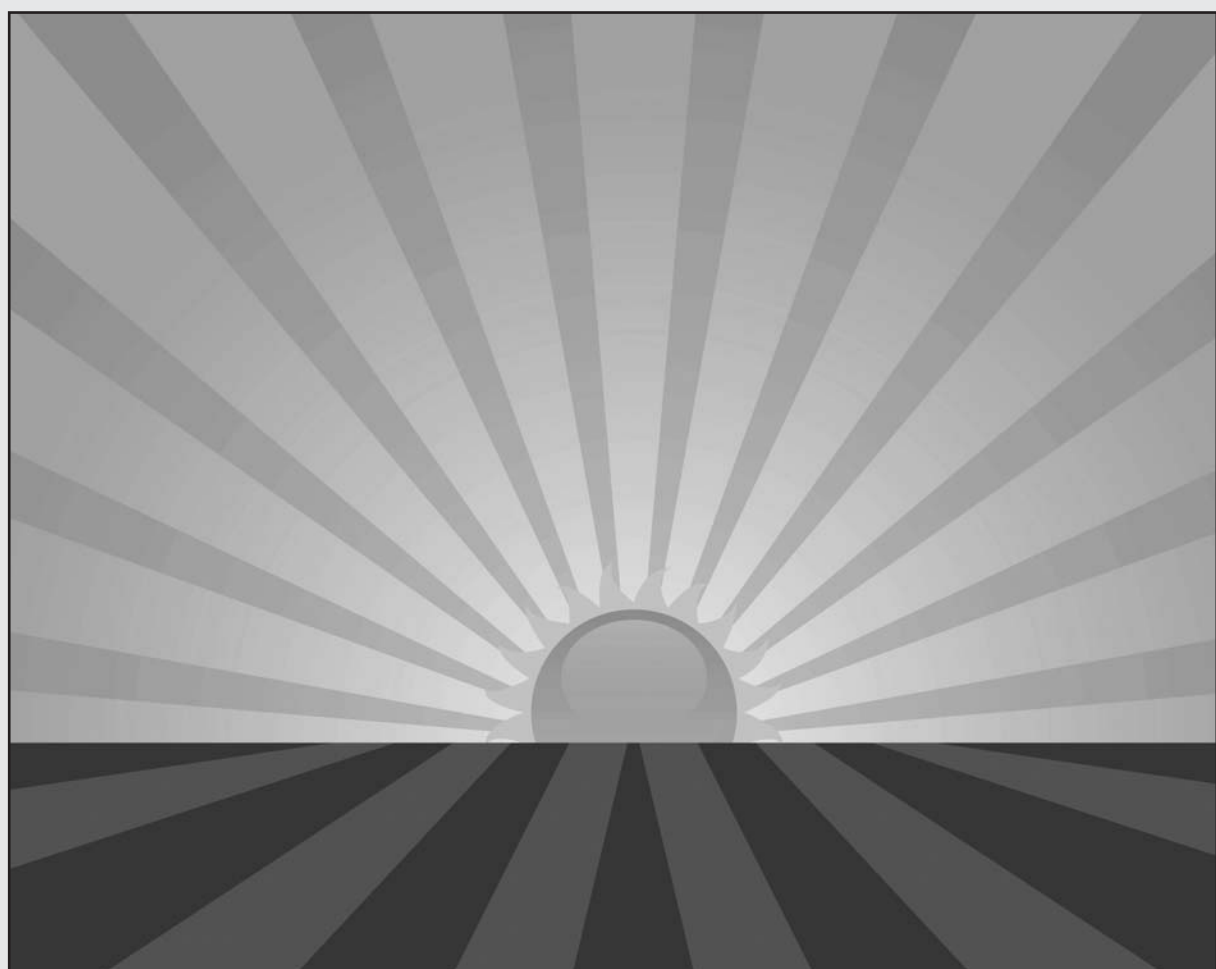


SUNSHINE WEEK '09



TELEGRAPH EDITORIAL

Transparency is the new black

There was a point not long ago when the only time you saw the word “transparency” in print was if you were looking at ads for new windows for your home or what was known in the dark ages as color slide film for your camera.

Well, not anymore. Today, it’s becoming nearly impossible to read a story about our federal, state or local governments without finding the word “transparency” or its cousin “transparent” in there somewhere, or at least so it seems.

In fact, a Google News search for stories containing the words “transparency” and “government” turned up nearly 17,000 hits Friday afternoon; “transparent” and “government” turned up 9,400 more.

If you think we’re complaining, then think again. After the last eight years of increased government secrecy at the federal level, that’s a very good thing, indeed.

