

OPINION

editor@dailyastorian.com



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GUEST EDITORIAL

A promising choice for records post

Albany Democrat-Herald

One of the steps that the state of Oregon has taken in recent years to improve the transparency of government is to authorize the creation of a public records advocate. The advocate's primary job will be to mediate disputes between citizens who want access to public records and the state agencies that hold those records.

The idea for the advocate's position came from Gov. Kate Brown, who has made transparency in state government one of her priorities — but her record on this point thus far, frankly, has been mixed.

There are plenty of ways for this experiment to go awry. But establishing the public record advocate position still strikes us as an experiment worth trying, especially in a state that consistently has limited access to public records, one set of records at a time over the last four or five decades.

It probably goes without saying that one of the keys to the success of the advocate's position will be the person who is selected to serve as the first advocate. And, although it's too early to tell for sure, it would appear that Brown has chosen well: She nominated



The Oregonian
Ginger McCall will be Oregon's first public records advocate. Her start date is April 25.

(and the state Senate confirmed) Ginger McCall, an attorney who has worked on government transparency issues since the start of her legal career. McCall, an attorney for the U.S. Department of Labor, is scheduled to start her new job on April 25.

The Oregonian newspaper ran a question-and-answer feature with McCall over the weekend, and some of the points she made are worth passing along — especially as we continue to observe Sunshine Week, the annual celebration of the idea that government works best when it operates in public view.

One reason McCall appears to be an excellent choice for the position is that her resume includes stints on both sides of the public records divide: She has worked for organizations, such as the Electronic Privacy Information Center, that have made hay with timely and smart records requests. But her current job at the Department of Labor involves work in responding to records requests, including overly broad requests such as the one seeking every single email received and sent by the Secretary of Labor. So she comes into the job already armed with an understanding of the frustrations and misunderstandings that can go along with records requests.

The key frustrations for people or organizations seeking public records often revolve around lengthy delays in receiving the information requested: "Those delays of months or years can effectively make it impossible for you to fulfill that original goal

you had when you made that request," McCall told The Oregonian. But the 2017 Legislature approved a measure to clarify the length of time that agencies have to respond to requests, so part of McCall's new job will be to educate government workers about that.

She also noted that the fees agencies sometimes charge for records can be a source of frustration, as well as the exemptions (more than 500 of them in Oregon law) that remove certain sets of records from public view. "We used to joke there was a 'this will embarrass us' exemption," she said. Work is just beginning to identify and remove those exemptions wherever possible.

McCall made another point that's worth remembering, and not just during Sunshine Week: Some people, she said, don't even know they have the right to request public documents. But this is not a right that belongs solely to journalists or organizations: Any citizen can make such a request. McCall believes that part of her job is not only to get that point across, but to teach members of the public how to frame a request in such a way that it gets a suitable response.

Here's hoping McCall can make the most of this promising experiment toward more transparent government.

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SUNSHINE Week 2018

VIEWS FROM AROUND THE STATE

Restoring net neutrality

The Eugene Register-Guard

Oregon's Legislature recently passed a net neutrality bill by strong bipartisan margins. House Bill 4155 now is awaiting the signature of Gov. Kate Brown, who previously has expressed support for the concept.

The bill was filed in response to the Federal Communications Commission's decision to repeal Obama-era regulations that aimed to guarantee equal access to the internet.

Underlying this is the recognition that the internet has become a necessity more than a frill for many, if not most, Americans. Students need it to do homework; business people need it to conduct business; physicians need it to communicate with patients, and vice versa; some government agencies require that various documents be filed online.

The internet doesn't just connect people with friends and families, it enables Oregon businesses to buy and sell goods and services all over the world, offers entertainment at the touch of the finger, is integral to public-safety operations, and gives Oregonians living miles from the nearest town a link to just about any information or product they need.

Net neutrality requires that internet service providers treat all websites, apps and other services on their networks equally. They are not allowed to favor those with money and power by providing slower service to those without. It also bars ISPs from blocking

opinions or facts that the provider disagrees with or finds controversial, as has happened in the past.

Opponents of net neutrality argue that net neutrality will stifle innovation. But some of the greatest innovators in the world are American tech entrepreneurs, the vast majority of whom are lined up solidly in favor of net neutrality.

Whether the bill will accomplish its goal of providing equal access to all once it becomes law is still very much a question mark.

The bill would bar government agencies and offices from contracting with any broadband internet service provider that doesn't observe the principles of net neutrality.

This may be problematic for a couple of reasons. No. 1, Oregon is a tiny market, so it's quite possible that ISPs simply won't care.

Second, the state government could be in the uncomfortable position of finding itself without internet service if the ISPs decide to thumb their noses at Oregon.

Oregon's best bet might be to join forces with other states that support net neutrality — starting with its West Coast neighbors — to gain more clout. Washington, for example, is home to dozens of tech companies, including Amazon and Microsoft. On Tuesday it became the first state to pass a net neutrality law, barring ISPs from blocking content or interfering with online traffic. Almost 30 other states also are in the process of taking action through state legislatures, law suits or executive orders (bit.ly/2ryotn4). And there is a growing pressure for Congress to use the Congressional Review Act to overrule the

FCC's decision.

Oregon needs to join forces with other states to present a united front on this; the stakes are too high to do otherwise.

Not counting on the state to invest wisely for clean jobs

The Bend Bulletin

Oregon's Democratic leadership has committed to passing legislation in 2019 to cap greenhouse gas emissions and invest hundreds of millions in clean energy jobs.

"I've told everybody, we're going to do this in '19 or don't bother coming," said Senate President Peter Courtney, D-Salem.

One reason the bills failed in the 2018 session was time. It was a short session. It's difficult to ram through such game-changing legislation in a hurry.

The deeper challenge for the 2019 session is to convince Oregonians that state government can pull off putting a price on climate pollution and reinvesting hundreds of millions — without messing it up.

Supporters have pointed to California and elsewhere, declaring carbon-pricing experiments have worked. They say the millions will be invested to help Oregon make an equitable and just transition to a clean energy economy. "History is proof of our success," says Renew Oregon, an environmental group

that backed the legislation.

But history is also proof of failures when Oregon government picks business winners and losers.

The Oregonian dove deeply into one of those state government mistakes over the weekend. State and federal officials poured some \$12 million into a scheme backed by Portland environmental nonprofit EcoTrust to revitalize a sawmill in Cave Junction. EcoTrust aims to do things to help the environment and create jobs. The sawmill checked all the right boxes. Create jobs? Yes. Create jobs in rural Oregon where they are most needed? Yes. Good for the environment? Yes. Logs would be processed to keep forests healthy and reduce fire risk.

It all fell apart. The mill couldn't get enough good deals on logs to process. It closed. About \$7 million of the \$12 million was wasted. Some \$5 million was recouped by selling off the mill's land and equipment.

State and federal officials concluded that too much money was spent with too little oversight. The mill had struggled to get a supply of logs before the new investment. Millions of dollars of new investment didn't solve that issue. Oregon lawmakers had even set up the program instructing state bureaucrats not to dig into the details of projects — as long as it checked the right boxes.

Many Oregonians are eager to do what they can to improve the climate. That's what makes a cap and invest plan attractive. But when the state promises to be a wise investor with hundreds of millions of dollars to create clean jobs, Oregonians shouldn't count on it.