lawyer, or repeated trips to City Hall, to gain access to records.

Those are the general elements of a sunshine law. For those of you who want to dive into the specifics of what we think a model sunshine law looks like, we invite you to read an ordinance that we have drafted at [www. mercurynews.com](http://www.mercurynews.com).

Yes, we'll acknowledge up front that it's a bit unusual for a newspaper to get into the law-drafting business. And we know other sunshine ordinances have been proposed by council members.

But as an organization that spends hundreds of thousands of dollars each year fighting to bring information into the public realm, we have a lot of familiarity with what's common practice across the Bay Area and in California -- and where San Jose comes up woefully short.

We offer this draft sunshine law as a way to start the conversation about how our government can better serve the people.

We'd like your feedback, and to know about your experiences. What information do you think should be public? Where have you run into roadblocks? Is City Hall telling you what you need to know about decisions that affect you? Let us know what you think at sunshine@mercurynews.com.

The time for truly open government in San Jose is long overdue. Let's make the transparency symbolized by the 1,032 panes of glass of the rotunda a reality in how San Jose conducts the public's business.

Thank you for reading.

Susan Goldberg, Executive Editor

<http://www.mercurynews.com/mld/mercurynews/news/opinion/14149474.htm>

Readers' views on open government in San Jose

Editor's note:

More than 30 people responded to our call for comments on the need for a "sunshine" law in San Jose and on the Mercury News' draft ordinance. All the letters so far have been in support of both. Here's a sampling. Send your comments to sunshine@mercurynews.com.

Paper should publish city council agendas

The city council is right to press for a sunshine law. If enacted by the council, everyone will benefit.

If public documents and council agendas were available well in advance of council meetings, council members could receive constituent feedback to help prepare their position(s). Council meetings themselves could be more to the point and faster, with better informed decisions.

The Mercury News could be more proactive by printing upcoming issues and council agendas well in advance of the meetings rather than reporting after-the-fact council votes to an astonished public. This "send ahead" would increase public debate, turnout and knowledgeable participation.

Sunshine law, yes!

*Leonard Procker
San Jose*

Mayor has some nerve, given recent apology

Mayor Ron Gonzales has some kind of gall to sneer at proposals for more open local government (Page 1A, March 18). If such sunshine reforms are not necessary, why was Mr. Mayor apologizing back in December? Gonzales' sniveling is entirely self-serving. Although the Mercury News has its faults, his "kill the messenger" attack on the paper is a stunt worthy of Karl Rove.

*Richard Ferry
San Jose*

Self-serving? Sure, if 'self' is the public

Mayor Gonzales is correct (Page 1A, March 18) about one thing: The sunshine ordinance proposed by city council members and the Mercury News is truly "self-serving," if you interpret "self" as the citizens he is reputed to serve. For him to say, though, that more openness in city government is "a bunch of nonsense" brings new meaning to the term disingenuous. He quickly forgets his version of the practice of open government. Maybe he is afraid of what happened to some Florida politicians who similarly dismissed their very effective sunshine law as nonsense. After a few good ol' boys went to jail, city and county governments all around Florida suddenly felt a new need to be credible, and acted accordingly.

*George E. Lawhon
Sunnyvale*

Online access to list of donors is essential

I would like to add another reform to the Mercury News' proposed sunshine ordinance. The citizens of San Jose should have online access to an easy-to-read list of campaign donors for the mayor and each member of the city council. Such a list would help the residents of San Jose determine who might be behind a

particular project. Out-of-state developers and REITs would be required to disclose whether or not they have a financial interest in any of the ``local" parties that appear on the list.

*Pete Campbell
San Jose*

Loss of subscribers not sign of disinterest

I read with disdain and contempt the article concerning Mayor Gonzales' thoughts on open government reforms in San Jose (Page 1B, March 19). Representative government is built on an open flow of information to the governed so they can give educated guidance to their representatives. More information in a timely manner is always better. Secondly, Mr. Mayor, you do not understand the technology revolution that has occurred in the past decade. Newspapers are losing subscribers because of new media sources for news, not because of newspapers doing investigative reporting into questionable political practices. Kudos to the Mercury News.

*Anthony Chorosevic
San Jose*

Need for `security' is terribly misguided

In my opinion, a sunshine law should be very succinct. I believe that all documents, discussions, and proceedings about city business should be 100 percent public. Public records should be made freely available to everyone who requests them with no questions. It saddens me to know that the mentality of government these days is to withhold information unless they deem it acceptable to release. It saddens me even more that the American public has largely gone along with that in a misguided desire for ``security."

