

The Capital

Opinion

From the editor's desk: Democratic system needs sunshine to survive

By TOM MARQUARDT

This week newspapers across the country are recognizing the importance of open government. Sunshine Sunday kicks off a week of celebration of the Constitution's First Amendment and the value of public access to documents and meetings. So what you see on today's front page and on this page can be found in every city served by a daily newspaper.

Living in a country that embodies free speech and demands that its elected leaders keep the political process open is something to celebrate. After all, there are still many countries where people are punished for dissent and corruption is protected by secrecy. We're far from perfect; efforts to curb access have escalated every year. But we should be proud that we live in a democracy that is still more open than most.

Openness in Maryland is protected by several laws, the two most important being the state Open Meetings Act and the Public Information Act. Both are used regularly by the media to keep government honest by letting the sun shine on meetings at which public business is being conducted and on documents that record how public money is spent.

You might think these laws are just for a nosy press. You would be wrong. They are more often used by the general public - homeowners looking at property records, activists monitoring building permits, landlords doing background checks, and citizens inquiring about the project someone wants to build down the street.

Generally, government officials readily provide public documents. But in 2004 *The Capital* filed more than 30 formal requests for government documents and made one formal complaint to the attorney general about a closed meeting.

The documents we received led to important stories, including articles on:

How contractors and transportation officials erred when repaving the Bay Bridge.

How firefighters contracted cancer after bathing themselves in chemicals used in training.

How much taxpayers pay top executives in city government, county government and the school system.

How taxpayers were left footing the bill for cost overruns at Compass Pointe Golf Course.

These stories could not have been done without a law that guarantees access to public documents. Is it any wonder that some government officials are reluctant to part with this information?

County Council members, for instance, balked when we asked them to show us their e-mail. They felt it was an intrusion, especially for e-mail involving constituents. Others, particularly the employee who had to retrieve the e-mail, thought it was an imposition on their time. So, the county -- in an obvious attempt to discourage us -- charges us for that time.

While I was ruminating on the value of an open government, I was reading John Barry's "The Great Influenza," a history of the 1918 flu pandemic that killed between 50 million and 100 million people worldwide. Mr. Barry writes about how the press covered up the spread of this deadly disease at the request of worried government officials who thought the publicity would set off a panic and ruin the morale of men going off to war.

Under threat of prosecution, newspapers across the country told their readers there was nothing to worry about - even though 400 people a day were dying in Philadelphia alone. A vigilant press, the author posits, could have warned people about the spread of this disease.

Efforts to contain information continue. Until just recently, the Health Department refused to disclose to us incidents of food poisoning at local restaurants. State and local officials called this information "research," misusing an exception to the Public Information Act that was intended to protect scientific studies at local universities.

This policy wasn't reversed until a local woman, poisoned at a restaurant, challenged it in court. The courts said the public is entitled to know when a local restaurant has endangered its customers.

This year there is a state bill to protect the identity of the owners of animals stricken with infectious or contagious diseases. If you lived near that farmer or bought a diseased animal from him, wouldn't you want to know about this?

Similarly, the identity of anyone quarantined with a contagious disease is protected. In the last two years, nine people, most with tuberculosis, have been quarantined. But you'll never know this if you come in contact with them because their names are secret.

What happened in 1918 will not happen again, because the press is now wiser and more aggressive. But each day we fight renewed attempts to curb public access to documents and meetings. Often these attempts are made by public officials who have something to hide.

While the public generally agrees with the concept of open government, many believe the press often oversteps its bounds - for instance, when it demanded the autopsy photos of race car driver Dale Earnhart. But a press that occasionally violates common decency is better than a press that doesn't pry at all.

The stories that you read today and during national Sunshine Week are intended to show why open government is important to you. We are fortunate to live in a democracy, and one way to keep it healthy and free is to let the sun shine in.

Published March 13, 2005, [The Capital](#), Annapolis, Md.

Copyright © 2005 [The Capital](#), Annapolis, Md.