

Street Roots editorial
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Lighting the fire for real public records advocacy

When Ginger McCall took the position as Oregon's first public records advocate, she was asked why public records are important.

"They are the best chance that we as a public have to understand the function of government — and understanding the function of government is necessary to exercise our rights within a democracy," she said in her inaugural interview with *The Oregonian*.

That ideal was intact when she resigned this week, citing what she considered an abuse of power by Gov. Kate Brown's former general counsel, Misha Isaak.

The story is still developing. The series of events that took place over the past year are still unraveling, beginning with high hopes for the new office but ending in claims of downward pressure from the governor's office to quash legislation considered fundamental to improving transparency.

The latest reports based on McCall's records suggest there was a concerted effort to kill House Bill 2431, which would have required every state agency to track the number of public records requests it receives, how many remain outstanding beyond legal time limits, and information on fee waivers and reductions. The bill was drafted by McCall as proposed by the Public Records Advisory Council.

This would have been one of the most significant corrective measures in Oregon's public records law in years, one that would have restored the spirit of the law that these documents belong to the people of Oregon. And it would have laid the groundwork for more improvements — for public and government — in the future.

But by McCall's account, she faced opposition to the bill from then-general counsel Isaak, who told her that she should be prioritizing the governor's interests over policy. According to McCall, Isaak said he was her supervisor, contradicting the autonomy of the office. In the sordid tale of politics that follows, the bill ultimately dies, the advocate's independence is usurped by government presumption, and McCall walks. We can't blame her.

This is a wake-up call that suppression is insidious — and manifests behind closed doors — whether intentional or out of ignorance. It's not uncommon for reporters to have requests met with delays or total obstructions because government representatives don't think or don't know what is required of them. It is even more common to be confronted with exorbitant and prohibitive fees. This is why the state needs this advocacy position, to educate the employees on their duties under the law.

Oregon's public records laws, once a paragon for transparency, have been chipped away, carved out and prioritized for greater secrecy. The public records advocate was the channel for reforming policy. The further removed we get from the spirit of the actual law — that government documents are the property of the people — the more we creep toward protecting secrecy. That is why the state needs this position, to push for informed policy and set the standard for all local and state operations.

This is a major black mark on the governor's administration, but it should also serve to put a fire under its feet to aggressively work on real transparency within state government, as it has claimed it wants to do. The state can set a new standard, one that

ensures access to government information, in a timely manner, without obstructions or delays, for the public it serves.

Whether Isaak acted out of ignorance or design is not the question. The intent was the same: to neuter the office charged with ensuring the transparency the governor said she wanted – to take the public out of the spirit of public records, and turn an office for the people into an office for the powerful. We stand with others in Portland media calling for the governor to reconsider Isaak's appointment to the Court of Appeals based on his judgment and perspective.

This isn't just a concern for reporters who work to hold public officials accountable. This is a concern for all Oregonians for whom government transparency is a civic right. Brown has issued a statement saying she, with the counsel of McCall and the Public Records Advisory Council, "will develop recommendations to the legislature to create a truly independent position."

And, we trust, to aggressively push for the passage of legislation that would improve Oregonian's access to public information.

And to prevent any avenues of intimidation or coercion to undermine that independence. And to remember in all actions that the public's right to know is paramount, and that the government's urge for suppression is the real and ever-present enemy of the people.