*David Ranney
Cupertino*

Without sunshine law, cockroaches run free

Amen and hallelujah! The Mercury News is 100 percent correct to recommend the sunshine law. I only hope this proposed law doesn't stop at San Jose's city limits. We need these laws on a state and national level, too.

Our founding fathers did not intend for our government representatives to keep us in the dark about the decisions and actions they take. Public openness in government is a sacred imperative to preserving our constitutional rights. ``We the People" need to have a fully transparent process of democracy in order to keep elected officials accountable for their actions.

As we've seen of late, without a sunshine law, San Jose's elected representatives quickly turned into cockroaches scampering around City Hall's dark corners. I bless your sunshine law.

Martin Cheek

Mercury News suggested model ordinance

(The entire ordinance is online at www.mercurynews.com. Here are the statements of "findings and purpose.")

The City Council of San Jose and the People of the City of Jose find and declare:

(a) Elected officials, councils, commissions, boards, committees and other agencies of the City exist to serve the public and to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

(b) In order to ensure that the public interest is served by the decisions and actions of the City government, the government's conduct of the people's business must be subject to public scrutiny.

(c) Members of the public must be provided with a meaningful opportunity to participate in the decisions that affect them, and to understand how and why those decisions are made.

(d) In order to ensure public participation in and scrutiny of the decisions and conduct of the City government, records and information pertaining to the conduct of the people's business must be readily available to the public, unless specifically exempt from disclosure under this Title.

(e) Members of the public should not need to engage in prolonged or burdensome efforts, or to retain the services of an attorney, in order to obtain meaningful access to public meetings or public records and information. Rather, it is the duty of every official and employee of the City government to ensure prompt and meaningful access to public meetings and public records, and to assist the public in obtaining such access.

(f) Honesty, integrity, and openness in the exercise of government authority are fundamental prerequisites to an effective and efficient municipal government that serves the needs and interests of its citizens.

Press freedom undermined by prosecutions

(An op ed column by Peter Scheer, executive director of the California First Amendment Coalition)

Government and the press are natural antagonists. Government wants to keep secrets, while the press wants to expose them.

As long as neither side gains an upper hand, this tension is, on the whole, a good thing -- balancing the public's "right to know" with the government's legitimate security concerns. But a series of leak investigations and prosecutions now threatens to redraw this balance in a way that undermines the independence of the press.

In Washington, the Federal Bureau of Investigation has launched investigations into leaks of classified information that led to groundbreaking news stories about secret Central Intelligence Agency prisons in Eastern Europe (appearing initially in the Washington Post) and the National Security Agency's warrantless electronic eavesdropping program (in the New York Times). CIA Director Porter Goss has made clear where this probe is headed. Speaking before a Senate

Committee on Feb. 2, he said: "It is my aim, and it is my hope, that we will witness a grand-jury investigation with reporters present being asked to reveal who is leaking this information."

Meanwhile, the Bush administration, in a filing in a closely watched spy trial under way in Washington, has staked out a legal position that would radically expand federal authority over the press. Interpreting the Espionage Act of 1917 in a case involving pro-Israel lobbyists who obtained classified information from a Pentagon source, Justice Department lawyers asserted that the law permits prosecution not only of private citizens, but also of reporters who receive classified information.

Although the Espionage Act has long been used to prosecute government employees who divulge sensitive classified information -- typically, of course, to a foreign government -- it has never been used to prosecute reporters who, in obtaining classified information from government sources, are simply doing what reporters in Washington do. Such an expansion of criminal liability would be truly disturbing, creating a de facto "Official Secrets Act" under which even truthful reporting could be prosecuted as a felony.

Closer to home, the FBI has launched an investigation into the source of sealed court documents used by the Sacramento Bee in articles about suspected terrorist activity among a group of Muslims in Lodi. The Bee recently reported that FBI agents and a prosecutor from the U.S. attorney's office in Los Angeles had contacted two of its reporters and questioned a third as part of an effort to determine who leaked the documents to the newspaper. No word yet on whether the Bee's reporters will be called before a grand jury.

And the San Francisco office of the Securities and Exchange Commission last week issued subpoenas to reporters for MarketWatch.com and Dow Jones Newswires, demanding copies of the reporters' e-mail messages, among other documents. The subpoenas followed allegations by Overstock.com, an online retailer, that "short-sellers" of Overstock.com stock had used the media to spread negative information about the company, thereby driving down its stock price and generating profits for the short-sellers.