All of which brings us to the fifth-annual national observance of Sunshine Week, a banding together of journalists, academics, students, good-government advocates and others to bring attention to the importance of open government in our society.

This year, the American Society of Newspaper Editors – working hand in hand with the National Freedom of Information Coalition and the Society of Professional Journalists’ FOI Committee – coordinated a national survey of all 50 states to gauge whether state governments are doing enough online to provide essential information to its citizens.

In short, survey teams scoured state government Web sites for 20 specific types of public records, including audit reports; bridge inspection reports; disciplinary actions against attorneys and physicians; hospi-

tal and nursing home inspection documents; school bus inspections and campaign finance reports among them.

And how did the states fare?

■ The most frequently found information on state government Web sites were school test scores (49 states) and department of transportation projects and contracts (48); conversely, death certificates were available in only five states and gas pump overcharge records in eight.

■ Texas led the national survey with a perfect 20-for-20 score. It was followed by New Jersey (18), North Carolina (17) and Kentucky, New York and Utah (all with 16).

■ Mississippi earned the distinction of having the least useful Web site in the country, providing information in only four of the 20 categories. It was joined near the bottom by Indiana, Montana, Oregon and Wyoming (all tied at seven.)

Unfortunately, New Hampshire didn’t fare much better, satisfying the survey in only eight categories. (See today’s story for a more detailed breakdown.)

While New Hampshire’s performance is disappointing, it’s somewhat mitigated by the fact that many states across the country have taken great strides in making what we would argue is essential information available to its citizens.

If there is a lesson here, it is that federal and state open-government laws are not there just for investigative reporters and watchdog organizations to dig up scandals and otherwise keep tabs on the operation of government.

They are there to ensure that you – just an ordinary citizen – can have access to that very same information should it ever become important to your daily life.

KEY POINTS

BACKGROUND: A Sunshine Week survey ranked the 50 states based on whether they provided online access to information in 20 specific categories.

CONCLUSION: While New Hampshire ranked toward the bottom, it was encouraging to see how many states are making strides to meet the information needs of its citizens.

Open government unlikely to ever make must-see television

My Turn | But that shouldn’t make it any less important to you.

Please play along with me for a moment while I try to make a point.

You’ve just walked into a company meeting, none of your closest colleagues are there yet, and you have the option of joining one of three ongoing group conversations:

A) What happened on the latest episode of “American Idol.”

B) Which colleges are going to snag the top seeds in the upcoming March Madness tournament.

C) The importance of open government.

OK, let’s have a show of hands from everyone who chose Group C. Anyone? That’s what I thought.

Trying to convince the average citizen the importance of open government can be like getting your 8-year-old daughter to eat her vegetables.

Yes, she knows they are good for her, but she would prefer to skip right ahead to Mom’s yummy dessert.

Well, a funny thing is happening all across the country these days – citizens are starting to eat their vegetables. That is, they are showing a much greater appetite for information from their government that for many years was difficult to access.

What’s more, the government – at the federal and state levels – is starting to get the message.

Funny what a \$700 billion TARP bailout, \$787 billion stimulus program and a \$3.55 trillion federal budget package will do for the public’s right to know what’s happening to their hard-earned money.

So welcome to the official start of Sunshine Week, the national initiative championed by the American Society of Newspaper Editors to engage you in a civic conversation about the importance of open government and access to public records.

As we’ve done in previous years, we plan to supplement publication of some national stories and opinion pieces this week with some sunshine-related stories of our own.

Two years ago, some of you may recall, we participated in a national survey by sending one of our reporting interns – posing as an average citizen – to eight local communities to ask for a copy of their Comprehensive Emergency Response Plan, a public document required by a federal law adopted in 1986.

Last spring, we sent another intern to eight school administration offices in the region in search of copies of teacher and superintendent contracts. (On his initial pass, he went 8-0 on the former; 0-8 on the latter.)

This year, we once again teamed up with journalists and open-government advocates across the country to survey the performance of state governments in meeting the needs of citizens by providing essential information online.

On today’s front page, you can read the results of the national survey, as well as staff reporter Albert McKeon’s assessment of the Web site maintained by the state of New Hampshire at www.nh.gov.

But that’s only the start of it. During the course of the week, we will present you with a series of news-you-can-use stories to better familiarize you with the information available on state and local government Web sites.

Specifically, you will learn:

■ What state government is doing to help you track how New Hampshire’s share of the federal stimulus money is being prioritized and spent.

■ What kind of information can be found (standardized test scores) and not found (teacher certification status) on the state Department of Education Web site.

■ What court records are available on state and federal government Web sites.

