

The South

Kentucky

Louisville Courier Journal

<http://www.courier-journal.com/apps/pbcs.dll/article?AID=/20060314/OPINION01/603140348/1055/OPINION>

Turning out the light

It's National Sunshine Week, but you wouldn't know that in Frankfort.

It's not just that the Kentucky legislature is refusing to open up court proceedings involving juveniles. It's that lawmakers insist on proposing new ways to make the public's business less accessible to the public.

All of us have a vital stake in how young defendants are handled by the courts, and how the system treats kids who are caught up in neglect and dependency problems. County attorneys, among others, have pushed to let the public see how well, or poorly, this important and sensitive work is done.

But lawmakers seem determined to keep those particular courtroom doors and case files closed, and to shut the public out of government oversight in new ways:

HB 699 would let members of the General Assembly keep secret their work-related e-mails, phone records and legislative correspondence. At last report, the good news was that this proposal had not made it through the House committee process. And no wonder. It takes time to explain how the public interest is served by hiding what goes on in Frankfort, and at whose behest.

HB 290 would hide the names of those who receive permits to carry concealed weapons. Almost nobody in the House thinks you, or your friends and neighbors, have any business finding out who totes a gun under his coat or who stashes one in her purse. Putting aside partisanship for a change, the House agreed that secrecy is just dandy when it comes to deadly weapons. It sent HB 290 on to the Senate Judiciary Committee with a resounding 89-7 endorsement

HB 933 is the regular effort by Rep. Rob Wilkey, D-Scottsville, not just to hide but to erase the records of class D felony convictions, after 10 years. It eased through the House, 76-21, and also was sent to the Senate Judiciary Committee.

House Bill 406, perhaps the most outrageous of these pro-secrecy proposals, would let courts hide the names of minors who testify at criminal trials. Rep. Robin Webb, D-Grayson, was the only House Judiciary Committee member who had the guts to oppose this fundamental break with the American tradition of pursuing justice openly.

It's National Sunshine Week, but in Frankfort they celebrate by figuring out new ways to keep the public in the dark.

Bluegrass Institute, Bowling Green

<http://www.bipps.org/ARTICLE.ASP?ID=545>

Open government is good government

By Caleb O. Brown

In matters of government, sunshine offers a powerful disinfectant. So when a public servant shakes his fist and ardently calls for either more or less scrutiny of a proposal or program, Kentuckians should pay rapt attention.

Rep. Larry Clark recently called for a great deal more scrutiny in the push to build a new arena (somewhere) in Louisville. Clark, D-Louisville, questioned not just the location preferences of the General Assembly versus those of the Louisville Arena Authority, but the integrity of the whole arena process.

“I think we have a challenge incumbent on all of us to make sure that when we do this arena that we can go back home and say we’ve done the right thing,” Clark told the House Appropriations and Revenue Committee.

He said legislators “owe it to the Commonwealth of Kentucky to scrutinize” the arena project to “make it the best deal for everyone.”

Clark stated that his own constituency is overwhelmingly against the arena project and that he “wouldn’t even put the money in the budget” if his position represented a mere political ploy.

But even if Clark’s call for public scrutiny is politically based, his call for a deeper examination indicates his apparent conviction that more scrutiny might reveal deeper problems that deserve attention before the money is spent.

Whatever compels Rep. Clark in his criticism of the Louisville arena project, his request for Kentuckians to take a closer look deserves kudos. The project merits the attention of everyone who will pay for it – not just those who stand to benefit.

Kentucky’s larger economic-development budget also deserves a closer look.

Following a Lexington Herald-Leader series documenting the failure of the state’s economic-development programs to lift Kentucky’s fortunes, some legislators have called for hearings. The recent budget approved by the House included language requiring a Legislative Research Commission (LRC) study to more closely examine how economic-

development officials spend tax dollars enticing employers to locate or expand in Kentucky.

Economic Development Secretary Gene Strong cited the privacy concerns of corporate America when he told lawmakers to kill the effort to subject the business-incentive programs to evaluations by the legislature.

Lawmakers tasked with ensuring that taxpayers get the best deal for their hard-earned dollars simply must subject these programs – many of which are shrouded in secrecy – to more scrutiny. Fiscal responsibility and transparency must always trump privacy concerns of anyone on the public dole, including corporate America.

Strong's appeal to legislators is particularly galling when one considers that legislators were not calling for full public disclosure of who-got-what-money-when. Lawmakers simply wanted the ability to examine the more secretive subsidy programs so they could judge the merits of continuing to spend the money. The Herald-Leader reports that "more than 25 percent of companies benefiting from the state's main cash subsidy program between 1992 and 2000 didn't meet their job-creation requirements."

Strong's fears that big companies would think twice about doing business in Kentucky due to just a smattering of legislative scrutiny are unfounded. The only businesses that have anything to fear are those failing to meet job-creation requirements, which is precisely the reason why these programs deserve a second look.

Legislators themselves should set the example and flatly reject bills that move away from the sunshine and into the darkness. That is not the direction Kentuckians want government to go, as clearly indicated by the widespread derision that met a recent proposal by Rep. Rob Wilkey, D-Scottsville, to shield legislators' e-mails from virtually any public scrutiny.

Wilkey, who has since backed away from the bill, claimed it was to protect many legislator-constituent communications from public disclosure. While such communications are largely already exempted under Kentucky's Open Records Act, his bill would have given legislators a great deal more control concerning whether their official communications would ever see the light of day.

In each of these instances, Kentuckians' right to information about their government's activities is at stake. If we can't easily check up on how our elected officials and their appointees do their jobs and spend our money, how can we know that our government isn't rife with Frankfort's favorite buzzwords these days: waste, fraud and abuse?

Charles N. Davis, executive director of the Freedom of Information Center at the University of Missouri School of Journalism, framed the issue simply.

"Freedom of information is a constant battle, after all, and denial is far too often the norm rather than the exception to the rule, which should be transparency," Davis said.

It's a battle taxpayers cannot afford to lose.
– Caleb O. Brown is director of KentuckyVotes.org.

Tennessee

Clarksville Leaf Chronicle

Sunshine will open meetings

People's voices are needed to put pressure on legislators.

