

PROSPECTUS

An Open Government Partnership with Tennessee Citizens

GOAL:

To create a working alliance of media, citizen, and professional groups to work to preserve and improve access to public information and government proceedings in Tennessee. The alliance would operate as a non-profit educational and charitable foundation able to accept grants, tax deductible gifts, and membership fees.

Membership would include citizens, newspaper and broadcast professionals, their respective professional associations, lawyers and law firms, librarians, educators in mass communication and other disciplines, non-partisan public interest and good government groups, newsletter and online publishers, alternative weeklies and any others who have a stake in making government more open but have not played a significant role in protecting access to government in the past.

A poll by Mason-Dixon Polling & Research in January 2004, found that one out of every two regular voters in Tennessee believe that state and local government operate more in secret than in the open; 37% believed the converse and 13% didn't know.

Newspapers say in their editorials and press groups testify before legislative bodies that they are protecting the "public's right to know" and are defending freedoms declared in the state Constitution for the benefit of citizens. The "public" is seldom visible in those open government battles.

NEED:

1. No vehicle exists to educate the public at large about the value of a free press and their basic democratic right to an open government.
2. No mechanism exists for citizens to advocate for themselves, to participate in defense of these basic democratic principles, and to work to preserve these basic ideals of a free society. IRE and the Good Government Association of Chicago did a national survey recently and using fairly objective criteria found that Tennessee has the 6th worst state sunshine laws in the nation because the only way a citizen can force an agency to comply is to take their case to court.
3. A survey by the Tennessee Supreme Court in 2000 found more than 200 exemptions from the Public Records Act had been added by the legislature since 1957 and had been spread throughout the state code. That same survey estimated an average of eight new exemptions are proposed or passed every year. The public probably has no idea many of these exemptions exist and many taxpayers would have trouble accepting many of them.
4. Local governing bodies routinely meet in secret because language in the 1974 Tennessee Sunshine Law is vague, making it difficult even for the press to enforce. Citizens are more affected because they lack the resources that even the smallest newspaper has at its disposal.
5. The state legislature was given a blank check to conduct business in secret under a state Court of Appeals decision in 2001. No organization exists to even suggest ways to correct that near-sighted decision.
6. Better communication is needed between various media, the public, and the First Amendment bar. Two lawsuits have been filed in the last two years without mainstream media knowing about them until the cases were almost lost. More coordination is needed. Newsletters, e-mail alerts, a website dedicated to open government issues and perhaps an annual open government conference would help solve this problem.
7. The average citizen/taxpayer has no place to go for advice and assistance when public information is withheld from him or when he is denied access to an official meeting. Many other states have a government agency that helps protect those rights. In Tennessee, a citizen cannot even get a legal

opinion to guide them. A hotline and/or instructional manuals on using appropriate laws would help solve this problem.

8. There needs to be more education for government employees, public officials, journalists and citizens on these issues.
9. There is no full-time monitoring or dissemination of information on legal developments in the courts, government rule-making activities, opinions by the Tennessee Attorney General and no comprehensive coordination of media attorneys on these issues.
10. There is no system to track violations of records and meeting laws and no way to spot and deal with trends toward secrecy.
11. All efforts in these areas are ad hoc, when a more comprehensive approach would serve better to protect the interest of keeping government open.
12. Almost 30 other states have established "open government" coalitions, which work in various ways to promote public awareness of the need for better open government laws or better enforcement.
13. Public records audits in more than a dozen other states have been executed and funded through "open government" groups like the one envisioned here. Other worthwhile projects are carried out with outside grants and with the resources of constituent members.

Projects An Open Government Coalition Could Pursue

The ability of such a group will be directly proportional to the level of financial and in-kind support it gets, what its steering committee or board of directors determines to be a reasonable level of activity, and whether it will be strictly volunteer driven or staffed full or part-time.

Here are some needs and examples of projects done successfully in some of the states with active coalitions:

1. Organize a statewide public records audit, using media and citizen auditors. Results can be published locally and a statewide report card issued as a baseline for future efforts.
2. Provide an advice hotline for citizens and others, including smaller media. The hotline would double as a violations report line and would provide valuable research. Particularly egregious examples would be publicized as a vehicle to inspire more citizen involvement in the cause.
3. Produce an annual survey, analysis and report on the experiences of media and citizen partners over the previous year. It would be published once a year.
4. Establish a network of experienced media attorneys to be contacted in emergencies. Facilitate training through the state and local bar associations for less experienced attorneys. Establish a formal communications network with the First Amendment law bar.
5. Develop an interactive website with useful how-to-do information on press law for citizens and journalists.
6. Publish a regular newsletter for access advocates, individual and constituent members of the organization.
7. Produce manuals that can be used by regular citizens and reporters.
8. Provide statewide newsroom training on how to use open government laws.
9. Provide public education through speeches to local civic groups, public service ads, what other states call "Freedom Seminars," and other printed materials.

10. Offer objective training to public officials and their employees on the law.
11. Monitor and publish legal developments and court cases that affect access.
12. Monitor state rule-making activities and prepare comment on proposals that could threaten access.
13. Lobby as needed and co-ordinate the testimony and other responses to legislative and administrative activity.
14. Organize an annual conference for editors, reporters and citizens for training or decision making.

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