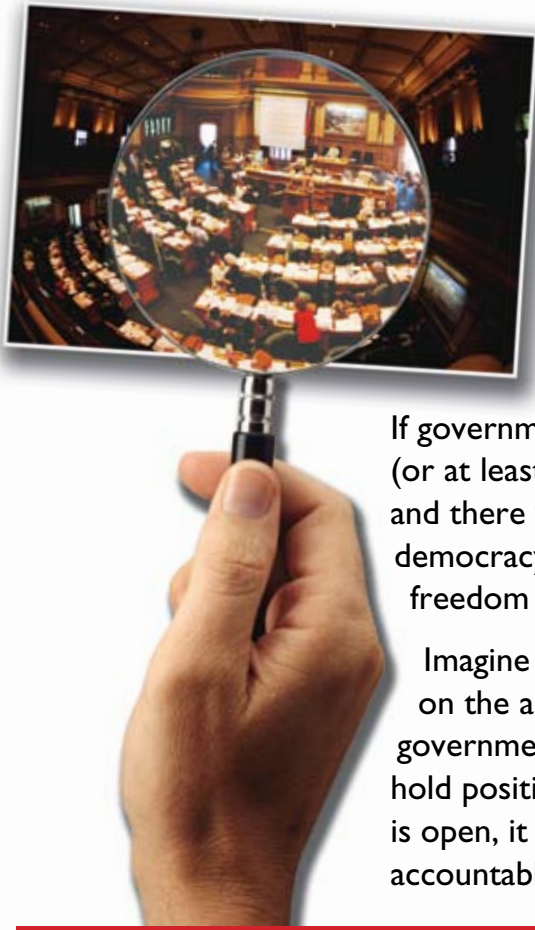


# Shining the Light on Your GOVERNMENT

A Special Section presented by Newspapers In Education and the Washington Coalition for Open Government

By Newspapers In Education (NIE) Program Specialist Elizabeth Duffell, in collaboration with Patience Rogge and the Washington Coalition for Open Government (WCOG). Developed for use in high school classrooms to help meet the Essential Academic Learning Requirements (EALRs) for civics education in Washington state.



## What is OPEN GOVERNMENT?

**What do the words “open government” mean to you?** As a student, you may think this concept doesn't affect your life, but in reality, open government is as fundamental to our democracy as free speech.

If government records were not open to all, there would be no journalism (or at least, it would look quite different from what it does today), and there would be no accountability. In essence, there would be no democracy, as democracy was founded on the principles of openness and freedom of information.

Imagine what it would be like if our newspapers were unable to report on the actions of government officials or could not access records about government meetings. A lack of accountability might mean that those who hold positions of power may be more likely to abuse it. When government is open, it means every person has the power to hold those in power accountable to follow through on their promises and to serve the people.

## Getting to know the TERMS

Match these words with their definitions from [dictionary.com](http://dictionary.com) (see matchups listed below.)

1. Freedom of Information Act
2. Freedom of the Press
3. Inalienable Right
4. Declaration of Independence
5. Democracy
6. Sunshine Committee
7. Transparency
8. Exemption

- A. A right according to natural law, a right that cannot be taken away, denied or transferred
- B. Government by the people; a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system
- C. The right to publish newspapers, magazines and other printed matter without prior governmental restriction
- D. Immunity from an obligation or duty
- E. The full, accurate and timely disclosure of information
- F. Reviews exemptions to the Public Records Act in Washington state
- G. A law enacted in 1966 requiring that government records, except those relating to national security, confidential financial data and law enforcement, be made available to the public on request
- H. The fundamental document establishing the United States as a nation, adopted on July 4, 1776

Matchups: 1.G; 2.C; 3.A; 4.H; 5.B; 6.F; 7.E; 8.D.

## The PEOPLE are in Charge

### We the citizens, not the government, run the show.

The Washington state Legislature made this clear by including the following statement in the open meetings and records laws:

*“The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so they may maintain control over the instruments that they have created.”*

(RCW 42.30.010 and RCW 42.56.030)



## ACCESS Your Government

**Did you ever wonder what goes on at your school board meetings?** Want to know whether a Wal-Mart could be built in that vacant lot next door to your house? You can find out.

The Washington state Open Public Meetings Act and Public Records Act ensure that government

decisions and records are made available to you. You have a right to know what your government is doing in your neighborhood, school, city, county and Olympia.

A free and democratic society can work only if government works in the open. Access is what ensures that government officials will remain honest. It keeps us aware of how our taxes are spent and helps us decide whom to vote into office and whom to replace. It keeps the control of government in the hands of the people, not in the hands of government officials.