The confluence of these events is not merely coincidental. This is the fallout from the Plame investigation, in which a dogged special prosecutor succeeded in forcing reporters and news organizations to identify the confidential sources -- I. Lewis "Scooter" Libby Jr. and Karl Rove, as we now know -- who gave them information intended to discredit a critic of the Iraq war. Prosecutors and federal investigators everywhere took notice. They saw that a crucial line had been crossed. Suddenly, the government was freed of traditional constraints -- part legal, part political and part cultural -- against the use of judicial coercion to force reporters to out their sources.

If there is a lesson here for the press, it is that news organizations must never again falter in their protection of reporters' confidential sources, no matter how unsavory they are or their motives for leaking. Say what you will about former New York Times reporter Judith Miller, who went to jail to

protect her sources -- she was right to contest the validity of the special prosecutor's signed ``waivers," in which sources ostensibly released reporters from their promises of confidentiality. Regrettably, other reporters took those waivers at face value and gave testimony about their confidential sources.

The next major test of the media's independence may come in the investigation into leaks about the NSA's warrantless wiretapping. Because classified information about this program is compartmented, the government employees who knew about it, and could have leaked it to the New York Times, are both few and readily identifiable. Those persons may be required to sign waivers for their communications with reporters (if they haven't already done so).

When the subpoenas arrive at the New York Times, will the reporters and the paper refuse to identify their confidential sources? Will the rest of the media support that stance, resisting the temptation to undercut the Times and to try to disclose its sources?

Let's hope so. Only the First Amendment depends on it.

<http://www.mercurynews.com/mld/mercurynews/news/opinion/14166796.htm>

Fresh hope for open government

PUBLIC FEEDBACK PRODS VICE MAYOR TO URGE BROAD STUDY OF REFORMS

Mercury News Editorial

The wheels are in motion for a San Jose sunshine law that could help restore public trust in a scandal-plagued City Hall.

Who would have thought it? The prospects looked grim Tuesday night, when a long and contentious city council meeting left advocates of serious reform disheartened. A council majority appeared to favor just enough changes to appease voters in this election year.

But on Wednesday, Vice Mayor Cindy Chavez -- who has the support of a majority of council members in her bid for mayor -- said she wants a task force of city council, staff and community representatives to look at broad ideas for a sunshine law -- including principles proposed by the League of Women Voters and the Mercury News.

That doesn't guarantee an effective law, but it opens a door. The League and neighborhood leaders will need to keep up the pressure for serious reform. But signs are hopeful.

For one thing, on Tuesday every council member, except for lame-duck Mayor Ron Gonzales, recognized the need for some form of open-government ordinance. That was refreshing.

Chavez had teamed with three other council members to make a sunshine proposal that includes good ideas but lacks some essentials -- most notably a means to enforce it. Chuck Reed, also running for mayor, asked his colleagues to consider the League and Mercury News proposal along with his own list of ideas. The third mayoral candidate on the council, Dave Cortese, added more ideas to Reed's list.

Councilman Ken Yeager supported putting everything on the table for study, which seemed reasonable. But the rest of the council balked, objecting to specific ideas of Reed's or Cortese's. It is -- did we mention? -- an election year.

With opponents vanquished, Chavez opened the possibility of broader study. On Wednesday, she confirmed her support for broad participation in the task force, including media representation, and a wide-open agenda. She said public testimony at the Tuesday meeting convinced her of the need -- a testament to the power of neighborhood leaders.

One thing was obvious Tuesday night: Most of the council and staff members lack a deep understanding of how sunshine laws work in other cities or how they could improve government and public confidence. This task force can be a learning experience for everyone. But it needs to work fast. Reforms must be adopted in the fall, before the mayor and council campaigns head into the final stretch.

The Fresno Bee

Democracy needs sun to thrive

Open government is an essential quality of a free society.

What we don't know about our government can hurt us.

That's why The Bee, along with many other organizations, is celebrating Sunshine Week, the annual campaign to promote open, transparent government at all levels. We have a right to know what is done in our names, and all of us should be asserting that right. That isn't just the media's "right to know." It's about everyone's right to know.

A representative democracy such as ours requires one thing above all: an informed citizenry, in whose hands all decisions ultimately rest. The Founding Fathers knew this. That's why they enshrined freedom of speech and freedom of the press in the First Amendment, along with other fundamental rights.

Secrecy is the great enemy of public awareness and understanding. It occurs at every level, from closed-door discussions of national policies to backroom deals that land a strip mall in your neighborhood. Sometimes it's venal: Money changes hands, crimes are committed. Sometimes secrecy is employed to cover mistakes.

