

Government needs to let the sunshine in

By GARY PRUITT

It’s getting harder and more expensive to use public records to hold government officials accountable. Authorities are undermining the laws that are supposed to guarantee citizens’ right to information, turning the right to know into just plain “no.”

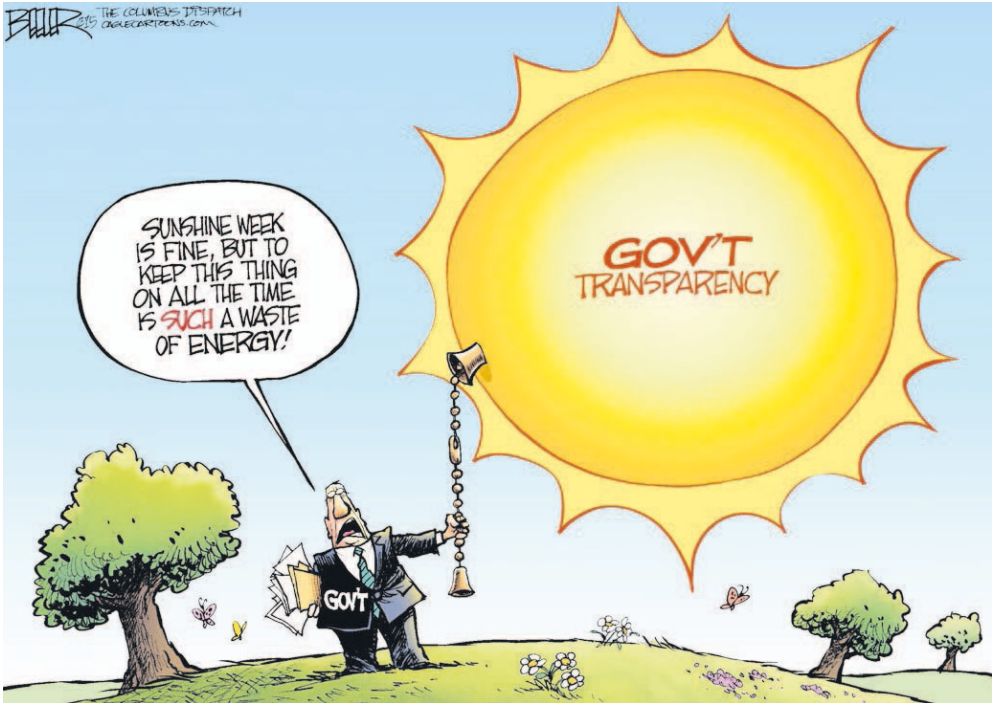
Associated Press journalists filed hundreds of requests for government files last year, simply trying to use the rights granted under state open records laws and the U.S. Freedom of Information Act. What we discovered reaffirmed what we have seen all too frequently in recent years: The systems created to give citizens information about their government are badly broken and getting worse all the time.

We’re talking about this issue now because of Sunshine Week, created a decade ago to showcase the laws that give Americans the right to know what their government is up to. These days, Sunshine Week is a time to put a spotlight on government efforts to strangle those rights.

The problem stretches from town halls through statehouses to the White House, where the Obama administration took office promising to act promptly when people asked for information and never to withhold files just because they might be embarrassing.

Act promptly? Hardly. Shortly after Malaysia Airlines Flight 370 went missing over the South China Sea, we asked the Pentagon’s top satellite imagery unit, the National Geospatial-Intelligence Agency, what the U.S. was doing to help the search.

Agencies are supposed to give at least a preliminary response to such questions within 20 days. A full year later, after the largest and most expensive search in aviation history, the agency is telling us only that it has too many FOIA requests to meet its deadlines.



A few months ago, the Treasury Department sent us 237 pages in its latest response to our requests regarding Iran trade sanctions. Nearly all 237 pages were completely blacked out, on the basis that they contained businesses’ trade secrets.

When was our request made? Nine years ago.