## Class Acts: Discussion and Writing

Abraham Lincoln called the United States a “government of the people, by the people, for the people.” What does this mean to you and how does it relate to the concept of open government? Discuss this question as a class, then write an op-ed piece on this topic. For examples of strongly argued and well-written opinions, see your newspaper's editorial pages.

Facts and information were provided in part by: **Access: A Guide to Government Information**, published by the Western Washington Professional Chapter of the Society of Professional Journalists.

This special section is presented as a public service by the following organizations:



## Is open government **IMPORTANT?**

**Sometimes, when we have been used to something our whole lives, it is difficult to imagine life without it.** But many people in the world live in countries where the government does not open its meetings or records to the public; often, their media has limited access to information or, in some cases, is controlled completely by the government. This means that people only hear what the government wants them to hear.

### Class Acts: Research and Report

Choose a country from the list provided on Amnesty International's Web site [www.amnesty.org](http://www.amnesty.org), and find out more by asking: *What form of government exists in this country? What is the relationship between the media and the government? Who controls the*

*government in this country — every one, or a small handful of people? What happens when people are critical of government? How do people enact change if they are unhappy? After answering these questions, share your findings with other people in the class. Discuss why you think open government is or is not an essential part of a free society.*

## Know **WHAT** to know

### What laws and documents are important to understanding open government?

Though open government is a founding principle of our democracy, it isn't something we should take for granted. There have been some important pieces of legislation passed at the federal and state levels to make the rules of open government explicit. *Some of these are explained here:*

**Federal: Meetings - Government in the Sunshine Act** In a nutshell, this act says board members (where most of the members are appointed by the president and confirmed by the U.S. Senate) must announce their meetings a week ahead of time and hold their sessions in public. But a board can close a meeting to the public whenever it talks about certain subjects listed in the act. These include: classified information; housekeeping rules; subjects that fall within the "Catch-all" exemption; sensitive business records; criminal accusations; private personal information; police investigations; banking reports; regulatory information that would disrupt financial markets or institutions, or hinder an agency's action; and litigation.

**Federal: Documents - Freedom of Information Act (FOIA)** This act (first enacted in 1966) presumes that you can get records held by the executive branch of the federal government. Those records can be kept from you only for specific reasons. But the government has a spotty track record for following the spirit of this law. In fact, many agencies are so slow to turn over documents under the FOIA that many journalists prefer to bypass the procedure and work instead with sources within the agency or with its public-information officers.

## Now you **SEE** it, now you **DON'T**

**Closed meetings.** While public meetings are presumed open, there are times when it is in the citizens' best interest to let government officials discuss some business in secret, as long as the reason for the secrecy is made clear in a public meeting. *This type of meeting is called an executive session, and there are certain circumstances where it may be warranted:*

**Potential litigation** when discussion with an attorney in public would hurt the attorney's case

**Property deals or contracts** when public knowledge of the discussion would likely increase the agency's costs

**A job applicant's qualifications** or performance of a government employee

**Complaints** against a government employee

Despite circumstances that lead to a meeting being held in secret, government officials are not allowed to make decisions or hold a vote in an executive session. All major decisions must be made by a vote in a public meeting. If you feel business is being conducted in secret that should be made public, you may challenge the action in court or contact the state auditor's office.

**The Sunshine Committee.** Officially called the Public Records Exemption Accountability Committee, this group was established by the Washington state Legislature in 2007 to examine the more than 300 exemptions to the Public Records Act that have been creeping in since the original Public Disclosure Act was passed. It consists of 13 members whose job it is to recommend to the legislature which exemptions should be eliminated, which should be narrowed and which should be time-limited.