More often, it's the result of a sort of sloth: It's just easier to cover things up - if people don't know about shenanigans committed in their name, then they have a hard time complaining. And it may be getting worse.

As increasing numbers of Americans turn away from politics and public life - or never pay attention in the first place - it becomes easier for those in government to close the doors, stamp the folders "Secret," throttle the public debate. The federal government classified a record 15.6 million new documents in fiscal year 2004, an increase of 81% over the year before the terrorist attacks on Sept. 11, 2001.

The Bush administration is already legendary for its penchant for secrecy, usually on the basis of "national security." In October 2001, then-Attorney General John Ashcroft told federal agencies to look harder for reasons to turn down Freedom of Information Act (FOIA) requests. There has been a big jump in such denials since then.

This issue isn't the sole concern of the press. For the past few years, more than 4 million FOIA requests have been filed annually. Only a small fraction have been filed by news organizations. The vast majority come from private citizens or the various groups to which they belong. And it's getting harder to get those requests honored. Some have now lingered for more than a decade.

Locally, we've seen many examples of government or its agents being less than forthcoming. California is fortunate to have an Open Meeting law, commonly called the Brown Act, which sets strict limits on public agencies. It is honored too often in the breach. City councils, county supervisors, school boards, state agencies and others routinely violate the Brown Act's provisions, discussing matters in private that should be heard in public.

Sometimes it's done in ignorance of the act's provisions. Too often, it's done intentionally, in a wink-and-nudge style of governing designed to keep the public in the dark. That's bad government. But it will persist, even grow, unless people insist in something better. Don't understand an issue being debated by the city council? Ask for an explanation. Can't figure out an agenda item written in gibberish and punctuated by mysterious acronyms? Demand a translation into plain English. Don't like a policy decision? Let them know. Above all, pay attention. Democracy prospers in the light of day. Let the sun shine in, this week and ever after.

The Modesta Bee

Over the next several days, you'll read a lot in The Bee about how important it is for government to be open to the public it serves and represents, and that pays its bills.

The meetings of elected bodies should be easily accessible to the public - in time, location and, whenever possible, through broadcasts on TV or the Internet. Likewise, the records of government agencies should be available to anyone who wants them, without undue delays, costs or intimidation. But there's another dimension to open government: The way in which government communicates should be understandable to the average citizen. Very often, it is not. Consider these examples:

- An agenda item on the Modesto City Schools' Feb.27 board meeting read: "Approval of Ratification of Uncompensated Services Agreement between the Stanislaus County Health Services Agency and the Modesto City Schools." The average parent never would recognize that the item had to do with the sex education curriculum. And because there is no link to staff reports from the city schools' agendas that are posted online, parents have no way of finding out. Fortunately, people learned of the item and there were 40 or more interested parties at that discussion, representing the appropriate spectrum.

- The Modesto City Council agenda often is littered with legalese and little-known acronyms. Hence, we read items such as this from last week's agenda: "Consider authorizing a Request for Proposals (RFP) for services on a General Plan maintenance update and Master Environmental Impact Report (MEIR) update." That's an important issue, involving an upcoming review of growth planning, one of the hottest topics in the region.
- Last fall, there was an unnecessary mix-up over the outcome of a Modesto City Council race, in large part because of the confusing way the Stanislaus County election office reported results.
- Taxpayers are appropriately concerned about where their money goes, but for Californians, that's like sorting through a mound of spaghetti as big as a house. One county controller wrote a 66-page manual on demystifying the property tax system, noting that taxpayers can't associate their dollars with the local services they receive. It's no wonder people resent paying taxes - they can't figure out what they get for their money.
- The consistent prize winner for obfuscation is Congress, where special items routinely are inserted into thoroughly unrelated bills. As noted by Sen. John McCain, the recent appropriations bill to provide additional money for the war in Iraq contained 51 "earmarks," for such unrelated things as \$12 million for an ag research center in Iowa and \$500,000 for water projects in a West Virginia town. In 2004, another spending bill contained a measure granting permission for 60 families to use their cabins in Sequoia National Park permanently.

The inclination for government leaders to retreat behind doors and classify documents is widely recognized. Not as obvious is the tendency for government to become unnecessarily obtuse, and then to deaden citizen involvement and interest by insisting that the public learn and speak the arcane language of bureaucracies. Citizens have a responsibility to learn about and watch their government.