In 2002, Florida newspapers banded together for what they called "Sunshine Sunday." The newspapers sounded the alarm that the state Legislature there had proposed more than 150 exemptions to open government laws to restrict public information in light of the 9/11 terrorist attacks.

The Florida Society of Newspaper Editors estimates that some 300 exemptions eventually were defeated in the legislative sessions following its three annual Sunshine Sundays.

The Sunshine Sunday movement expanded last year to Sunshine Week in newspapers across the nation as a way to remind people that government will remain open to them only if they care enough to demand accountability from public officials.

Here in Tennessee, legislation based on Florida's open meeting law — the "Sunshine in Government Improvement Act of 2006" — has been introduced in the Legislature. It would be the first update to the open government law since 1974.

Under the proposed changes, city councils and county commissions could receive a \$50 fine and attorneys' fees for knowingly violating open meetings rules.

How often are open government rules being defied in Tennessee? The Tennessee Coalition for Open Government reports 115 alleged violations between January 2003 and October 2005. And those are just the ones that were reported. Who knows how many others simply slipped by?

The Tennessee County Commissioners Association has announced opposition to the bill, saying that instances of open meetings laws were rare, and the new law would be burdensome.

While newspapers take the lead on pushing for open government, it's still up to the people of this state to tell their legislators that passage of the new Sunshine act is important to them and that they don't agree with the county commissioners group on the enforcement of open meetings in Tennessee.

What about you? What does open government mean to you? Write The Leaf-Chronicle a letter to the editor during Sunshine Week or post a message in our Web site blog to let us know your opinion.

Together, we can ensure that government is open and accountable to the people that it is supposed to represent and to serve.

Memphis Daily News

<http://www.memphisdailynews.com/Editorial/StoryLead.aspx?id=91961>

Memphians could learn a lot about the way government works from an ordinary Joe.

He's Joe Saino, a former Memphis Light, Gas and Water Division commissioner-turned-tenacious public watchdog who won't take no for an answer. Like last year, for example, when he was stonewalled by municipal officials after requesting public records from the City of Memphis. A string of letters he wrote went unanswered, so he filed suit in Shelby County Chancery Court.

The city relented, and since then Saino has spent several hundred dollars - usually at 25 cents a copy - combing through other public records on just about every government agency in Memphis and Shelby County. Many of the facts he digs up are posted on his Web site, www.memphiswatchdog.org, which reportedly has been banned from being viewed on computers inside MLGW.

One-man band

Saino said he believes he's doing the research the media doesn't always have the time or resources to do. Next week, newspapers and other groups across the country are sponsoring Sunshine Week to make government more accessible to ordinary people like him.

"Governments generally like to operate in darkness," Saino said. "Taxpaying citizens want sunshine and transparency."

Sunshine Week, which was first held last year on a national scale, is spearheaded by the American Society of Newspaper Editors. The event is a spin-off of Sunshine Sunday, which was started in Florida in 2002. That effort was begun to stop more than 150 proposed exemptions to Florida's open records laws in the wake of Sept. 11 and the creation of the U.S. Department of Homeland Security.

"And that's sort of the model for Sunshine Sunday and Sunshine Week events," said Frank Gibson, editor of the Tennessean in Nashville and executive director of the Tennessee Coalition for Open Government. During the week, newspapers and media outlets will be presenting stories and editorials that highlight the issue.



"Governments generally like to operate in darkness. Taxpaying citizens want sunshine and transparency."

- Joe Saino

Former commissioner for Memphis Light, Gas and Water Division who now runs a public watchdog Web site, www.memphiswatchdog.org

Transparency in government

This year's Sunshine Week, which starts Sunday, actually will be different in Tennessee than in other states. Rather than inventing an elaborate promotional campaign for the week, local media and advocacy groups say they already have a genuine project on their hands.

The rules governing open meetings in Tennessee are about to get a facelift for the first time since they were written more than 30 years ago.

"It's pending in the legislature now, so that's our Sunshine Week," Gibson said.

One of the changes to Tennessee's "Sunshine in Government" legislation would require the state's General Assembly to follow the same public meeting rules that cities and counties do. But state Atty. Gen. Paul Summers has issued a legal opinion that has concerned open meeting advocates.

Constitutionally, Summers believes the current General Assembly might not be able to write legislation that binds future lawmakers. That's one reason why advocates like Gibson believe the halls of state government are getting darker.

Another is a recent tally by the Jackson Sun newspaper in Jackson, Tenn., which found there were 45 open meetings violations in Tennessee during the first 10 months of 2005. In the entirety of 2004, there were 39 reported; in 2003, there were 31. One of the violations reported in 2005 concerned a Nashville government agency using e-mail to discuss a budget plan.

Let the sun shine in

Last year, the paper took the City of Jackson to court to obtain a 9-1-1 tape after a shooting at the local Tennessee Department of Transportation office.

Saino has several open records requests pending. One involves obtaining more information that appears to show MLGW - which has a special property tax arrangement with the City of Memphis - has overpaid some of that amount in recent years by almost \$25 million.

"I think, somehow or another, we haven't done a really good job educating the public about this," said Dr. Elinor Grusin, a journalism professor at the University of Memphis who teaches mass communications law.

She once examined the access to law enforcement records in Tennessee and found that more than one police office kept two sets of records: one for the public and one for themselves.

More sunshine appears to be needed at other levels of government than state agencies. Though the federal Freedom of Information Act is approaching its 40th birthday, a coalition of watchdog groups has found the national government is withholding more public information than ever before.

For every dollar federal agencies spent declassifying old secrets in 2004, \$148 was spent to create and store secrets, according to an Associated Press report.

A recent AP investigation also found that almost all records remain secret for more than 5,000 defendants who moved through the federal courts in the last three years.

"This is not a journalism issue - it's a public issue," said Grusin, who's making open government issues the focus of one of her coming classes.

After scouring thousands of public records, Saino has a few ideas on how to make the process less exasperating for ordinary citizens.

They should have the option of getting public records in an electronic form, instead of computer documents being printed and offered to the public for the cost of each printout, he said. E-mail records should be more readily available, and penalties for refusal to comply should be stiffer.

"It's Sunshine Week every week in Tennessee," Gibson said.