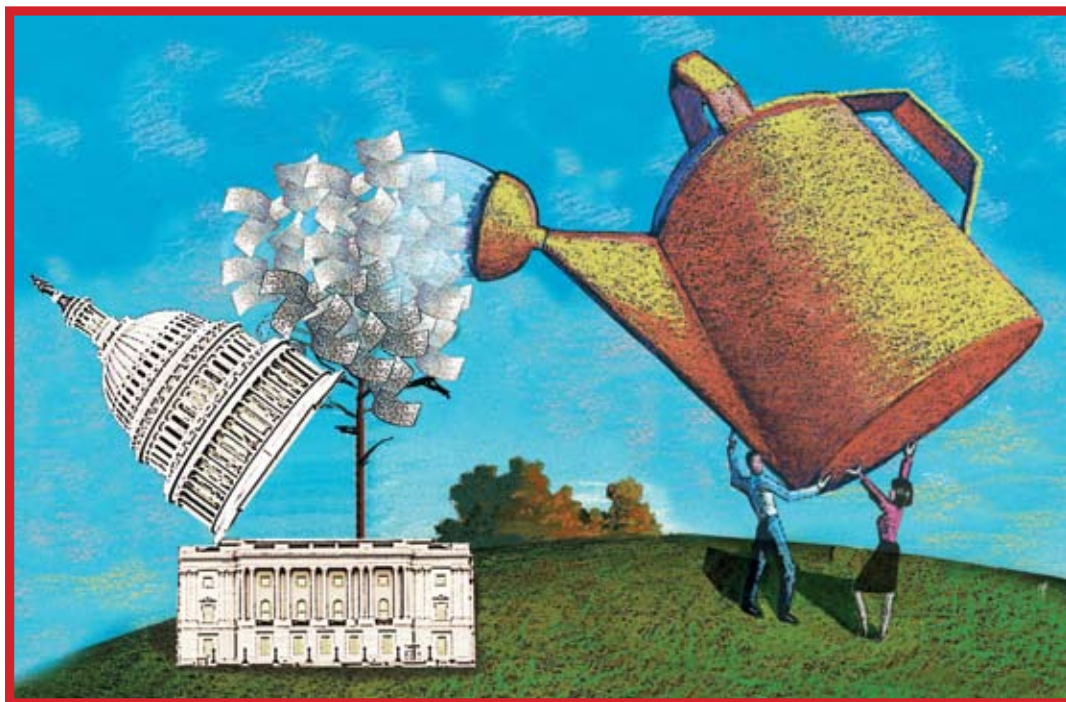
### Washington State Open Government Laws - Open Public Meetings Act

When public officials get together to make decisions that can affect your life and your tax dollars, they reserve a chair for you. The Washington State Open Public Meetings Act was passed in 1971 and requires public meetings of government bodies, such as state boards, county commissions and city councils, to be open so you can watch your public officials discuss ideas and make decisions.

No one can be excluded from these meetings. While there is no law requiring a government body to let you speak, you are allowed to watch, provided you are not making a public disturbance. But many meetings include a process for allowing people to speak, so attend, as you can often make your voice heard.

Public meetings encourage dialogue by offering a place for citizens to become informed about our political process. To find out when and where a public meeting will be held, consult your newspaper or the Web site of the government agency in question.

**Public Records Act** This act, passed in 1972, (originally called the Public Disclosure Act) ensures that anything that is recorded — electronically or in writing — and possessed by government, is open to the public unless a specific law states otherwise. This includes budget documents, meeting minutes, reports and even e-mail or Post-It Notes. Public records have practical value in everyday life. You can check home values in your neighborhood, access criminal records, obtain police reports, check your school's performance on standardized tests and become informed about development plans for your community, just to name a few.



## Why **CONTINUE** to cultivate open government in the United States?

**Even in our country,** there are government watchdogs who devote a lot of time and energy to making sure that our government remains open and honest about its policies and procedures. *They chose to do this because they believe in the following basic principles:*

**The Declaration of Independence states that all people are equal.**

Citizens and government have the same access to information and no one can deny that right to individuals.

**The government exists to serve the people.** If the government does not protect the people's rights, it is our right to alter the government. In fact, it is our duty to alter the government to make sure it serves the people.

**In the U.S., we have the power to alter the government.** Our vote is one of the most powerful tools we have to change things we don't like. But without open government, how would we know what needs to be changed? Our entire system of democracy depends on an open government and allows the people the power to change it as they see fit.

**Those with the information have the power to govern.** James Madison stated: "Knowledge will forever govern ignorance." In our government, people should have equal access to information — because the people control the government, not the other way around.

## Class Acts: Consider Libraries

There are over 300 exemptions to the Public Records Act. One of these exemptions concerns library records. This means that information on what you check out from a library remains personal and private. Many people feel strongly that this information should be protected, and that allowing the public to access library records would be a violation of your privacy and civil rights. But what about allowing the government to access these

records? In 2001, the USA PATRIOT Act was passed, including section 215, which makes it possible for the government to access your personal records from libraries and bookstores to see what kind of material you are reading. This has been widely protested by librarians and civil rights activists, who feel that it violates our rights to freedom of expression and privacy.