As James Madison said, "A people who mean to be their own governors must arm themselves with the power which knowledge gives." But government of, by and for the people is conducted with clarity of words and structure. That, too, is part of the sunshine needed for democracy to thrive.

Ventura County Star

http://www.venturacountystar.com/vcs/opinion/article/0,1375,VCS_125_4538968,00.html

Your letters: Open Government

We are the customer

Re: your March 12 article, "Agencies violate public access law":

I applaud The Star for its exceptional reporting on public access to information.

For the most part, I place great trust in our government. However, I also know that in any large organization, it is often easy to forget who your customer really is. Fiefdoms tend to

develop, and more often than not, many employees — both public and private — forget who is actually paying their salary. When you have a government servant actually grow terrified because a member of his constituency approached her, you know we have a problem.

Every government employee should have a sign on their desk that says, "By the people, for the people." They should be reminded constantly that they serve at the pleasure of the public, not the other way around. Yes, I know that there are unstable personalities in this county who might use some information for nefarious purposes, but we cannot let that cloud our judgment of who we all actually work for. Government agencies must let reason and the laws dictate how these requests for information are handled, not fear.

It is so refreshing to see a newspaper take on an issue like this. This type of journalism, along with its subject matter, exemplifies the First Amendment and distinguishes a free society from a closed, insulated bureaucracy. — **Brian Gerk, Ventura**

Agencies need to learn law

I applaud The Star's article on this topic. Ventura City Manager Rick Cole is all wet when he says that the audit proved nothing. It proved that local government agencies — particularly the police — need to learn the law. Congratulations to The Star! — **Michael Walker, Ventura**

Cover-up unlikely

I can't help but wonder whether your story was more of a commentary on the culture of fear that we now find ourselves living in. In the case of the school districts, having someone show up at your office under mysterious circumstances and ask for your boss' employment contract is highly unusual, even if the contract is public record.

All companies have a heightened sense of security these days, and public agencies are under particular pressure. The Star has certainly tightened up its own security. Years ago, the newsroom was open to the public. Now, you must sign in, wear a nametag and be let through a locked door if you wish to visit anyone.

Misunderstandings happen, and I would not read too much into this bit of reporting. It's obvious public agencies can do a better job in instructing their employees on handling public records requests. But I would certainly not infer that anyone out there is willfully trying to cover anything up. — **Marie Lakin, Ventura**

Conspiracy doubtful

I was well aware that the documents in question are fully accessible to me under the Public Records Act. However, I would expect to be asked to identify myself upon such a request, and I would not hesitate to provide this information, even though I am not required to under the law.

I am not surprised some agencies were hesitant to turn over information immediately. It seems logical to me in this post-Sept.-11-era that that these agencies would err on the side of caution in releasing these documents. I don't believe it was the intent of the agencies to hide information.

The Star's special report made it appear as if there is a conspiracy to withhold public information. Why wouldn't The Star print a more positive article, with guidelines about how to

request public records? Was it really necessary to embarrass our well-respected public servants by quoting them out of context? — **Tom Carroll, Ventura**

Santa Cruz Sentinel

As We See It: Government secrecy rampant

This newspaper took the Metro Transit District Board of Directors to court this year in an unsuccessful attempt to make public a secret vote that led directly to a strike by bus drivers.

A visiting judge made a decision that the directors had a right to vote and then keep it all secret, but we remain convinced that the public would have been served had that vote been made public.

Despite that action, we believe that most local agencies make an effort to do their business in public. Probably not every piece of public information is made available, but we're satisfied that in general our local leaders understand the state's open-meeting law and its public-records law as well.

Unfortunately, state agencies can't make that claim. This past week had been designated by open-government advocates as Sunshine Week, a time for open government issues to be brought into focus.

The highlight of the week in California was an audit conducted by the Californians Aware organization. The nonprofit group, known for championing open government, completed an audit and provided a report card on how well different state agencies responded to requests for documents.

Nearly have the agencies failed to provide requested information — all of which had been covered by the state's Public Records Act.

A college student requested a variety of documents from various state agencies in January and February, and then he recorded whether the agencies were following requirements.

According to Californians Aware, more than two-thirds of the agencies improperly asked to see the student's identification before allowing him to see economic interest disclosure forms.

The organization followed up its audit with a press conference. The event was attended by Assemblyman Mark Leno, D-San Francisco, and he promised to follow up with legislation that could help open up the state agencies.

The bill would do the following:

- Require every state agency with a Web site to create a public information center on its home page.
- Authorize the state Attorney General to provide a quick and non-binding "second opinion" to follow every decision not to provide a public record.
- Establish a \$100 penalty per day on any agency that is found by a court to have withheld public information.