North Carolina

Greenville Daily Reflector

<http://www.reflector.com/local/content/news/stories/2006/03/13/20060313GDRspeller.html>

Personal treasures can be found in public records

By Cherie Speller, The Daily Reflector

Newspapers across the country are celebrating Sunshine Week through Saturday to shine a light on open meetings and records that are available to the public.

For those of us in the news-gathering business, this law is essential in providing the information our readers have the right to know.

From the quality of public schools to the cleanliness of restaurants to the plans for city development, this law keeps the public's business in plain view for inspection.

While most of the focus of Sunshine Week is on the importance of open government in a democratic society, it also reminds us of how access to public records can hit closer to home.

For Garland Briley and other genealogists, it's all about family.

Briley has been searching his family history through public records since 1998 and has tracked his surname to the Brileys that moved from Virginia to Beaufort County and then to Pitt County and beyond.

So, when he got an e-mail in November from a man named Hersel Briley who wanted to know more about his family, he couldn't pass up the opportunity to investigate.

Through a search of the Internet, Hersel found that Garland was researching the Brileys in Pitt County.

A resident of Roxobel in Bertie County, Garland is a native of Pitt County and is associated with Pitt County Family Researchers.

Born and raised in Florence, S.C., Hersel's father is from Pitt County, he said from his home in Philadelphia. "My father didn't marry my mother, and I didn't meet him until I was 22 years old. He's been dead now for years, but I wanted to know more about that side of my family."

Hersel knew the names of his grandfather, father and an uncle.

With that information, Garland began his search through public records.

"I took that and went down to the courthouse and looked up the birth certificates going all the way back," Garland said. "I found the names of three uncles."

Through his continued search of birth records, death certificates and grave stones in Brown Hill Cemetery, Garland identified more of Hersel's family, including a now-deceased uncle named Charlie and his wife, Ella.

"I found my aunt, my father's brother's wife, and I talked to her and two of her children, my first cousins," Hersel said. "I'm trying to get them to have a family reunion so I can come and meet them all."

The key to Garland's search for Hersel's family and his own family was public records.

"The easiest thing to do is go to the courthouse," Garland said. "You got to be persistent, you got to check the records, you got to dig."

Pitt County records burned in 1858 except for the deeds, said Roger Kammerer, president of Pitt County Family Researchers, a non-profit genealogical group founded in 1994.

"A lot of records, wills and court papers are missing that talk about Pitt County families," he said. But the records are there through family papers and Bibles that have been donated to archives for protection. It's been done for so long that there are a lot of records out there."

The group helped create a genealogy library at Sheppard Memorial Library that includes books, microfilm, census records and other information. East Carolina University's Joyner Library also has genealogical notes in its manuscript collection.

In addition, information can be found in records in the North Carolina archives, Kammerer said.

Like today, information was sent to the state capital as far back as the 1770's for accountability and storage.

"There are tons of treasures that people have never dreamed of from Pitt County in the state archives," he said.

And once you start the search, it's hard to stop.

"It's like chocolate. You can't get enough of it," Kammerer said. "You keep asking what are records that I haven't seen that may have something in it?"

Want to know more? Pitt County Family Researchers meet the third Tuesday of each month at 7 p.m. at Sheppard Memorial Library.

Cherie Speller is readership and community editor at The Daily Reflector. Contact her at 329-9512 or cspeller@coxnc.com.

Asheville Citizen Times

<http://www.citizen-times.com/apps/pbcs.dll/article?AID=/20060312/OPINION01/60310036/1006>

Now more than ever, importance of open government can't be overstated

Imagine the following scenario:

You hire a kid to mow your lawn, paying good money. The kid shows up and paints your windows black. You assume he's mowing, because that's what he's supposed to be doing, but you can't look out and check on him. And you still have to pay him every week.

Would you put up with that?

In a very real sense, you are. Only it's not a kid who may or may not be mowing your lawn, it's your government.

In a nutshell, that's what Sunshine Week is about - scraping off that black paint government has increasingly been using to obscure the public's view of what it's doing.

The first national Sunshine Week: Your Right to Know was launched March 13, 2005, and continued through the following Saturday. The spirit of Sunshine Week, however, lasts through the year, as newspapers, magazines, broadcasters, Web sites and others continue a dialogue about the importance of open government to the public.

Sunshine Week 2006 is an effort by newspapers, magazines, Web sites and broadcasters to stress the importance of open government in a democracy. Indeed, without open government, we are a democracy in name only.

The roots of Sunshine Week go back to 2002, when newspapers in Florida began to question draconian moves to restrict public information as a response to the Sept. 11, 2001, terror attacks. Dubbed Sunshine Sunday, it was the inspiration for the initial nationwide Sunshine Week held last year.

For the record, no one wants sensitive information that would harm national security released.

For the record, that's pretty much the way it's been for 230 years in this nation. While this is a different type of conflict, it would be hard to say the stakes are higher than in the Cold War, when tens of thousands of nuclear warheads were poised to wipe out life on earth.

Mark Thomas, head of the Oklahoma Press Association, said of one move to close records in his state, "I don't know why all of a sudden the Holy Grail of security and

safety is now closing records. It seems to me we would be more secure if we knew what was going on around us. ... Apparently there are those in government who want to close all these records and say, 'We'll keep you safe, trust us.'"

The government needs to keep some records closed. But remember that "the government" is composed of "people." Some people by their nature are overly cautious. On the flip side some people are overly zealous, and when they get an order to classify material will go at it with a vengeance. Some people by their nature want to hide things that are embarrassing to them. And some people by their nature recognize any opportunity for mischief when there's no accountability.

The shift toward less open government is usually associated with the Bush administration. But make no mistake, states have been eager to get into the act as well. An Associated Press analysis looked at legislation proposed since Sept. 11, 2001, and found that 3,505 bills seeking changes to public access of meetings and government information were proposed. More than 1,000 passed, with 616 restricting information, 284 opening access and 123 that didn't make much of a difference either way.

The chairman of the American Society of Newspaper Editors, Cox Newspapers Washington Bureau Chief Andy Alexander, said, "This is not just an issue for the press. It's an issue for the public. An alarming amount of public information is being kept secret from citizens, and the problem is increasing by the month. Not only do citizens have a right to know, they have a need to know."