It takes the State Department about 18 months to answer — or refuse to answer — anything other than a simple request. We’re now suing the department for failing to turn over files covering Hillary Rodham Clinton’s tenure as secretary of state, including one request we made five full years ago.

As the president said, the United States should not withhold or censor government files merely because they might be embarrassing.

But it happens anyway.

In government emails that AP obtained in reporting about who pays for Michelle Obama’s expensive dresses, the National Archives and Records Administration blacked out one sentence repeatedly, citing a part of the law intended to shield personal information such as Social Security numbers or home addresses.

The blacked-out sentence? The government slipped and let it through on one page of the redacted documents: “We live in constant fear of upsetting the WH (White House).”

To its credit, the U.S. government does not routinely overcharge for copies of public records, but price-gouging intended to discourage public records requests is a serious problem in many states.

Officials in Ferguson, Missouri, billed the AP \$135 an hour for nearly a day’s work

merely to retrieve emails from a handful of accounts about the fatal shooting of Michael Brown. That was roughly 10 times the cost of an entry-level Ferguson clerk’s salary.

Other organizations, including BuzzFeed, were told they would have to pay unspecified thousands of dollars for emails and memos about Ferguson’s traffic citation policies and changes to local elections.

Last year, the executive editor of the *South Florida Gay News* asked the Broward Sheriff’s Office for copies of emails that contained a derogatory word for gays. The sheriff’s office said it would cost \$399,000 and take four years.

“They succeeded in stonewalling me,” said the editor, Jason Parsley.

In Mississippi, the state Education Department demanded more than \$70 an hour to review records when a reporter asked for its reorganization plans.

Despite head-pounding frustrations in using them, the Freedom of Information Act and state open records laws are powerful reporting tools. But it’s important to remember that they don’t exist just for journalists.

They are there for everyone.

The right to know what public officials are doing, how they’re going about it, what money they are spending and why . . . that right belongs to all citizens.

Government works better when the people who put it in office and pay for it with their taxes have an unobstructed view of what it is doing.

And that is why it is vital that we all fight every attempt — from federal foot-dragging to outrageous photocopying bills — to hide the public’s information behind a big, padlocked door. We need to let the sun shine in.

Gary Pruitt is the president and CEO of The Associated Press and a former First Amendment lawyer.

Health and our changing climate

Climate change science has come a long way since 2006. That year, reporters and editors from six newspapers in the EO Media Group collaborated on a series of articles on climate change and how it would affect agriculture, forests, fish and wildlife in the Northwest.

The series, titled “Our climate is changing . . . ready or not” included more than 50 articles and interviews with scientists and naturalists. The series won awards and helped raise awareness of the issue across the Pacific Northwest.

At that time, there was little information about how climate change might affect human health. Now, there is an ever-growing body of research that public health experts, such as Oregon Health Authority epidemiologist Brendon Haggerty, are using to predict and plan.

At the Eastern Oregon Forum on March 10, Haggerty, author of the 2014 Oregon Climate & Health Profile Report, discussed a number of likely health issues that the report brought to light.

- As average summer temperatures rise, the rate of food-borne illness, such as salmonella, will rise as well. Public education about food handling in warmer weather will be increasingly important.
- Heat and drought tend to create bodies of stagnant water, providing expanded breeding grounds for mosquitoes. In Oregon, West Nile Virus infections may increase. Farmworkers and other outdoor workers are especially at risk.
- Ticks are expected to increasingly thrive in the state with warmer temperatures, so tick-borne diseases such as Lyme disease are a growing concern.
- The threat of wildfires in the



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Northwest is increasing. With wildfires come safety risks to firefighters and respiratory health risks for us all. Wildfire smoke and airborne particulates worsen asthma and other respiratory problems — especially for infants and the elderly.