We understand that public officials as well as public employees find it difficult to provide all information to the public. We also understand that there's a tendency on the part of these people not to want to open up the government process.

For example, in the case of the Transit District, the information that we requested could prove embarrassing to some members whose vote led directly to the strike. In their position, we too probably would prefer that such a vote be kept private.

But it remains the right of the public to know what its government is up to. There are times that certain information — legal matters and personnel matters — must be kept private.

But it's clear from the statewide audit that the predilection toward secrecy is powerful. We give tremendous credit to the Californians Aware group for pointing out this condition once again.

The Argus, Fremont

http://www.insidebayarea.com/argus/oped/ci_3624013

Diligence needed for openness in government

LAST WEEK was Sunshine Week throughout the United States. No, the purpose was not to herald the beginning of spring, or lament the gray clouds and damp weather. It was to focus attention on the importance of open decision-making and access to information within our respective levels of government.

The League of Women Voters acts as a force for positive change in our communities, and we believe that making elected officials and the general public aware of open government laws is one of our primary functions. On that basis, last week, the seven Alameda County Leagues of Women Voters sponsored a community forum on the importance of Sunshine Week activities, focusing on the California Public Records Act and the Ralph M. Brown Act.

The purpose was to encourage more public awareness about open government.

State Attorney General Bill Lockyer was the keynote speaker. He was supported by three separate panels, which dealt with an in-depth look at the Ralph M. Brown Act (public access to meetings) and the California Public Records Act or CPRA (access to public records). The panels examined the laws from the perspective of citizens, public officials, and the media. The panelists and participants discussed elements of the two laws and some of the most consistently contested issues between citizens and government.

Of particular note was the discussion about competing interests and priorities between those requesting or seeking information and those within government who have to produce it. The comments focused on timing and how it appears different to both sides; costs, and the demand on limited resources within governments already stretched tight. Panelists highlighted some of the more egregious violations of the legislative intent such as governments charging unrealistic amounts for copies or electronic files, or taking extreme lengths of time to respond; and commercial firms using the intent of these laws to get marketing data and information on citizens. The panelists talked about how to strike the right balance between these interests — particularly how to allow the time to deliberate and get full public input while still acting according to the law to produce the requested information.

Berkeley and Oakland panelists informed the audience of the numerous extra steps each city takes to assure everyone is served and responded to, including having multiple bilingual staff available to assist with these numerous requests. Attorney General Lockyer noted in his speech that even the best of intentions and processes sometimes fail to produce the desired outcome, which he illustrated with a small vignette: A temporary security guard was at the desk of one the Attorney General's Offices when someone requested information. Much to Mr. Lockyer's dismay, the temporary guard told them that the Attorney General's Office doesn't give out any information to anyone.

Over 100 elected officials, League members, community advocates, and press representatives attended the event.

The seven Leagues want to acknowledge ANG Newspapers for publishing an editorial on this very important topic and making the public more aware of their rights. The League hopes that this is just the beginning in an effort to raise public awareness.

The National League has put together an extremely informative booklet on Sunshine activities, including what citizens can do and how to conduct compliance audits. For this and more information on the League of Women Voters, contact your local League or e-mail us at lwvsun@comcast.net.

Nancy Van Huffel is president of the Eden Area League of Women Voters.

Contra Costa Times

<http://www.contracostatimes.com/mld/cctimes/news/opinion/14094071.htm>

EDITORIAL

Open government

THE MOUNT DIABLO Unified School District and the East Bay Regional Park District face a similar problem -- filling a board of directors position because of a death. But the manner in which each district has proceeded is quite different.

To its credit, the school district chose to be transparent in every step of the replacement process. The park district has not been so open.

Instead, it has culled the list of potential candidates to fill the place of deceased Director Jean Siri behind closed doors.

Only when the list of potential replacements for Siri has been reduced to three will open meetings be held.

The Mount Diablo school district, on the other hand, has held open hearings on interviewing candidates to replace Vice President William Leal, who died Jan. 29.

The school district rightly chose not to hold an election to replace Leal, whose term would have expired in December. An election would have cost \$500,000. Leal's post is one of three up for election in November.

By holding public meetings throughout the selection process, the school board is demonstrating a commitment to open public government. With the district's financial problems, it is welcome that it chose to do the public's business entirely in a public manner, especially now as we celebrate "Sunshine Week," which promotes public access to government.

We wish the park district had the same view of openness in government as does the school district. Unfortunately, the park district believes that holding public meeting on all the candidates for Siri's seat would be inappropriate.

