

The Southwest

Arkansas

The Baxter Bulletin

Sunshine laws protect open records

From time to time, newspapers across the country publish stories about corruption in government, school officials and teachers fired for misconduct, or law enforcement officers caught writing tickets to meet quotas.

These are the stories that make us shake our heads, and we say to ourselves, "That's just wrong."

Sometimes, we're incensed enough to share our dismay, and we'll pick up the phone and call a congressman or write a letter to the editor.

Mostly though, we probably just turn to the person next to us and talk about what the world's coming to, and how it's such a shame for so-and-so to be caught with his hand in the cookie jar.

It's these stories that news professionals live for.

It's why we went into the business, despite the long hours and the general unpopularity we endure wherever we roam.

For us, there's a passion for revealing misdeeds, for giving a voice to the meek, for exposing abuse of power.

"Sunshine Week" begins today, and it is our chance to share with you the importance of an open government.

As one journalist notes, "Sunshine Week is not about journalists, it's about the public and the importance of protecting and promoting open government. Sunshine Week is not about protecting journalists' rights, it's about the right of all citizens to know what their government is doing — and why."

It's because of the so-called Sunshine laws that we can bring to you stories about corruption revealed, misconduct punished and accountability demanded.

Open record and open meeting laws prohibit the government from conducting the public's business in secret.

They ensure that our government is responsive to the public and that the public is informed.

It's these Sunshine laws — in Arkansas, we call it the Freedom of Information Act (FOIA) — that we rely upon when we go to the police department to look at a police report or to a local official's office to find out why someone was fired or suspended.

It's how we discover a public official has been doing public business with his brother and why an employee was fired.

And when the Quorum Court wants to meet in private, the Sunshine Law requires that they tell us why, as there are only certain conditions under which private meetings are permitted.

In fact, they can't even meet over a cup of joe at the corner coffee shop to talk about county business without letting the public know when, where and what will be discussed.

And so this week, *The Baxter Bulletin* will observe Sunshine Week with several special features on these news pages.

We'll show you how we've implemented Sunshine Laws here at the newspaper in recent months and what resulted from those efforts.

We'll show you how you can obtain public records yourself, both online or in person.

And we'll also share with you our experiment seeking public records from local government agencies.

It's our hope that readers will be able to use this information in their own lives or to help others.

"The FOIA is the people's law," Arkansas Attorney General Mike Beebe said in a forward of an Arkansas FOI Handbook. "... It is vital for us to be as well informed about the workings of our government as we can be."

— Kandra Branam
Bulletin Managing Editor

Always remember: Public entitled to public information

We've been running stories this week focusing on Arkansas' Freedom of Information Act.

The purpose of these stories, in addition to recognizing Sunshine Week, is to better inform our readers about how the FOIA works and how they can use it. After all, the law is there for you, the public.

In a time when government and governmental entities try to cloak more activities in secrecy, the FOIA — both the state and federal laws — is even more important. People in a free society must know how their government works, where their tax money goes, who public officials deal with and, alternately, who deals with public officials.

Government officials are accountable to the people, although some mistakenly think it's the other way around. Through the years, many in the public have let those in government get away with that misguided notion that they're the ones in charge. They think they decide what the people should know and how much they should know.

That's where Freedom of Information comes into the picture. It reinforces that the public is entitled to public information. Whether it's an accident report from the local police department or budget data from the Pentagon, it's public information.

If you want to know how much was spent on paving a road, who submitted bids for the job or where the money came from, you're entitled to the information.

If you want to know who holds title to a certain piece of property or who are registered voters in a county, that's public information.

Curious about what a court ruled in a civil suit or the disposition of a DWI case, you can find that out, too.

Want to know why a governmental body is going behind closed doors and what it's going to talk about? It has to say why and vote publicly before closing those doors.

Do you want to find out if public officials might have a conflict of interest? There are mandatory reports they have to file in that regard, as well as ethics reports.

You can see who's making big donations to candidates and political campaigns.

Those, and our stories this week, are just some examples of what the public has access to under the FOIA. Too often people think the FOIA is for the press and other media because they're the ones so often cite it to get information.

People should never forget that the Freedom of Information Act is for them, too. Anyone and everyone has the right to ask for and receive public information.

