

**“A government by secrecy benefits no one. It injures the people it seeks to serve; it damages its own integrity and operation. It breeds distrust, dampens the fervor of its citizens and mocks their loyalty.”** — U.S. Sen. Russell Long, supporting the Freedom of Information Act

## Know Your Rights

BY JOEY SENAT

### Our nation

has “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open,” Supreme Court Justice William J. Brennan observed in *New York Times v. Sullivan* (1964).

For that public debate to be valuable, it “must be informed,” he later wrote.

Only via public access to government records and meetings can the debate be truly informed. They provide notice of the actions taken by government and the process by which those decisions were reached, giving us the opportunity to see what our leadership is doing in our name. In short, our access promotes government accountability.

In a 1986 opinion, Justice John Paul Stevens repeated his long-held belief that the “First Amendment embraces a right of access to information about the conduct of public affairs. Neither our elected nor our appointed representatives may abridge the free flow of information simply to protect their own activities from public scrutiny,” he wrote.

Some state constitutions explicitly grant their residents a right to examine public documents and observe the deliberations of public bodies. Justice Stevens, however, has been unable to convince a majority of his colleagues that a First Amendment right of access extends beyond attending judicial proceedings.

Instead, our right to know is brought to life through the federal Freedom of Information Act and each state’s open meeting and records statutes.

In Oklahoma, our Sunshine Laws recognize the important, direct connection between public access to government information and a healthy democracy. Their stated purposes are to ensure that we understand the governmental processes and problems so we can intelligently exercise our inherent political power.

Unfortunately, federal, state and local politicians and bureaucrats often treat these records and meetings as though they belong to the officials and not the public. For example, FOI Oklahoma Inc., a non-profit advocating open government, receives a steady stream of complaints about officials violating the state’s open meeting and records acts: refusing to release records clearly defined as public; charging copy fees higher than allowed by law; posting meeting agendas too skimpy to give the public sufficient notice of what will be discussed or acted upon. The list goes on.

What can we the people do?

First, take the time to learn the Freedom of Information laws so you know your rights.

Second, expect your government to be open. Ask candidates for every office from the president to the local mayor to sign pledges that their agencies will abide by not only the letter of these laws but also their spirit. Ask candidates for Congress, state legislatures and



city councils to pledge they will strengthen these laws, not weaken them.

We should take to heart the wise words of newspaper attorney

Harold L. Cross in 1953: “The people have the right to know.

Freedom of information is their just heritage. Without that, the citizens of a democracy have but changed their kings.”



An associate professor of journalism in news-editorial, Joey Senat teaches mass communication law and public affairs reporting. Senat holds a Ph.D. in mass communication

law from the University of North Carolina-Chapel Hill and is serving as president of FOI Oklahoma Inc. He is author of *Mass Communication Law* in Oklahoma, which is used in newsrooms and in media law courses at other universities. His model public records request letter is used by reporters and attorneys. He has spoken on FOI laws at professional conferences and is quoted frequently by the news media. He received the Oklahoma Society of Professional Journalists’ First Amendment Award in 2005 for efforts related to open records. He was named Outstanding Professor in the College of Arts and Sciences for the 1999-2000 school year.