

Sunshine on government is for the people, not the press

By Jay Bender

It is Sunshine Week in South Carolina.

The week is an annual nationwide celebration of access to public information and what it means for you and your community.

But every week in our state, newspapers are stepping up to see that the public has access to government meetings and records.

You might not know about these efforts, but if you read on you will learn of some of the outstanding ones entered this year into the S.C. Press Association's Freedom of Information contests.

The entries in the contests revealed how reporters and their papers have used the law to pry open government files and unlock the meeting rooms of public bodies.

One reporter obtained a long-ago police report containing allegations that a candidate for the South Carolina Senate had engaged in an "inappropriate relationship" with a 16-year-old student when the candidate was a high school teacher.

Another paper obtained records relating to a drug ring operated by college students, apparently under the noses of the college and police.

Papers and reporters challenged governmental boards and councils over improper notice of meetings and illegal executive session discussions.

The public generally knows that the press will fight to get dashboard camera footage of police shootings. What the public may not know is that the press routinely uses the Freedom of Information Act to gather information on how decisions are made, how money is spent and whose voices are being heard. It is in the routine, below the radar investigations, that the press learns of nepotism, favoritism, and misconduct by public employees.

And while requests for this information are routine, the response of some public bodies is often evasive, duplicitous and hostile. That reaction is a remnant of the culture that allows public officials to say, "We know what is best for you, and we will let you know what you need to know."

The contest entries show that reporters and papers persevere, push, prod, and on occasion sue, to get access to records and meetings. These efforts are incrementally changing the political culture, but as the disagreements and fights described in the contest entries confirm, the change is not complete.

The one constant is that reporters and papers are telling their readers how the information being sought or the closed meeting that was challenged, is for the readers' benefit.

While recalcitrance might in fact make a reporter's job more difficult, the more important message for the reader is that secret government activity harms the public.

Teachers who abuse children remain in the classroom, often with recommendations that allow them to be hired in a series of schools when questions are raised. Trustees of public universities find it acceptable to order \$160 bottles of wine at the public's expense.

Elected officials take publicly financed trips to exotic locations as part of their "study" of issues facing their constituents. Elected officials use campaign funds for hunting trips on grounds that the trips are incidental to their duties in office. Relatives of public officials get hired even when they lack the qualifications for the position, and, often, are not required to make any effort at performing the job they hold. A public body meets behind closed doors to discuss how to "spin" a revelation that the body has failed to provide oversight on the spending of the body.

Each of these instances is real. Each is an abuse of the public trust. Each has been reported by a newspaper using the FOIA effectively to learn and report fully on the actions of government officials.

As the General Assembly found when it adopted the FOIA, "It is vital in a democratic society that public business be performed in an open and public manner." Newspapers and their reporters are leading the way in moving our political culture to acceptance of that ideal.

Happy Sunshine Week.

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