The rush to classify material has led to some bizarre moves. Some material dating back decades that has been in the public realm, on the Internet and published in books, has been re-classified. One notable example mentioned by The Washington Post was an intelligence analysis written in 1950 that said Chinese intervention in the Korean War was "not probable." The Post said the attempt to "stuff this harmless toothpaste back into the tube would be funny if it weren't so emblematic of a disturbing new culture of government secrecy."

Why is openness important?

It's sad that question even has to be asked. It shows how lax the concept of democracy has become in the minds of its citizens. It's probably a natural offshoot in an era where "rights" has become a dirty word.

"Rights" is what America is all about.

Think of a few examples of things kept secret that have been revealed recently. Secret prisons, secret spying programs and charges of torture. While the temptation may be to say it's none of our business, these things are being done in our name - with our money. Closer to home, we need to know fundamental things, like if our water is safe to drink or if there are medication errors being made at your parent's nursing home.

Guess what? In North Carolina, the state doesn't have to tell you about that nursing home issue.

It all comes back to the simple tale we led with. Something's going on in our yard, and we're paying for it.

Don't you think we ought to know about it?

Web extra

Visit CITIZEN-TIMES.com to find a "Watchdog Toolkit" for resources you can use to be your own government watchdog, including a copy of the N.C. Public Records Law, a copy of Asheville's assembly policy, and tips on how to write a Freedom of Information Act and a N.C. Public Records Law request.

South Carolina

The Anderson Independent-Mail

Keep them shining

FOI laws belong to the public, not just the press

All too often, we write about public officials who have closed meetings, who assemble a quorum without benefit of public notice, who withhold information that by law should be released.

Today we get to do something we much prefer: Note that to our knowledge none of that happened last week. And we can only hope it will be that way in the weeks to come. For today is Sunshine Sunday and we can think of no better way to celebrate the beginning of the week that nationally celebrates Freedom of Information law than to compliment public officials for keeping the public's business open to the public.

The honorary chair for a week of acknowledgment of the people's right to know is Hodding Carter, former newsman, one-time government official and now a professor at the University of North Carolina, Chapel Hill. Of Sunshine Week, Mr. Carter said, "(It) aims to empower the American people by demanding that government open its doors and allow a free flow of news and information. ..."

That's government at every level, not just on the local front. Yet most of the time, a local newspaper has its hands full with local government; not every week is as bright with sunshine as the most recent one was. Even the late Katharine Graham believed her newspaper's primary responsibility was to observe, properly cover and comment on the workings of local government. The Washington Post, she often proudly pointed out, is above all a local newspaper — at least in Washington.

But regardless of the size of the newspaper, of the number of reporters it has or editors or the pages that make up its Sunday edition, every newspaper is a local newspaper to some extent. And for us, that means keeping our eyes on local events — and sadly, local defiance sometimes of your right to know.

A reporter for a responsible newspaper will see an illegally closed meeting as a personal affront, not because it's our right to hear business being discussed, but because it's our responsibility to be able to pass that information on to the public. How often have any of you actually attended a public meeting, unless your own neighborhood was under discussion? While we believe that all citizens should take advantage of the opportunity to observe government in action, even we admit that it can be boring.

Yet we keep going to meetings because most of the time, what we report is the public's only accounting of the events that took place. And through our attendance, perhaps we might be able to tell the public how you will be affected by what took place, how your life might change — maybe for the better, maybe not.

It's not just meetings; crime reports can help you be more aware of the potential dangers in your city. How taxpayers' funds are being spent can help you make decisions that range from how you vote to where you decide to live.

Our role as journalists is to see that lawmakers and elected officials, indeed anyone in a public position, is upholding all the laws that govern their operations. We do it not for our benefit, not for our edification but for yours, to ensure that the public is receiving the benefit of having its business done in the open, where we can all observe the good, the bad and sometimes the downright ugly.

Freedom of information and open government law cannot be obeyed simply in spirit however but must be obeyed to the letter. And when public officials or public bodies disobey or defy FOI, they are in reality showing disrespect and disregard not just for the laws of our state but for the people who benefit from those laws.

We salute lawmakers, local and regional officials and citizens who agree that open government is good government. And that the public has a right — and a responsibility — to observe how its business is being conducted.

If FOI law is violated, those it hurts most are those it was created to defend. And that means you.

Florence Morning News

http://www.morningnewsonline.com/servlet/Satellite?pagename=FMN%2FMGArticle%2FFMN_BasicArticle&c=MGArticle&cid=1137834672302&path=!news

Our Opinion: Openness in government helps build public trust

Elsewhere in this section today are a number of stories about open government and the threats to it as well as efforts to keep it open or make it more open. The key thing here is that openness in government builds trust, and secrecy breeds mistrust.

Open government laws are for all citizens.

And that's what we want everybody to keep in mind.

Here in South Carolina we have a good Freedom of Information law that helps the public stay informed about government action and gives all of us tools needed to get some information that government may not want us to get.

For the most case, governments in the Pee Dee try to follow the law and comply with FOI requests.

And in recognition of this, the Morning News is working with the Florence League of Women voters to sponsor a forum Tuesday night on the issue.

Invitations have been sent to local governmental bodies, and the forum is also open to the public.

The leader in all of this is the League of Women Voters, and we salute them for their efforts.

The league got a national grant to sponsor the meeting as part of "Openness in Government:

Looking for the Sunshine."

THE ISSUE

Throughout the nation, the media and government are taking time to recognize and discuss the importance of open government.

OUR OPINION

It's certainly the right thing to do to create a "week" to recognize the importance of open government, but it's an issue that is important 52 weeks a year.

This forum is part of the league's national effort to build public awareness of the issue.

And the local league is one of only 14 across the country to get a grant to sponsor a forum.

The forum will be held Tuesday at 6:30 p.m. in the auditorium of the Drs. Bruce & Lee Foundation Library on Dargan Street.

The speaker will be Jay Bender, a Columbia attorney who is an expert on the state's public meeting law and Freedom of Information Act.

Bender is an adjunct professor at the University of South Carolina in both the College of Journalism and Mass Communications and the School of Law.