At least open hearings will be held once the park district determines the final three candidates. That offers some transparency to the process, but less than we would like to see.

Public hearings can be cumbersome, but it is worth the extra effort to keep the people informed about how their government

Lake County Reporter Bee

Sunshine Week: Open government is critical

Lake County Publishing Editorial Board

This has been Sunshine Week, which speaks to the importance of keeping government open to its citizens.

As part of Sunshine Week, Californians Aware a Sacramento-based nonprofit that champions open government released an audit of public agencies' response to public records requests, conducted by 18-year-old college student Ryan McKee.

McKee examined how agencies adhered to the Public Records Act and the Political Reform Act, which protects the public's access to basic public documents, including litigation settlements and salary information.

The results, as we reported Wednesday, were dismal.

Of the 31 state agencies McKee approached, only 21 percent of those responded as state law requires. Three agencies California Coastal Commission, State Teachers' Retirement System and Department of Toxic Substance Control received As; 17 earned Fs.

The Department of Motor Vehicles, the Department of Justice and the Department of Social Services actually prevented McKee from entering their buildings.

He received the runaround from other state departments; some wouldn't respond to his requests within the mandated 10-day period, or tried to charge him more for copies of documents that the open records law allows.

Of course, none of this is "news" here at the Record-Bee, where we often run into such problems. Some local government agencies have stalled us when we've requested various reports, citing everything from staff shortages that hamper filling the requests to our requests not being covered by the open records law.

McKee said he hopes his work will cause government agencies to improve, although he isn't confident that will be the result.

And, if history is any indication, it won't be.

Steve Geissinger, the Sacramento bureau chief for our sister paper, the Oakland Tribune, reported this week that CalAware's findings weren't much different than the conclusions reached a decade ago by the Associated Press. Geissinger reported that AP asked 29 state agencies for copies of 69 sets of documents, under the Public Records Act; only seven "said they could supply every requested record, either in electronic form or on paper."

Additionally, half of the agencies AP surveyed met the records act's 10-day deadline for a response, with many more citing "vague" requests as reasons for delay.

Sunshine Week has an added meaning for the Record-Bee this year. On Monday, we along with several of our sister papers in Mendocino County filed a petition with the state's First Appellate District, asking that a ruling from a Mendocino County Superior Court judge be set aside on the grounds that it represents an unconstitutional restraint on the press.

Last month, Judge Jonathan Lehan, who is presiding over the horse cruelty case of Westport resident James DeNoyer, ruled that our sister papers could not print the names of witnesses in the case, name exhibits or animal locations, or use photos of the animals they had in their possession.

Preventing the press from using materials in its possession sets a terrible precedent. It also contradicts previous legal rulings that have found trial courts are "without power to restrict the press' right to investigate and publish information which it has lawfully obtained."

All of these audits, court cases and efforts to keep government open can be boiled down to one single word: freedom.

Because, if we can't monitor the government through its written records and documents, we risk losing our right to self-determination and choice.

And, as Ryan McKee pointed out, "... if people don't pay attention to this, that's the reason the government gets away with small things. And if they get away with small things, they might think they can get away with more."

Petaluma Argus-Courier

<http://www.arguscourier.com/columns/balshaw/balshaw060322.html>

Government secrecy

**By JACK BALSHAW
FOR THE ARGUS-COURIER**

Last week's Argus-Courier front-page article on the reduction in information available to the public from the police department touched on an area I'm greatly concerned about. It seems as if all levels of government are becoming more and more secretive about their operations.

In the instance of the report about our police department, I can see a possibly beneficial outcome. As the local newspaper, the Argus should have preferential standing within the city family to receive information of interest to local citizens. It wouldn't take much effort for the department to establish a weekly meeting with an Argus reporter (and possibly the Press Democrat) to provide details and a perspective of what noteworthy arrests, new departmental procedures, etc., occurred during the previous week.

While the department may worry that this might provide too much public access into its operations, I could be equally concerned that regular briefings might co-op the reporter. I think that, overall, such a weekly briefing would be for the good of all involved.

I read tidbits of information such as, "there are 60 known gang members in Petaluma," and wonder in which areas they live and hang out. I read stories about unusual specific arrests but get no in-depth information about how these relate to the whole police department operation. Perhaps a closer relationship between the newspapers and the police department would fill that void.

Why are developments that are such a major interest to the citizens and will have a major impact on city finances kept so quiet for so long?