Think of the reasons for and against having library records made public. Discuss as a class: *Do you feel your personal rights would be violated if anyone could see what you were checking out from*

*the library and reading? Why or why not? Should the government have access to library records so they know what people are reading? Why or why not?*

Visit the American Library Association Web site [www.ala.org/ala/oif/iffissues](http://www.ala.org/ala/oif/iffissues) for a list of issues regarding your intellectual freedom. Choose one of these issues to research further, then report back to your classmates on what you have learned. Create a mind map of all of your findings related to intellectual freedom, libraries and government involvement.

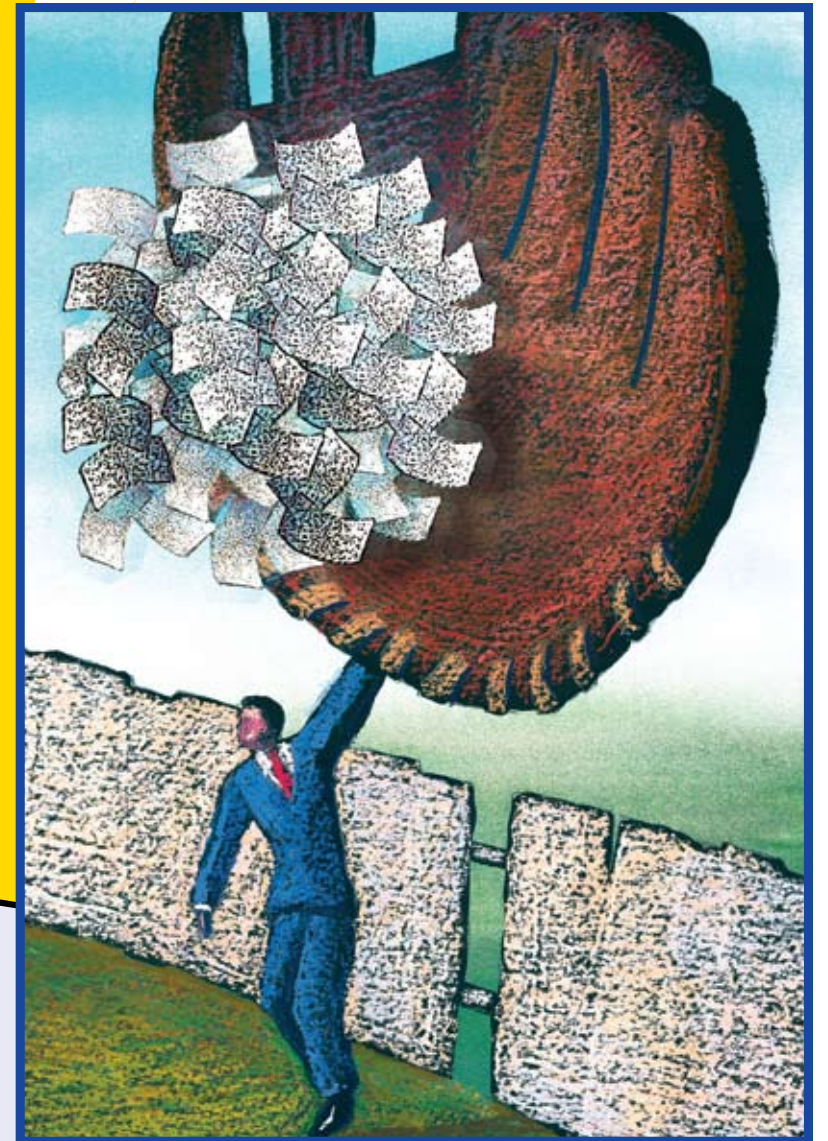
# How do I obtain PUBLIC RECORDS?

So now that you understand the importance of public records, here are some tips and tools to help you get what you need from the government:

❖ **Be specific about what you want.** You are not required to say who you are or why you want the record, but you should make your request as clear as possible to the public office you are contacting.

❖ **You can ask for your request orally or in writing.** See examples of letters for requesting information from a federal or state government public office.

❖ **Be courteous to your public officers.** A little politeness goes a long way. Asking for, rather than demanding, the information you seek may actually get you closer to your goal more quickly.



