

THE KLAMATH FALLS HERALD AND NEWS

Commentary by Editor Tim fought

It's "Sunshine Week," which hasn't anything to do with the unseasonable weather in the Klamath Basin these days. Instead, it's about the public's interest in open government.

The American Society of Newspaper Editors has sponsored the observance named for the landmark "Sunshine" laws in Florida that set the standard for open government in the United States.

The week is designed, the society says, to prompt a discussion. The top editor of The Oregonian, Peter Bhatia, headed the society when the project got started. He says that "never has freedom of information been under greater siege."

Well, maybe, but I doubt it.

I suspect that freedom of information in the United States was under greater siege during the era of the Alien and Sedition Acts.

And, globally, a greater proportion of humanity has more access to government records and workings than ever before, access amplified by the gusher of digital information.

Hyperbole aside, though, it's true that in the United States access to the workings of government has tightened in the decades since Richard Nixon resigned as president and the nation reacted against the secrecy of the Vietnam and Watergate eras.

Personally, I'm uncomfortable with the idea that journalists are sponsoring "Sunshine Week."

Most editors hate it when groups, always with good intentions, gin up a day, week or month in observance of this disease or that cause, however urgent or worthy, and demand that journalists treat these events as something other than pseudo-news.

More important, journalists ought to feel awkward if they turn from information-gathering, analysis and observation to advocacy.

But Americans have come to expect journalists to be advocates for open government. We are on the front lines, and familiar with the intricacies and issues. I take the public's expectation as a sign of trust these days, we in the press can use all the trust we can earn.

So, to all: Happy Sunshine Week.

In Oregon, the most prominent observance is a piece of work we've called "Project Open Oregon." A story about it begins on Page 1 today, and it continues inside the paper with related material.

I hope you'll find this good reading. I'd especially commend to you a story from Chris Collins of the Baker City Herald about how a group of residents used Oregon's open records law to uncover a scandal in the schools. Good for those folks.

Their struggle should remind Klamath County residents of Bert Teamey, his friends and their struggle to pry loose documents the county school board is trying to hide. We don't know whether there's a scandal in the documents but that's the point. Without the information, how could we?

I helped to hatch and execute "Project Open Oregon." I'm a board member of the Associated Press Newspaper Executives, one of the two sponsoring journalism groups. I'll share two observations about the results:

Overall, they aren't surprising, and I for one am not bent out of shape about them.

There were few instances of outright lawbreaking among the clerks and other public

officials the exceptions, though, were sometimes people in charge of law enforcement. In most cases, clerks and others were confused or disconcerted by the requests: "You want the superintendent's contract? Why, nobody's ever asked for that before. I'll have to check on that before I can give it to you."

That happened locally.

In many such cases, bargaining and time would have gotten the documents produced. That's not the tidy way things should work, but that's often how they do, in fact, work.

In many cases, the hesitation and confusion mean that the open-records laws have been allowed to atrophy. It's not government clerks and elected officials who are responsible for that. We journalists simply don't ask for enough records often enough.

Some results showed why Oregon's laws and policies should be changed.

Most counties refused to allow access to applications for concealed handgun permits because, apparently, they contain Social Security numbers.

This is an alarming revelation. Is government in Oregon subject to the same sort of privacy requirements in recordkeeping that business must meet?

In the case of the handgun documents, clerks had a remedy available under Oregon law: Copying the document and blotting out the private information.

That's a terrifying way to handle Social Security information in this day of identity theft, way too vulnerable to the failings and confusion of clerks.

Oregon needs a much more precise standard of recordkeeping in this case, it needs an application that's private and then a public list of applicants with all the pertinent, public, information.

Similarly, Oregon law sets out a wide variety of records that may, or may not be, made public. The test is whether doing so is in the "public interest."

Who decides that? In the first instance, it's the recordkeeper, and then it is the courts.

That's way too amenable to the vagaries of clerkdom and high bureaucracy. There should be only two classes of records: Open. Or closed by a vote of the people's representatives.

Thanks for indulging me on this first day of Sunshine Week. Pseudo-news or whatever, it's an important cause in the public interest your interest.