In a press release about the event Libby Godbold, president of the league, said: "Finding out how the government is serving the public is not always easy, and in a post-9/11 age, the challenges are even greater. The government is becoming less open and more secretive in the name of homeland security at a time when many feel that greater accountability is needed. The LWV of Florence is excited to allow the citizens of our communities to discuss this important topic."

http://www.morningnewsline.com/servlet/Satellite?pagename=FMN/MGArticle/FMN_BasicArticle&c=MGArticle&cid=1137834672296

Trust at local level critical to credible government

By HOWARD DUVALL

Municipal Association of South Carolina

Just as sunlight is necessary for the healthy development of plants, sunshine has a similar effect on growing a healthy government.

To raise awareness about the importance of openness in government, the Municipal Association of South Carolina is joining with the South Carolina Press Association to observe the week of March 12-18 as Sunshine Week.

This week gives us, both as government officials and citizens, a good reminder of why the Freedom of Information Act is the cornerstone of open government and the liberties we sometimes take for granted in this country.

Often in today's news reports, we hear about freedom of information issues in the context of national security or federal spending.

While these are certainly important concerns, the real damage to government credibility can occur right in our own back yards when local governments run into problems with the Freedom of Information Act.

Regardless of whether the infractions are caused by intentional side-stepping or a lack of understanding of the law, even the hint of trying to hide proceedings and actions from the public causes the credibility of government to suffer.

As the elected officials closest to the people they serve, mayors and council members have the most direct contact with the citizens who elect them. Municipal leaders sit with their constituents at church, eat with them at the corner lunch spot and cheer with them for the local ball teams. Maintaining trust at this very local level is absolutely critical to government credibility.

Government leaders who don't have a healthy respect for the citizens' right to know what's going on in the halls of government don't last long in their elected positions.

Without a clear understanding of what the Freedom of Information Act entails, government leaders do a disservice to their constituents.

That's why the very first session of our Municipal Elected Officials Institute of Government, an intense training program for local elected officials, focuses on understanding the details of the Freedom of Information Act.

Early in their terms, municipal officials learn the specifics of executive sessions, personnel and contract discussions, and economic negotiations allowed by the Freedom of Information Act.

We work closely with Bill Rogers, executive director of the S.C. Press Association, to provide frequent and ongoing training on the Freedom of Information Act for all of our elected and appointed officials. Rarely do the Municipal Association and the Press Association disagree on the interpretation of the Freedom of Information Act.

As part of Sunshine Week, the Municipal Association is encouraging elected officials and their staffs in all of South Carolina's 268 cities and towns to take time at a council meeting to focus on the importance of understanding the specifics of the Freedom of Information Act. Also this week, municipal clerks, finance officers and treasurers are involved with training on freedom of information issues.

But as we observe Sunshine Week, it's important to remember the Freedom of Information Act isn't about elected officials or the news media. It's about our citizens' right to know how public money is being spent and how their government is being run.

Openness in government proceedings at all levels makes for the credibility and accountability our citizens expect and deserve.

- Howard Duvall is the executive director of the Municipal Association of South Carolina.

Georgia

The Atlanta Journal Constitution

Meetings to sex offender lists, public can access records

Angela Tuck, Public Editor

With a couple of clicks on the Georgia Bureau of Investigation's Web site, I came face to face with a registered sex offender who's apparently living in my neighborhood. I now know his name, age, what he looks like and the nature and date of his conviction.

While not the most comforting news, it's an example of the kind of government records available to citizens under the Georgia Open Records Act.

In next week's newspaper, you'll be reading a lot about Georgia's Sunshine laws as news organizations do their part to emphasize the importance of access to government records and meetings. "Sunshine Week 2006" is a national effort aimed at combating the growing problem of government secrecy.

"When the topic of open records comes up, some government officials believe that it relates only to the news media," said Vernon Keenan, director of GBI. "Last year we handled 2,631 open records requests, and only 1.8 percent came from the news media. The remainder came from attorneys, insurance agents and private citizens."

Keenan is a strong proponent of open government. "I've been in law enforcement for 35 years, and I'm absolutely convinced that public scrutiny is a very valuable tool in good government."

His agency partners with law enforcement groups to train officers about open records laws and their importance. Incident reports, closed criminal investigation files and crime lab reports are among the records most requested of state and local law enforcement agencies.

Next to the Georgia Lottery's Web site, the GBI's sex offender registry is the most accessed Web site in state government, said Keenan. "That's an indicator of the interest that the public has in government records."

Other records available for public scrutiny include minutes from public meetings; court records; e-mails of public officials (those dealing with public business); real estate transactions; and inspection reports from hospitals, nursing homes, child care centers and restaurants.

Personnel files, including salaries of government officials and employees, are open to the public. "That's probably one of the things that people are surprised to learn," said Tom Clyde, an Atlanta attorney who represents this newspaper and has represented the Georgia First Amendment Foundation in its attempts to block state government secrecy legislation.

In Gwinnett, DeKalb and Cobb counties, you can check the status of court cases online. Inmate records can be examined on the Georgia Department of Corrections' Web site.

Clyde believes Georgia's open records and meeting laws are reasonably progressive and credits that to the work of agency heads such as Keenan, former Gov. Roy Barnes and Attorney General Thurbert Baker.

"If anything, the problem is not the law, but how informed the public is about it. The law is clear that they are entitled to almost all government records."

Government meetings — from county commissions to library boards — are open with some exceptions. "The one that comes up most often is personnel," said Clyde. Officials can go into closed session to deliberate on a personnel issue. They must release records relating to that issue 10 days after they consider the matter, even if no action is taken, he said.

Depending on the government body or agency you're dealing with, don't be surprised if you run into roadblocks. A handy tool in dealing with these is a booklet called "Georgia's Sunshine Laws: A Citizen's Guide to Open Government." It can be found at www.gfaf.org, the Web site of the Georgia First Amendment Foundation.

In Sunday's @issue section, the AJC will spotlight the efforts of private citizens who've used open records to make a difference in their community. It's a right we all have, and technology is making it easier to gain access to information that affects our lives.

- For more information on open government issues, as well as how to get specific records, go to www.ajc.com/spotlight.

- Contact **Angela Tuck** by e-mail at insideajc@ajc.com, by phone at 404-526-5819, by fax at 404-526-5610 or by writing P.O. Box 4689, Atlanta, Ga. 30302.