### Sample request for Federal records

(Date)  
(Agency head or FOI Officer)  
(Agency)  
(Address)  
(Fax number)  
FOI Request  
Dear (Agency head/FOI Officer),  
Pursuant to the Federal Freedom of Information Act, 5 U.S.C. Section 552, I request access to and copies of (clearly describe what you want. Include identifying material, such as names, places and the period of time about which you are inquiring. If you think they will help to explain what you are looking for, attach news clips, reports and other documents describing the subject of your research. Be as specific as possible — including your description of paper or electronic copies.)  
I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$\_\_\_\_\_. However, please notify me prior to your incurring any expenses in excess of that amount.  
(Fee waiver request should always be requested.) Please waive any applicable fees. Release of the information is in the public interest because it will significantly contribute to public understanding of government operations and activities.  
If my request is denied in whole or part, I ask that you justify all deletions by reference to the specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.  
I would appreciate you communicating with me by telephone, rather than by mail, if you have questions regarding this request. I look forward to your reply within 20 business days (excluding Saturdays, Sundays and legal holidays), as the statute requires.  
Thank you for your assistance.  
(Your Name)  
(Address)  
(City, State, ZIP)  
(Telephone number)  
(Fax number)

❖ **Be persistent if you have to.** If the record should legally be public, then you have a right to it. Don't give up the first time you are told "no."

February 22, 2008  
Joe Smith  
Seattle Police Department  
500 Northwest Way  
Seattle, WA 98222  
Dear Mr. Smith,  
Pursuant to the state Public Records Act, RCW Chapter 42.56, I am writing to request access to and a copy of the line-item budget for the Seattle Police Department for the past five years, including an electronic copy in Excel or other similar format. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.  
I agree to pay any reasonable copying and postage fees of not more than \$25. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.  
As provided by the open records law, I will expect your response within five (5) business days.  
If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.  
Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that violation of the open records law can result in a fine of up to \$100 each day that I am denied access. Litigation costs, including reasonable attorney fees, may also be awarded.  
Thank you for your assistance.

### Sample request for WA state records

Sincerely,  
William O. Douglas  
923 Access Drive  
Seattle, WA 98222  
206-555-1111

❖ **Wait for a response.** The agency must respond within five business days. Agency officials can either give you the record, deny the request, or say they need more time to gather the information and tell you how long the delay will be.

## Meet TV

### The Role of TVW and other public broadcasts of government meetings:

In addition to reading newspapers and consulting other news sources for information, you can see the government at work firsthand on TV and cable during broadcasts. Many of our local city council and committee meetings are shown on the Seattle Channel. And TVW broadcasts our state legislative sessions just like C-SPAN, where you can watch many of our country's leaders at work in Congress.

## Class Acts: "Meeting" the Public

With a small group of your classmates, choose a local public meeting to attend or go through the process of obtaining a public record and report back to the class on your findings. Public meetings should be listed on the departments' Web sites and/or in the newspaper. Here are some examples of public offices that you could access for records or meetings:

- ✱ School boards
- ✱ Library boards
- ✱ Preservation boards
- ✱ City councils

- ✱ Public utility boards
- ✱ Fire districts
- ✱ Parks commissions
- ✱ Court cases are open to the public, with some exceptions
- ✱ Any public body elected or appointed by the government

### Report on the following:

- ❖ What happened in this meeting or according to this record?
- ❖ What was public, what was not?
- ❖ What did you learn as a result of this exercise?

## Class Acts: Research and Report

Many of our nation's journalists have worked to keep government open by helping to inform the public of stories that had been intentionally hidden or obscured to protect those in power.

You can find out about many of these cases by visiting the Sunshine Week Web site: [www.sunshineweek.org](http://www.sunshineweek.org).

Choose one of those cases to research further and report on your findings to your classmates. Discuss what the benefits are of making this information public, and what the consequences might have been if this information had been kept private.

### How does open government impact journalism and your access to information?

*Here's an activity to try.* You'll need a black marker and an article from your newspaper about your city, state or national government. With your pen, black out any references that you think have been published because of open government laws pertaining to open meetings or open public records. Display these visual aids around your school to highlight the importance of open government to celebrate Sunshine Week.



# SUNSHINE WEEK

**Sunshine Week is a national initiative** to open a dialogue about the importance of open government and freedom of information. Participants include print, broadcast and online news media, civic groups, libraries, non-profits, schools and others interested in the public's right to know. To find out more about what is going on nationally during this week, visit [www.sunshineweek.org](http://www.sunshineweek.org).

Washington joins the national observance of Sunshine Week 2008, March 16-22, with the screening of a national broadcast and a local panel discussion on Wednesday, March 19 at 10 a.m. at the studios of public television station KCTS in Seattle. The event, sponsored by the Washington Coalition for Open Government, is free and open to the public.

