

THE HARD FIGHT FOR FREEDOM OF INFORMATION

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By MARIE P. GRADY

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Imagine finally learning, after 30 years, how hard investigators worked to find the killer of your 13-year-old son.

Think about the hardest working person you've ever known turning over thousands of dollars of his or her income to someone who never has to answer for what they did with it.

Picture losing your beautiful daughter or son to a terrorist attack on the United States and never being able to learn what the government did to prevent the attack, or what it has learned to prevent another parent from losing his or her child.

If it were not for freedom of information laws in America and newspapers that go the extra mile to see them enforced, the parents of Springfield altar boy Daniel Croteau might still be waiting to see the records of the investigation into his death.

You and I might still be waiting to learn whether government officials and community leaders invested and used our tax money wisely or used it to benefit themselves and their families, as the ongoing corruption probe in Springfield shows has too often been the case.

And the survivors of the victims of the Sept. 11, 2001, terrorist attacks on the U.S. might still be waiting for the 9/11 commission's report on how much officials knew about the threat and what they did to prevent it.

Today marks the beginning of national Sunshine Week, the second annual observance of the importance of freedom of information in a Democratic society. Fittingly, the week leading up to this observance was marked by the release of videotapes, obtained by the Associated Press, that showed what President Bush knew, and when, about the devastation of Hurricane Katrina and how he and the Democratic governor of Louisiana reacted.

National Sunshine Week, shepherded by the American Society of Newspaper Editors, grew out of a 2002 effort in Florida, a state whose freedom of information law far outshines those in Massachusetts and many other states.

But we at The Republican don't need a national observance to underscore the importance of shining a light on public business. From every reporter and editor to the publisher, we are passionate about freedom of information.

In the face of eroding federal access and increasing resistance to open government from many public officials, protecting the public's right to know is more important now than ever. That is why Publisher Larry McDermott finds the considerable funds needed to fight freedom of information battles all the way up to the Massachusetts Supreme Judicial Court, even in straitened times for newspapers.

It is why Executive Editor Wayne E. Phaneuf, every one of our editors and I will invest every ounce of our energy into protecting your right to know.

On the front lines of this effort are our reporters. Every time officials improperly try to discuss important public business behind closed doors, or refuse to turn over public records, our reporters will protest even if it means that these same officials will make their lives difficult for months or years on end.

This does not mean that most public officials get into public service to abuse their power.

On the contrary, most I have covered or known over the years have devoted themselves to an often thankless job with the sole objective of improving their communities.

But the best of them, from selectmen in the smallest towns to the head of the state-appointed control board managing Springfield's finances, never forget who their boss is. Their boss is you and me. That's because it is our tax money they are spending to pave roads or to select and pay public employees.

When public officials abuse our trust it is almost certain that you will learn about it from your newspaper. With all due respect to our colleagues in radio and television, more often than not it is the newspaper, and often this newspaper, that has undertaken the often laborious and costly work to protect your right to know.

When you read it here it is history; when you hear it there it is often plagiarism borrowed from the pages of history (this newspaper).

Indeed, if it were not for newspapers in this country and this newspaper in Springfield you might never have learned of some of the most important stories of our times.

It was this newspaper that joined Greenfield lawyer John Stobierski on behalf of clergy abuse victims to unveil documents shrouded for years in secrecy. A lawyer for the newspaper argued before the state's highest court that documents related to the 1972 murder of altar boy Daniel Croteau should be unsealed.

In July of 2004 the high court lifted the veil of secrecy 32 years after the boy was found slain on the banks of the Chicopee River. A priest who was defrocked not too long ago was the chief suspect.

In the decade before the court ruling - and long before the problem of clergy abuse became a national story - the newspaper fought numerous court battles to open up records relating to clergy abuse and the Croteau case in particular.

It is not accurate to say that "we won" these cases because the true winners were the victims, their families and, ultimately, every one of us.

More recently, The Republican filed a legal argument with the Massachusetts Supreme Judicial Court that a state agency should disclose why it should have the right to remove an 11-year-old Westfield girl named Haleigh Poutre from life support after her adoptive mother and stepfather were charged with abusing her. You, and Haleigh - who is now in a Boston rehabilitation hospital after showing signs of improvement - won that case too.

And it was The Republican that first reported significant developments in the Springfield corruption probe, including the fact that two city-appointed managers of a federal loan fund for small businesses were principals in consulting firms that improperly collected hundreds of thousands of dollars from the fund. We used state public records laws to report that story more than a year before the two were convicted.

In years past this newspaper has helped to set case law in a number of important areas, including that no municipality can make a confidential out-of-court settlement with any party. After all, the settlement money comes from your pocket and mine.

These freedom of information battles are often tedious and long. Just last week we had trouble with some officials over release of public documents for our series on freedom of information issues. Some officials, apparently annoyed at us for doing our jobs, have decided to make public access to records as difficult as possible.

As someone who has spent countless hours battling with high-priced lawyers - efforts that are reflected in files that are more than a foot deep in my office - I can tell you it would be much easier for us to just accept it when a government official tells us he does not have to release certain records. But if the press becomes complacent, who is watching out for the people?

Many of these freedom of information efforts, including a 10-month battle to open up police staffing records in Springfield, shouldn't be necessary. But the outcome is worth it to the public.

As the paper worked on a series on the police issue - while still waiting for these records to be released - the Police Commission ordered that more officers be assigned to crime-fighting duty and the state ultimately ruled that the records should be made public.

The newspaper does not win every freedom of information battle, nor does it expect to. Recently we learned that a community agency in Springfield that receives about \$4 million in public funds would not have to disclose financial records to the public because it was not incorporated decades ago as a public agency.

The decision from the state came eight months after we first sought the records.

While this community agency resisted disclosure efforts, another agency readily allowed access to documents detailing how it used public funds.

There is no doubt such organizations do a great deal of good with public funds, but any agency's reluctance to disclose how it uses your money should automatically raise concern.

And government officials who discourage transparency should know that they will only train a more intense spotlight on themselves.

Our newspaper last year won the top two Associated Press awards in New England for its freedom of information efforts, but we do not wage these battles for awards. We fight for the public's right to know because, frankly, if we didn't do it, it is doubtful that anyone else would.

Many immigrants first came to this country not only to flee poverty but to find freedom, in all its many forms.

My own parents, who hailed from Ireland, believed this America was the greatest country on Earth. My mother still does. They are also the hardest working people I have ever known.

It sickens all of us when we learn of public officials who line their own pockets with the money of hard working people, especially when the money is supposed to be used for needy people.

And it disturbs every good journalist and every good citizen when government officials attempt to cloak public business in secrecy.

I have met with many foreign journalists over the years whose countries are finally living in the light of democracy. They have told me horror stories of secret governments that

squelched freedom of information at every opportunity, sometimes taking the lives of the truth-tellers.

We should not need a national Sunshine Week to recognize the importance of open government. As history has shown elsewhere, a United States that cedes the light of truth to the darkness of indifference is doomed to failure.

This is why we are passionate at The Republican about freedom of information. Are you?