Alabama

Mobile Register

<http://www.al.com/search/index.ssf?/base/opinion/1142331713318340.xml?mobileregister?oedit&coll=3>

Open meetings law improves public access

LAST YEAR at about this time, we celebrated national Sunshine Week by hailing the passage of Alabama's new Open Meetings Act. The new law restored the public's right to monitor the actions of their governing councils, boards and commissions -- a right that had been curtailed by an adverse state Supreme Court ruling a few years earlier.

The new Open Meetings Act closed some loopholes, established several reasonable grounds for closed meetings when necessary, and provided clarity for public officials and the citizens who watch them.

The law took effect in October, after several government organizations and the Alabama Press Association undertook educational campaigns so that local government officials would understand it. Now, as newsrooms observe the 2006 Sunshine Week and focus on issues of open government and open records, it's time to stop calling the Open Meetings Act "new."

Public officials, whether elected or appointed, have had ample time to modify their meeting procedures, attend seminars, read training manuals and learn about the law.

Certainly, there have been some glitches. Several agencies on the state level initially didn't pay enough attention to the new requirements for giving notice of meetings, and in some cases had to reschedule or re-do business.

The Register editorial board has flagged the Mobile County school board and the Mobile County Commission -- the school board for evading a public evaluation of Superintendent Harold Dodge by totaling up points from pieces of paper, and the County Commission for a couple of executive sessions that we believe violated the law. A majority of commissioners have pledged to do better.

We're also wondering just exactly when the Conecuh County Commission authorized a 9 percent pay raise for its payroll clerk, since a public vote was not taken before the raise went into effect last year. The Alabama Department of Examiners of Public Accounts is wondering too, and that agency is investigating.

Meanwhile, we recommend that the Conecuh Commission and its attorney do some remedial studying on the no-longer-new open meetings law.

Besides the meeting notice miscues, most problems have concerned the changes regarding when an employee's conduct may be discussed in a closed session.

Now, for most high-ranking public officials making more than \$50,000 annually (such as school superintendents) job performance and matters of salary and benefits must be discussed in an open meeting. Truly personal matters that may affect a reputation (such as physical and mental condition, criminal activity, moral turpitude and so forth) may still be handled in closed sessions, but not the basics of how well someone is doing his or her job.

Overall, though, Register reporters who deal with local governments regularly say that most public bodies respect and are trying to comply with the Open Meetings Act, and in some cases are being more open with the public in general. In particular, we can praise the efforts of the cities of Prichard, Daphne, Gulf Shores and Orange Beach, the Mobile Housing Board, and the Mobile Area Water and Sewer System.

And in those cases where we haven't heard anything good or bad about the compliance of other public bodies, no news is probably good news. If they are quietly obeying the law, they're serving the public well.

<http://www.al.com/search/index.ssf?/base/opinion/1142158528270040.xml?mobileregister?oedit&coll=3>

Let the sun shine on Municipal Court files

WITH ITS ruling that expunged Mobile Municipal Court case files should not have been withheld from this newspaper, the Alabama Supreme Court has affirmed the public's right to view the records.

The ruling provides a happy start in this state to national Sunshine Week, when newsrooms focus on issues of open government and open records, emphasizing the need for people to have access to the workings of their local, state and national governments.

This important public records case arose when the Register learned that Mobile County school board member David Thomas, who had been arrested for drunken driving and leaving the scene of an accident after a Mardi Gras parade last year, had a previous drunken-driving arrest expunged in 1998.

Despite the facts in the police report -- that Mr. Thomas was found passed out behind the wheel of his vehicle, and that he regis-

tered .14 on an alcohol breath test, well above the legal limit of .08 -- his case was made to disappear after he stayed out of trouble for a year and paid a fine of \$98.

The Register obtained the Thomas record, but filed a lawsuit seeking access to other expunged files, which were kept in paper form but hidden from the public. Last year, Mobile County Circuit Judge Ferrill McRae ruled that municipal judges couldn't expunge cases, but he would not allow the Register or the public to see records of other expunged cases.

The newspaper and two Municipal Court officials, Presiding Judge James Lackey and Court Administrator Pete Pederson, appealed the decision to the high court.

In upholding the newspaper on Friday, a unanimous Supreme Court ordered that Judge McRae reconsider his decision, in light of its decision. The Register looks forward, as soon as possible, to reviewing many years of Mobile Municipal Court cases that were hidden from public view.

The Supreme Court held that there is "no justification in law for the practices of the municipal court." In the main and concurring opinions, some justices noted that it was up to the Legislature to decide whether to pass a law allowing case records to be expunged.

The Register editorial board maintains that no criminal case records should be expunged outside of the juvenile court system, that adults should be held responsible for their actions, and that records of charges dropped or reduced as well as acquittals should not be hidden, any more than convictions should be.

When access to the secret Municipal Court files is granted to the newspaper -- and any citizen -- the public will learn how often records are expunged; whether people whose cases are expunged have political, family or business connections that may have gained them favorable treatment; whether some kinds of cases are expunged more often than others; and whether any other patterns exist.

For people to have confidence in Mobile Municipal Court, this information must be made available. In the spirit of Sunshine Week, let the facts see the light of day, and let the facts speak for themselves.

Mississippi

Jackson Clarion Ledger

<http://www.clarionledger.com/apps/pbcs.dll/article?AID=/20060314/OPINION01/603140308/1008/OPINION>

Public records

- **'Secrecy chic' a troubling trend**

Since 9-11, federal openness of public records has virtually died under guise of "national security," so that even routine records are now often withheld, and locally, too.

In 2001, former U.S. Attorney General John Ashcroft set the tone by issuing a memorandum to all federal agencies that they could refuse any Freedom of Information Act requests whenever they could find any legal basis to do so and that the Justice Department would stand behind them.

FOIA, established in the wake of Watergate, declares public records public and it allows anyone to sue if the government fails to produce them in a timely manner. But, as American

Journalism Review has reported, Watergate figure John Dean has called the Bush administration "startlingly Nixonian" in its passion for secrecy.

Now, states are increasingly withholding public information regarding public business, too.

The Legislature is considering a bill that would make hunting accident and incident reports closed. The state already puts too many restrictions on basic law enforcement records. And "quasi-public entities," often receiving significant public funds, are increasingly falling in a "grey area" of the law.

The public isn't served by secrecy of public records.

This "secrecy chic" is a fad that deserves to die.

Florida

The Florida Times-Union Jacksonville

SUNSHINE WEEK: It's the law

Florida has long been a leader in open government.