While Sunshine Week serves to remind people of their right to information, the best thing they can do to protect that right is to exercise it. People should neither be shy nor feel intimidated about asking for public information.

After all, it's *your* information

Texas

Austin American Statesman

http://www.statesman.com/opinion/content/editorial/stories/03/12foi_edit.html

Good government thrives in the light of public scrutiny

EDITORIAL BOARD

Information can enlighten, reassure, teach and help. It can also embarrass, contradict, undermine, mock and even prove one a liar — and that's why politicians of all parties and ideologies, whether president or county commissioner, are always tempted to limit or simply deny public access to some government information. The urge to keep a tight grip on information is especially strong when politicians feel under siege, and when the demands of war, which create a genuine need for the government to keep some secrets, also offer an opportunity to sweep everything under the rug, including controversial programs and outright mistakes.

And that's what the administration of President Bush has proved all too willing to do since the terrorist attacks of Sept. 11, 2001.

This week, this newspaper's editorial pages will take a look at the state of freedom of information in the United States and locally. Many other publications, broadcast stations and Internet sites will do the same, for March 16 is the birthday of James Madison, principal author of the U.S. Constitution and an advocate of the people's right to know what their government is doing.

The United States remains one of the most open societies of all nations, but the Bush administration appears to have launched a new effort to stifle the flow of information from the government, particularly information classified as confidential.

Most Americans instinctively, and understandably, would say that classified information ought to be protected. But just because information is classified doesn't mean that its public disclosure would harm the interests of the American people. In fact, there's good reason to think that, most of the time, disclosure causes no harm to American security. However, disclosure sometimes can harm an officeholder's reputation by contrasting his words with his deeds, or undermine a policy position with facts or make the nation look bad when the truth is disclosed.

Though Bush strongly denounced the disclosure of the secret — and possibly illegal — warrantless wiretapping program of the National Security Agency, it is not at all clear that disclosure harmed this country. It seems highly unlikely that terrorists anywhere are unaware that the U.S. government has enormous capability to intercept e-mails and telephone calls. But disclosure did arouse national controversy over possible violations of the Constitution and federal law, and many congressional Republicans, not just Democrats, criticized the administration.

Furthermore, "leaks" of classified information are just as likely to come from those in charge seeking to bolster a position as from those seeking to challenge one. Lewis Libby, the former top aide to Vice President Dick Cheney, is accused of disclosing the name of a Central Intelligence Agency operative in the controversy over pre-Iraq war intelligence. But Libby has said he was authorized by superiors to disclose the information.

Efforts to restrict information involve the general welfare as well the common defense.

The Environmental Protection Agency is proposing to reduce the amount of information that corporations must report to the government about toxic releases from their factories, as well as the frequency of their reporting. As a result, business and residential neighbors of such facilities would know less about what kind of chemicals might be in the air they breathe or reaching the ground and water beneath them.

Freedom of information is not entirely on the defensive, thanks in no small part to U.S. Sen. John Cornyn. Cornyn, a conservative Texas Republican, has joined with Sen. Patrick Leahy, a liberal Vermont Democrat, to push through the Senate legislation to strengthen the nation's Freedom of Information Act. The bill is now in the House, where it is sponsored by U.S. Rep. Lamar Smith, a San Antonio Republican whose district reaches as far north as Austin.

In December, Cornyn was present when Bush signed an executive order that is supposed to speed up the process of releasing government information deemed to be open and to make it easier, and quicker, to resolve disputes.

Like all freedoms, assuring access to information in government hands is never a mission finally accomplished, but one always needing support and renewal. Americans who value their freedom should guard their access jealously, always aware that those who have it are not inclined to share, too easily confusing their own interests with the national interest.

New Mexico

Albuquerque Tribune

It's our government; the secrecy must end

It seems as if every other week in this country, we are asked to observe something of importance. Mostly, these are good opportunities to raise public awareness about worthy concerns.

Next week is "Sunshine Week," one of the most important of these - particularly important these days, because from Washington, D.C., to Santa Fe, a veil of secrecy has dropped on government.

It is a growing and severe problem across the American landscape. The media, including this newspaper, fight it virtually every day at some level of government, but it is less about the freedom of the press than your right to know as an American.