There is a function in planning called "lead time." This is the period between when significant information is made public and when a decision is made. Most bureaucracies try to minimize this lead-time as substantial lead-time gives opponents more time to organize their case. Secrecy in such an instance (as with the police department) isn't so much about keeping people from finding out that something is happening as it is about providing only minimal information on the details.

Major developers and their consultants spend months working over projects with professional city staff or their consultants. Citizens are allocated three minutes at the very end of the process to present their concerns or alternative proposals. Can you imagine how difficult it is to present enough facts and alternatives to the City Council in three minutes that they would reject or revise staff and consultant recommendations? It is apparent that most public hearings are shams. Oh, a bone or two gets thrown to the public, but the basic project is usually approved as presented unless there is a large turnout of citizens.

At all levels of government and in special entities such the Open Space District, the Sonoma Marin Area Rail Transit operation, the various school boards, the less the public knows, the less it is able to interfere with the desires of those who control these organizations.

At the national level, secrecy has become much more serious. Secrecy there relates to keeping the public from even knowing that anything is happening. Not only is the public being kept in the dark, but also so is the Congress.

If it were only related to operational secrecy about war, that would be understandable. But when a known cost for something like the Medicare prescription benefits is kept from the Congress until after they pass a bill, that's manipulation by secrecy. When official reports are rewritten to exclude information, that's also manipulation by secrecy. That has no place in a democracy.

Considering that most citizens are not interested in governmental operations, the subject of secrecy is almost moot. But those who are interested should have early and complete access into the process.

(Jack Balshaw is a retired transportation planner and former Petaluma City Council member. His e-mail address is jbcolumn@sbcglobal.net)

Guam

Pacific Daily News

<http://www.guampdn.com/apps/pbcs.dll/article?AID=/20060313/OPINION01/603130310/1014/OPINION>

Public servants need to bone up on what information must be released to the people

This week is Sunshine Week, a national effort by newspapers, magazines, online media and electronic broadcasters to raise awareness about the importance of open government, and not just to journalists.

It is critical that our government, on both the local and national levels, be open and transparent to its citizens. There is some information that can't be made public -- national security issues and some private information about government personnel, for example -- but in the main, citizens are entitled to know what their government is, and isn't, doing.

The federal Freedom of Information Act was signed into law 40 years ago in an effort to keep the federal government more open. On Guam, the Sunshine Reform Act of 1999 does that with the local government. And just last year, the Transparency Act of 2005 became law, requiring that GovGuam agencies create and actively maintain Web sites in order to better provide information to the public.

But in order for these laws to be effective and useful to citizens, government officials, both elected and appointed, need to be knowledgeable about the statutes. They need to know what information is public and what isn't in order to better serve the community.

In recent months, there have been instances in which a school board member wanted to make discussions of the superintendent's performance review secret, because he felt it was a personnel issue, and one in which the chairman of a commission said he would release information to the media if a Freedom of Information Act request was filed.

But all issues involving employees aren't necessarily covered by personnel restrictions in the Sunshine Reform Act, and if you know you have to release information if you get a FOIA request, the information should simply be released!

A recent law requires elected and appointed government officials to take ethics training and refresher courses. The same kind of mandate is needed for open government laws.

Our public officials need training in open government statutes

"This legislation springs from one of our most essential principles: a democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest."

-- President Lyndon Johnson, after signing the Freedom of Information Act.

Every citizen has a right to know how his government -- on both the local and federal level -- operates. After all, our form of democracy is founded on the principal that our government is of, by and for the people.

It's our government, so we have the right to know how it's spending our tax dollars, what actions it has or hasn't taken, will take or won't take, and why.

That's why the federal Freedom of Information Act, the Sunshine Reform Act of 1999 and other open government laws are so important. These laws not only allow the media to fulfill its watchdog role and report about the government to citizens, they guarantee that everyone has the same level of access to government information.

This openness and transparency enables all of us to better hold our government, and the elected and appointed officials who run it, accountable. It empowers us so that we can ensure that our government is living up to its responsibilities to the community.

This information also allows us to evaluate those who serve in public office. Openness and transparency in government allows us to make better, more informed decisions in the voting booth, so we can choose the best candidates to represent us.

That's why it's critical that those who do serve in government, whether as an elected or appointed official, be well-versed in open government laws. Those charged with dispensing information to the public need to know why it's important, as well as what information can be released.

The best way to do this is to require all public officials to be trained in open government and sunshine laws. Newly appointed and elected government officials need a thorough grounding in the subject, and long-time officials need regular refresher courses to keep up to date.