As part of that legacy, this is the fifth year that Florida newspapers have been celebrating Sunshine Sunday, now expanded to Sunshine Week. It also has become a national celebration of open government, sponsored by the American Society of Newspaper Editors.

Too often, elected officials in Northeast Florida seem to have a difficult time interpreting the sunshine law. Some seem more interested in looking for loopholes in the law than following the spirit of open government.

The concept is simple. Florida law requires that all the public's business be conducted in the open. That includes discussions, deliberations and decisions between two or more officials.

In a statewide audit of public agencies, Florida newspapers documented that 42 percent of the agencies failed to conform with state public records laws. In general, citizens do not have to put requests in writing or even give a name.

In Jacksonville, some City Council members have had to be reminded that elected officials must not confer with each other on the public's work behind closed doors.

In Nassau County, commissioners have been left to their own devices.

Here's a recent scenario:

Following a recent board meeting, Commissioners Jim Higginbotham, Tom Branan and Floyd Vanzant discussed eating breakfast together at a local eatery.

The board had just finished a workshop about raising water rates for those Nassau County residents subscribing to the Nassau-Amelia Utility company. Plans were made for the three to meet.

Vanzant did not make it, and Higginbotham and Branan spent less than 15 minutes with each other. It was strictly social, no government business was discussed, Higginbotham said. If that was the case, no problem, because under Florida law, if two or more elected officials discuss government business, meetings must be open to the public with advance notice given and minutes of the meeting taken.

The amount of schooling that Northeast Florida officials receive on the law is often minimal.

Nassau County Administrator Mike Mahaney and each commissioner receive a Government-in-the-Sunshine Manual when they start with the county, and on occasion handouts. However, there does not seem to be any formal training. Mahaney said commissioners mostly get their training by attending annual conferences where the subject is discussed during hourlong sessions.

All government agencies need to create a formal training program. It should be mandatory, required each year. The program should go into detail about the open records law and the open meetings law. The training program should also address the severe consequences if the law is broken.

In the meantime, public officials should avoid a perception problem.

Florida Times-Union

Throughout Northeast Florida, government was being conducted in the sunshine in recent days.

Mayor John Peyton took a big step in the right direction when he prepared a statement of policies and priorities for local lawmakers and arranged a public meeting with them.

The city makes requests each year for budgetary items from the Legislature, but a round-table public discussion on overall priorities and themes with local lawmakers has been lacking.

Aside from most of the area's lawmakers, the meeting included Council President Kevin Hyde and Vice President Michael Corrigan.

Meanwhile, in Green Cove Springs last week, there may have been the first joint meeting between the Clay County and St. Johns County commissions.

The commissions met in a workshop format to discuss the proposed route of a beltway linking the two counties.

Arriving at a consensus will be a key factor in moving ahead with the project.

Though citizens packed the meeting room, they were not allowed to speak. The public will have a chance to speak in the future.

At the same time, it was a refreshing experience for the citizens who packed the Clay County Commission chambers. The public got a full look at some of the issues involved in the decision as commissioners gave their opinions and shared ideas.

In addition, the Clay County Commission recently held an all-day session to discuss long-term goals - in public. And there are possibilities that a joint session could be held with the Clay County School Board to discuss growth issues.

That is what Florida's Government-in-the-Sunshine Law is all about.

Daytona News Journal

Public Records Belong to the Public

By PAMELA HASTEROK
FRESH TALK

It's not easy to be an interested citizen if you live in Bunnell. To see a police report, you've got to get permission from City Hall. To read the city manager's e-mails, well . . . good luck. You'll need it.

Those barriers are enough to discourage the most determined resident, much less the average guy. They're also illegal.

Floridians may view any record kept by any public agency. The state constitution says so. Some records are exempt from view -- like a hospital's building plans -- but most are open.

Police logs and public officials' e-mails are the most basic of records. It should be the most basic of tasks for agencies to provide them.

Yet 38 percent of public agencies like school boards and sheriff's departments in Volusia and Flagler counties denied those simple records to News-Journal volunteers in a survey to test open government compliance. It was worse statewide, with 42 percent bungling the transaction.

Throughout Florida, county governments got it right the most frequently. Not so in Volusia County.

For the second time in three years, the county administration didn't produce e-mails from the manager to council members. First, they asked the volunteer for her name, which is not allowed. Then they asked her why she wanted the records, also against the law. Finally they told her it would cost hundreds of dollars to get copies of one week of e-mails.

That's not only illegal, it's outrageous. An agency with a \$575 million budget and a well staffed technology office can't easily retrieve e-mail? What kind of system is that?

One that shuts out residents -- the same residents who pay public workers' salaries.

Flagler County's administration sets a better example. They didn't ask for a name, a reason or a written request. They just e-mailed the e-mails by the end of the day. (So we know it can be done.)

Daytona Beach police eventually coughed up the call log and incident report, but charged \$2 for copies of 5 pages, more than twice the allowable rate of 75 cents.

The city of Daytona Beach blundered badly when it told our volunteer he would have to sit with the city clerk to view e-mails and choose the ones he wanted copies of. For the privilege, he would have to pay more than \$3 per 15 minutes after the first half-hour. And city officials took three days to get back to him.

That's some way to treat your boss.

Taxpayers foot the bill for public administrations from police departments to the Justice Department. The records they create belong to us. The public workers who hold them are obligated to give them to us, no questions asked.

But many folks believe government records are just for lawyers and reporters. That's not so. They're for everyone.

Maybe you missed the County Council meeting where members discussed how much to pay the new manager. You can get a copy of the minutes or an audio tape.

Maybe you want to check the business background of the contractor building your home. You can find out if anyone filed a complaint against him with the state's Department of Business and Professional Regulation.

Maybe you're wondering about the environment in your new neighborhood. You can look through Department of Environmental Protection records to learn if a landfill was ever nearby.

Public records cover everything from your doctor's mistakes to your baby sitter's driving history. They can reveal whether your mother is getting proper care in the nursing home or your child in the day-care center. They can tell you just about anything you want to know.

Government agencies' records are there for you. All you have to do is ask.

Even in Bunnell.