Open government is the foundation of democracy, and the American founders knew it. The Bill of Rights and the essential checks and balances of the Constitution were designed to hold government accountable to the people. To do this, we must know what it is doing.

Next week represents an important opportunity to learn how serious the assault has become.

It is a chance to draw attention to one of the most fundamental principles of our democracy. Open government gets a lot of political lip service, but it is being violated, sometimes routinely, at virtually all levels.

From our state universities, police departments and city halls to our legislative conference committees in Santa Fe, public officials have forgotten - or arrogantly ignore - the fact that they serve the people. Their constituents - who also pay the government's bills, including public officials' salaries through taxes - are entitled absolutely and unequivocally to observe their government in full light. They need to know what public officials are doing in their collective names.

In Washington, D.C., in particular, the signs are very disturbing, including: still-emerging stories of corruption in Congress and the White House; behind-the-scenes lobbying and secret meetings to influence government policy or public contracts; secret and illegal wiretapping; military prisons set up abroad; scientific recommendations ignored or reversed; and the incredible Dubai ports deal. These are all evidence that the public's business is being done in the dead of night, behind closed doors and by officials who have agendas other than the will of the people.

They need to be taken out to the public-interest woodshed for a good thrashing.

We encourage our readers and all Americans to push open these doors and shine the light back on the people's business. Support - better yet, join - the work of nonpartisan, public-spirited groups such as the League of Women Voters or the New Mexico Foundation for Open Government, which along with the media are vigilant sentinels of your right to know.

In that vein, we draw your attention to today's Insight & Opinion cover article, "Out of the dark," by New Mexico League of Women Voters President Marilyn Morgan, as well as to Tribune managing editor Kate Nelson's assessment of the depth of the problem on Page A2.

On Tuesday, Insight & Opinion also will feature on its cover an article from the First Amendment Center on the erosion of the public's right to know. It reports that government officials are using such diversions as the fight against terrorism, national security and personnel exclusions to hide what they are doing from public view. Increasingly, they are thwarting the spirit and the letter of Freedom of Information Act.

This is America, and it is supposed to be all about "of, for and by the people."

This is our country - our federal, state and local governments. We own it. We should act like owners.

Arizona

East Valley Tribune Mesa

Public records preserve our liberties

National Sunshine Week comes to a close today, as newspapers across the country have been discussing why we must insist government officials keep their meetings and record files open to public inspection.

Free societies quickly disappear when governments can get away with hiding information and operating in secret. Arizona has one of the more sweeping open records policies in the country, and today we take a look at how the the law works for you.

Who can request public records in Arizona? Under state law, anyone can see a public document regardless of whether that person is a taxpayer, a state resident or even a citizen of this country. Such records should always be available for personal inspection during a government office's normal business hours.

You don't even have to tell the government official why you want to see the record, although you might be expected to explain if you have a personal interest or if you plan to use the information as part of a business venture.

Which government records can you see? In Arizona, all government documents are consider public unless a specific exemption is spelled out in law. Unfortunately, the Arizona Legislature has been swayed at times to erode our legal protections, and more than 100 exceptions are scattered throughout the statute books. But the courts have a ruled a government official can't use an exemption to lock away all related files from public view. Governments are expected to examine each file and exclude only that information that is clearly exempted by law.

Generally, you have the right to see property records, formal petitions for government action, official memos and minutes of government business and finance information. You don't have the right to see school files of individual students, police reports for ongoing investigations, and personal information about government employees such as medical records.

How soon can I get a record? The law requires a government official to respond "promptly," but doesn't set any specific deadlines. The issue may depend on the age of the document and where it is stored.

What will it cost? Unless you want a public record for a commercial purpose, you should be able to review a document at no charge. State law allows governments to charge a "reasonable" fee only if you want your own copy of the record. Copying charges vary significantly from agency to agency.

What happens if the government won't show me a public record? Arizona's law biggest weakness is our only legal recourse in this situation is to file a lawsuit, which can take time and lots of money.

But you have some informal options as well. Find out why the records keeper won't release a document. There might be a compromise where you can receive the information you need, even if you can't look at every record on file.

If that doesn't work, get a hold of a top administrator or an elected official in charge of the agency involved. Sometimes, people in these positions have a better grasp of the critical value of open government, and will help you shine a light into the dark corner you are trying to reach.