- Water quality for rural residents who are dependent on domestic wells for their drinking water will become an issue as wells dry up and contaminants concentrate.
 - New pests and diseases may spread due to climate change, affecting Oregon forests and agriculture. The costs of food production may increase as a result, raising the cost of food and impacting us all, but especially the poor.
 - Depression, anxiety and suicide as a result of climate change are a real concern. Prolonged droughts, forest fires and climate-related changes to agriculture will likely cause displacement of rural residents who can no longer earn a living in the changing environment.
- The overarching theme throughout the Climate and Health Profile Report is that people living in or near poverty are most vulnerable to the impacts of climate change and are disproportionately at risk in all areas.

Besides human health, water, fish and wildlife were topics at the Eastern Oregon Forum held March 10.

Kate Day, hydrologist for the U.S. Forest Service, spoke about changing rain and snowfall patterns in northeastern Oregon and the impacts on river flows year-round. Diminishing snowpacks in the Blue Mountains and Wallows will cause ripple effects on forests and agricultural land in the coming decades.

Bill Duke, fish biologist for the Oregon Department of Fish and Wildlife’s Umatilla District, sees climate change and the changing river flows that Day described as being a threat to the survival of bull trout, coho, and spring and fall Chinook salmon in the Umatilla River.

Mark Kirsch, local wildlife biologist for the Oregon Department of Fish and Wildlife, discussed how climate change will affect a number of species in this region. Animals that are unable to relocate when persistent temperature and moisture patterns change their habitat are likely to suffer. Fire may destroy large swaths of forest habitat. Species that are now considered exotic in this region may become more common as our climate changes — and they may push out some resident species.

In the decades to come, we all may suffer from some degree of “solastalgia” — a term first used by Australian philosopher Glenn Albrecht in 2003 to describe the emotional distress we feel when we witness our familiar or beloved lands undergoing environmental change.

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Port, city set aside egos for the good of all

By JOSEPH FRANELL

You might be aware that I was involved as a facilitator/mediator during the negotiations between the city of Umatilla and the Port of Umatilla in regard to the zoning issue that surfaced about a year ago and subsequently was sent to the Oregon Land Use Board of Appeals (LUBA). What you might not know is how those negotiations got started, who was involved, and how things ultimately got resolved. Now that the disagreement has been resolved, I thought I should take a few minutes to share with you my experience.

Let me start by admitting that I have a preconceived opinion about politicians in general and I expect that most people share it. In fact, my opinion was shared by Abraham Lincoln, who said, “Politicians are a set of men who have interests aside from the interests of the people and who, to say the most of them, are, taken as a mass, at least one long step removed from honest men.”

That said, I personally know several of the parties who were involved in the dispute between the city and the port and had already come to believe that they did not fit Lincoln’s description of a politician. So when I got a call early last October from one of those men, Roak TenEyck, one of the Umatilla city Councilors and the then-president of

the Umatilla Chamber of Commerce, asking me to consider helping facilitate negotiations between the city, the port, and the involved land owners, I couldn’t say no.

You see, Roak and Kim Puzey, the port manager, had been talking about the situation and had both become convinced that letting LUBA decide the outcome

Letting LUBA pick a winner and a loser would result in all parties losing.

would damage everyone involved. They needed to find another way. To be clear, they rightly believed that letting LUBA pick a winner and a loser would ultimately result in all parties losing.

Once they agreed to negotiate, they involved Lyle Smith, who was also on the city council; Bob Ward, the Umatilla city manager; and John Turner and Tim Murray, who are on the Port Commission. These six and I met for the first time on October 20, 2014. After that first two-hour meeting was over, I was told by both the city and the port that they expected it to last for only about 10 minutes because the dispute was so pronounced and the disagreement so strong. They were pleasantly surprised and cautiously optimistic leaving that meeting. I also noticed a palpable resolve from the participants. That first meeting gave them hope that appeared to result in determination to find a solution.

We met three times to explore and ultimately work through the details of the solution that you are aware of. Each meeting lasted about two hours.