Orlando Sentinel

<http://www.orlandosentinel.com/news/opinion/orl-sopin1206mar12,0,2300694.story?coll=orl-opinion-headlines>

Chipping away at open government

Our position: Rushing to change the records law hurts the public's right of access.

A looming deadline has clerks of court around the state in an understandable panic. They have been told that by Jan. 1 they have to remove from court documents all Social

Security, bank account and credit card numbers, along with other information lawmakers have decided the public has no right to see.

They are scrambling, but considering most counties have records that date back to the 1800s, and most clerks understand the requirement to mean that even their oldest records must be addressed, it's a monumental task.

Maryanne Morse, clerk of the court in Seminole County, said it's tough to imagine getting the job done during the next nine months without adding more staff -- a costly proposition.

Solutions to the problem should not come at the expense of public freedoms, but that's what's poised to happen with a Florida Association of Court Clerks and Comptrollers proposal. The group wants the burden of identifying and clearing sensitive information from public records to shift away from clerks' offices and onto those who file the documents.

Filers would cite a statute and specify the information they want omitted. Upon verification by the clerk's office, that information would be sealed and kept from public inspection. People with information in existing court files could request exemptions, too. This way, the clerks reason that they could end the mad dash to remove tons of information from the millions of pages of documents in their care -- many of which would hold no interest to the general public.

But the proposal holds dire implications for the public's right to access information.

Currently, the assumption is that a record is open unless a custodial agency proves otherwise. That will change under the clerks' proposal, elements of which are reflected in House and Senate bills this legislative session.

If a filer says information should be removed, it is likely that frontline court employees, no matter how well they are trained, will assume that filer is correct.

Some information will be wrongly removed, and the only recourse the public will have is to go before a judge. That's not how an open government ought to work.

Instead of rushing to change the law, allowing more information to be removed from public records, the better approach is for legislators to extend the Jan. 1 deadline.

The Florida Supreme Court is reviewing recommendations from a task force convened to study ways of protecting confidential and sensitive information as courts move toward putting more documents on the Internet.

The final report from that effort may lend some much-needed clarity.

Any attempt to address the court-file situation before then is premature, increases the potential for abuse and threatens to water down the public's right to access information.

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Tallahassee Democrat

<http://www.tallahassee.com/apps/pbcs.dll/article?AID=/20060312/OPINION05/603120303/1006/OPINION>

MY VIEW

Safeguard your open government

By Barbara Petersen

We plan for good government the same way we prepare for hurricanes: by raising public awareness, by getting the word out. Sunshine Week, which starts today, is a week selected by state and national media to get the word out on open government, seven days spent trumpeting the cause, highlighting the importance of the public's right to oversee its government through application of public record and open meetings laws.

Hurricane preparedness, OK. But a whole week dedicated to open government? Why is access to government information so important that we spend a week's worth of time and resources dedicated to the issue?

The answer, based on core democratic principles and steeped in history, is simple, really. The ability to access the records and meetings of government is critical to our ability to govern ourselves, to maintain civil liberties and historic freedoms. The ability to oversee and hold our government accountable for its actions is a fundamental right in this country, and the principles of freedom, democracy, and open government are inextricably and intricately woven into the fabric of our nation.

The right to know is not a partisan issue, claimed by one political party or candidate to the exclusion of others. It is a core principle, the bedrock of any democracy. We want to know our government is doing its job, that our elected officials are fulfilling promises made and faithfully representing our interests. We want to assure ourselves that our taxes are being used wisely and that those taxes are fairly assessed. We want to know when government officials are abusing their power and to hold them accountable when they do.

Trust, said Ronald Reagan, but verify.

Florida arguably has the most progressive open government laws in the country, laws protected by a constitutional guarantee of access that is unprecedented in this nation. But our right of access is under constant threat and is constantly vulnerable to erosion. Local governments adopt restrictive policies that prohibit public comment at open meetings or

that require exorbitant fees for copies of public records - policies, we should note, that are contrary to current law which stand until challenged in court - and some government commissions and boards routinely violate the open meetings law.

State agencies create artificial barriers to the public's right of access, requiring those seeking public records to make their request through the agency's general counsel or public information officer, to put a request in writing and state the reason for the request. These barriers violate Florida's public records law and can cause lengthy delays in getting access to what are clearly public records.

The First Amendment Foundation recently conducted an audit of compliance with Florida's public records law in all 67 counties and a number of state agencies. The result, while not bad compared to similar audits conducted in other states, was fairly dismal: Only 58 percent of the agencies tested complied with the law. A failing grade by the standards citizens expect and deserve.

And each year, the Legislature proposes numerous exemptions that would close access to public records and meetings. By our count, there are currently more than 1,000 exemptions to our right to know. Does the government need all 1,000-plus exemptions? Occasionally, yes. Frequently, no.

Some of the exemptions are valid - Social Security numbers, personal financial information, patient identifying information, trade secrets - but many protect the interests of select special interest groups at the expense of the public and others block access to records that help us keep tabs on our government.

For example, there's legislation filed this session that re-enacts a public record exemption for adverse incident reports filed with the Agency for Health Care Administration (AHCA) by nursing homes around the state. Shortly after the exemption was created, a newspaper reported there had been more than 4,300 incidents reported at Florida nursing homes in the few months since the bill's passage, but only 100 had led to investigations. The story pointed out that even families of the patients involved couldn't get copies of the incident reports. The reports are exempt from public disclosure.

Trust, certainly. But verify, please. It's our right.

Ft. Lauderdale Sun Sentinel

<http://www.sun-sentinel.com/news/opinion/editorial/sfl-editdspammar22,0,6854147.story?coll=sfla-news-editorial>

Spam's a price one pays for living in an open society.

State Sen. Gwen Margolis, D-Miami Beach, is showing some cloudy thinking in a bill that would tweak Florida's "Government in the Sunshine" law.

Margolis wants to get rid of Internet "spam," and she's proposing exempting all e-mail addresses held by government agencies from the open records and public meetings law to do it. To put it politely, it's not a bright approach.

Spam can be annoying, but it's the public's right to access public records held by government officials that is at issue here. Any e-mail received by a public official or employee in his or her official capacity is a public record. That's the law.

Upholding the "sunshine law" may allow data firms access to e-mails, but that's an acceptable inconvenience of living in an open society. Besides, spam filters are better alternatives, and "delete" buttons still come standard on every computer.