■ An overview broadly detailing the type of data you are likely to find on your city or town’s Web site.

We also will supplement these and other local stories on our Opinion pages with op-ed pieces and guest commentaries dedicated to the importance of freedom of information.

And don’t worry if you aren’t able to keep up with all this information during the course of the week. All of the material will be available under the heading of “Open Government/Sunshine Week and Our Right to Know” in the “Special Reports” section of our Web site (www.nashuatelegraph.com).

Finally, I would like to invite you to submit up to 300-word personal essays on why open government is important to you. We’ll publish as many as we can over the next six days.

Saying you believe in open government is one thing; becoming better versed in how you can take advantage of it in your daily life is quite another. Please don’t miss this opportunity to become a more engaged citizen.

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NICK PAPPAS
Editorial page editor

OPINION PAGE ON TWITTER

The Telegraph Opinion page now has a Twitter account, @TelegraphEdit. Participants will receive brief descriptions and links to our editorials, letters, comments of the day and more. We are also posting brief previews each evening of what you can expect to see the next day.



GUEST COMMENTARY

Fresh victories in the pursuit of the public’s right to know

By SEN. PATRICK LEAHY

There is reason to hope that an era of greater openness is coming. As we mark this fifth annual Sunshine Week, some of the recent clouds obstructing the public’s right to know are giving way to more transparency. The American people are beginning to get a better glimpse of how their government works – or sometimes doesn’t work so well.

Already there is some good news for the Freedom of Information Act, the law that gives life to the public’s right to know. Within hours of taking the oath of office, President Barack Obama issued a historic directive to strengthen FOIA, turning a page after the overreaching secrecy of the last administration.

He issued presidential memoranda on FOIA and Transparency and Open Government that will promote accountability and transparency in gov-

ernment, along with an Executive Order on Presidential Records that will give the American people greater access to presidential records.

Under the leadership of the new attorney general, Eric Holder, the Justice Department in recent weeks has begun releasing to the public some of the legal memos that were used to greatly expand executive power in the name of security.

Congress this month approved the first budget for the Office of Government Information Services at the National Archives. Established in the 2007 OPEN Government Act that I authored with my longtime partner on open government issues, Sen. John Cornyn, R-Texas, this office will house a FOIA ombudsman, charged with mediating inter-agency FOIA disputes and helping to ensure that the public’s FOIA requests are swiftly addressed.

By including funds for this office in the omnibus appropriations bill, Con-

gress is renewing its commitment to the provisions of the OPEN Government Act, which made the first major reforms to FOIA in more than a decade.

Not all the clouds have been dispelled. It should concern every American that traditional sources of reliable reporting are shrinking or disappearing.

Newspapers that have served their communities for more than a century are struggling, and some are closing their doors for good. It was investigative reporting by newspapers that ultimately forced the government to concede the existence of torture by our country and the shame of the mistreatment of our veterans at Walter Reed Army Medical Center.

Information is a freedom, but information also is a right and a requirement for effective self-government. Information is a pillar of our democracy. Without it, citizens are kept in the dark about key policy decisions that directly affect their lives.

Without open government, citizens cannot make informed choices at the ballot box. Without the people’s access to public documents and a vibrant free press, officials can make decisions in the shadows, often in collusion with special interests, escaping accountability for their actions. And once eroded, these rights are hard to win back.

When Congress unanimously passed the OPEN Government Act, Democrats and Republicans alike joined together in promising the American people a more open and transparent government.

FOIA’s defenders in Congress must work to ensure that that was not an empty promise. I intend to build on the FOIA reform work that Sen. Cornyn and I began several years ago by proposing new legislation to further strengthen FOIA.

The bipartisan success with the OPEN Government Act and President Obama’s FOIA directive shows that open government is not a partisan issue. Open government is an American

value and a virtue that all Americans can embrace.

Sunshine Week gives us the chance to celebrate our successes and size up the challenges that lie ahead. We can remind ourselves that a free, open and accountable democracy is what our Founders envisioned and fought to create. The public’s right to know helps government learn from mistakes so they are not repeated.

It is the duty of each new generation to protect this vital heritage. At this difficult and historic time for our nation, we have the opportunity again to reaffirm a commitment to an open and transparent government on behalf of all Americans today, which we have in our power the ability to leave as an enduring legacy for future generations of Americans tomorrow.

Sen. Patrick Leahy, D-Vt., was installed in the Freedom Of Information Act Hall of Fame in 1996 and is the 2009 recipient of the Robert Vaughn FOIA Legend Award. He is the author of the Electronic FOIA Amendments of 1996 and co-author of the OPEN Government Act.



LEAHY