I would be remiss if I didn’t point out the very real temptation to fight because of the high emotion, pent-up frustration, and perceived loss of reputation that both sides faced because of the press coverage to date of this situation. I point this out because understanding that temptation makes their focus on finding a win-win solution even more remarkable. They had to set aside their own feelings and personal agendas for the good of the citizens they serve.

George Washington once said, “I have no other view than to promote the public good, and am unambitious of honors not founded in the approbation of my Country.”

James Freeman Clarke said, “The difference between a politician and a statesman is that a politician thinks about the next election while the statesman thinks about the next generation.”

I think it is clear that the participants in the negotiations and the full memberships of the Port Commission and the Umatilla City Council behaved as statesmen in the full spirit of Washington’s view of public service.

While conflict is unfortunately unavoidable in life, I’ve always believed that the true measure of a person is how they handle conflict when it appears. If that is true, our area is lucky to have public servants like those I had the privilege of working with through this process.

Joseph Franell is the CEO and general manager of Eastern Oregon Telecom in Hermiston.

How early should school begin?

By STEVE BUCKSTEIN

Every state in the union has what are known as compulsory school attendance laws. Oregon currently requires that virtually every child attend school from age seven to age 18. A bill before the State Senate, SB 321, would decrease the compulsory school age from seven down to five.

Before deciding whether this is a good idea, it may be time to reconsider why we compel parents to send their children to school at all. We might ask ourselves some hard questions, including:

How does compulsion further our interest in encouraging a passion for learning in our children?

In a free society, shouldn’t we be looking for ways to reduce compulsion, rather than to increase it?

If compelling seven-to-18-year-olds to attend school isn’t working very well, why compel five- and six-year-olds to attend also?

Some of the written testimony from professional educators in favor of SB 321 assumes that the bill would reduce the “compulsory education” age. But we can’t really compel students to learn, so is the next best thing compelling them to sit in classroom seats?

Schooling may facilitate good education, but they are not always the same thing. As Harvard Professor Lant Pritchett says, “Good governments do schooling, but nearly all bad governments do it, too.” He is talking here about different national governments since his field is global development, but the thought applies to our state and local governments as well.

Pritchett goes on to say, “We know that if you impose a top-down educational system, often it breaks down—you get a bureaucracy that doesn’t work, and the outcomes get worse than if you allow local control.” If this is true in Oregon, then former Governor John Kitzhaber’s flawed Oregon Education Investment Board approach may be doing more harm than good.

More and more Oregon parents and teachers are standing up to oppose top-down approaches such as new high-stakes tests designed to measure how well public schools are teaching the controversial Common Core Standards.

The so-called Smarter-Balanced tests are on track to be given to students in grades three through eight and high school juniors to measure how well they’ve mastered reading, math, writing, listening, research, and thinking. Official estimates are that over 60 percent of students may fail the tests this spring.

Dr. Yong Zhao, Director of Global and Online Education at University of Oregon, is a critic of both high-stakes testing and the Common Core Standards themselves. He gave an entertaining 51-minute presentation to the Senate Education Committee on February 10.

While Dr. Zhao doesn’t have a formal position on whether Oregon’s compulsory school age should be lowered, his presentation stood in stark contrast to that of Oregon “education czar” Nancy Golden who spoke before him at the hearing, and that of Deputy Superintendent of Public Instruction Rob Saxton who spoke after him. It should be noted that Golden and Saxton were handpicked by Governor Kitzhaber to help promote his top-down, birth-through-graduate school vision for education in Oregon.

Questioning the value of compulsory schooling is nothing new. Here is what a past president of the American Psychological Association, Knight Dunlap, said in his 1929 article, Is Compulsory Education Justified?:

“ . . . education is a good thing for us, and so we wish to bestow its blessings on others. If they will not take it gladly, we will make them take it: for their own good.”

So, before we agree to reduce Oregon’s compulsory school age from seven down to five, let’s ask the hard questions about what our compulsory schooling system is really doing for, and to, the children it captures now.

Steve Buckstein is founder and senior policy analyst at Cascade Policy Institute, Oregon’s free market public policy research organization.