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Sunshine Week, Extremely Timely

by John Hiner

Newspaper titan William Randolph Hearst described the grist of his industry this way: “News is something which somebody wants suppressed.”

By that measure, Michigan is a state teeming with potential news stories. We’ve been stuck with an F grade in public access to information, and a rating of 50th out of 50 states in transparency and accountability in government, since a 2015 study by the Center for Public Integrity.



That dubious ranking, and the conditions in Michigan and across a deeply divided country, make this year’s observance of Sunshine Week extremely timely and relevant for citizens, the press, advocacy groups and anyone who does business with government entities.

Sunshine Week, which begins today, is a nationwide celebration of open government and readily accessible public information. It’s promoted in our state by the Michigan Press Association, which represents and lobbies for not only the news industry, but for the rights of all Michiganders to have insight into the workings of their elected leaders.

Right now, the Michigan Legislature, the governor and the lieutenant governor all are exempted from the Freedom of Information Act – only one of two states with that blackout at both the legislative and executive levels. The consequences of that still resonate in the frustratingly inconclusive trail of accountability on the Flint water crisis, which is a month away from its three-year anniversary of misery for city residents. Criminal investigations have tagged responsibility as high as emergency managers appointed by Gov. Rick Snyder, but with exemptions in place, the public can only see the documents that the governor has decided to release.

Is it any wonder citizens in Flint, and their elected representatives, talk of a crisis of trust, as well as one of public utilities?

Last year, bills died in committee that would have extended FOIA to the governor and legislators. In what would appear to be an encouraging development, that push has been revived under House Bills 4148-4157. One of the bills, 4149, even puts a bow on it by renaming FOIA to the “Freedom of Information and Legislative Open Records Act.” That, coupled with public campaigning by Lt. Gov. Brian Calley for more transparency in government, might lead you to believe that our leaders are serious about improving the state’s standing on transparency scorecards.

Not so fast – let’s read the fine print:

- All appeals would go through a state Legislative Open Records Act coordinator, and it would ban the right to sue through civil court;
- The acts would not take effect until Jan. 1, 2019, and nothing made prior to that would be considered public records;
- Records and communications related to registered lobbyists would be public -- but Lansing is home to a great many unregistered lobbyists and influencers;
- It provides an exemption for communications with constituents – in effect, any person in a legislator’s home district whom is influencing in any way would fall under that designation;
- It provides an overly broad “internet-use” exemption, without detailing what those specific exemptions would be. Personal information is understandable, but general communications and other records could be cloaked.

This kind of “improvement” would only feed a growing cynicism that government is an insular club that doesn’t serve the interests of the people it represents.

Last fall, MLive reporter Emily Lawler teamed with the Michigan Campaign Finance Network to expose scores of secret accounts where corporate cash is flowing to state lawmakers, with no public access to who is donating, or how it is being spent.

"What it means is Michigan legislators potentially can be bought and sold," said Jane Briggs-Bunting, president of the Michigan Coalition for Open Government.

The reporting by Lawler and Craig Mauger from MCFN is a finalist for best investigative reporting in the Associated Press news awards. Or, as Mr. Hearst might have said to kick off Sunshine Week: That suppressed information sounds a lot like news.

- *John Hiner is the vice president of content for MLive Media Group, which includes eight newspapers and the mlive.com website.*

For more information:

Sunshine Week: www.sunshineweek.org/

Michigan Coalition for Open Government: <http://miopengov.org>