The event begins with the simulcast of a live nationwide broadcast from the National Press Club in Washington, D.C., "Government Secrecy: Censoring Your Right to Know" from 10 -11:30 a.m. Immediately following, until 1 p.m., is a panel discussion and Q&A session featuring Washington Attorney General Rob McKenna, Washington State Auditor Brian Sonntag, Washington Secretary of State Sam Reed, Seattle City Attorney Tom Carr, and attorney William Crittenden of Groff Murphy in Seattle. KCTS executive producer Enrique Cerna will moderate the discussion. For more information about this event, visit [www.washingtoncog.org](http://www.washingtoncog.org)

# FREEDOM OF THE PRESS and open government

## How are Freedom of the Press and Open Government related?

If access to information is limited to the press, it is limited to the public and your right to know is impeded. If government controls the press and our access to information, it can do whatever it wants without being held accountable. Professional Journalists are held to a code of ethics that make them accountable to tell the truth to their readers. Research this code of ethics and think about how an open government is essential to a functioning and relevant news source. Look up these Web sites to help you in your research: [www.spj.org](http://www.spj.org), [www.rtnda.org](http://www.rtnda.org), and [www.asne.org](http://www.asne.org).

**What does this mean for you?** As a student, you may be wondering what this issue means for you. It may seem that it doesn't affect your life, but there are many ways in which open government laws can impact your access to information and how you make decisions.

## High School JOURNALISM

### How does open government apply to schools and high school journalism?

Who has the ultimate decision in your school about what should run in the newspaper? The student editor, the teacher advisor, the principal, the PTA? You can find out more about this issue and the 2007 legislation that was first proposed to protect students' rights to a free press in their schools by reviewing the history on the Legislature's home page: <http://apps.leg.wa.gov/billinfo>. Look up bill number 1307 and review the available documents, including the original bill and the bill analysis before discussing your opinions on this issue with your classmates. To become involved and voice your opinion on this topic, search your newspaper's online archives for information and opinions about this bill. Contribute to this dialogue by writing a letter to the editor or engaging in an online forum on the topic.

## VOTE!

### Making up your mind about voting on issues.

This November, you may have the chance to vote in your first presidential election. Additionally, there will be many local issues and officials up for election in your city and state. If you don't have access to all of the relevant information on these candidates and issues,

how can you be expected to make an informed decision? One of the matters of open record that helps people make informed decisions about candidates has to do with money — where they get it and who gives it. You can find out all of the sources of income for each of the candidates by visiting their Web sites. Keeping this information public means that candidates pay attention to where their money comes from and to think about what these contributors might be expecting in return. Without this transparency, you might never learn where candidates get their funding ... this issue is an important factor for many people in choosing a candidate who aligns with their interests.

You can find out the various sources of income for our state and federal candidates by visiting the following Web sites: **WA state:** [www.pdc.wa.gov](http://www.pdc.wa.gov) and **Federal:** [www.fec.gov](http://www.fec.gov) and [www.opensecrets.org](http://www.opensecrets.org)



## RESOURCES

The following Web sites are **nonpartisan** and will help to give you more information about open government and when and where it is being threatened in our country:

- ✳ [www.washingtoncog.org](http://www.washingtoncog.org)
- ✳ [www.openthegovernment.org](http://www.openthegovernment.org)
- ✳ [www.sunshineweek.org](http://www.sunshineweek.org)
- ✳ [www.sunshinecommittee.com](http://www.sunshinecommittee.com)
- ✳ [www.wa.gov](http://www.wa.gov)
- ✳ [www.wanewscouncil.org](http://www.wanewscouncil.org)
- ✳ [www.votesmart.org](http://www.votesmart.org)
- ✳ [www.secstate.wa.gov](http://www.secstate.wa.gov)
- ✳ [www.nfoic.org](http://www.nfoic.org)
- ✳ [www.leg.wa.gov](http://www.leg.wa.gov)  
WA state Legislature
- ✳ [www.splc.org](http://www.splc.org)  
student press law center
- ✳ [www.ombwatch.org](http://www.ombwatch.org)  
non profit government watchdog organization
- ✳ [www.sao.wa.gov](http://www.sao.wa.gov)  
WA state auditor
- ✳ [www.spj.org](http://www.spj.org)  
Society of Professional Journalists

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Established in 1950, the John S. and James L. Knight Foundation makes national grants in journalism, education, arts and culture. Its fourth program, community initiatives, is concentrated in 26 communities where the Knight brothers published newspapers, but the foundation is wholly separate from and independent of those newspapers.

