

We the People.

You know the phrase. It's the most important political statement in American history. In three simple words it indexes the spot from which all political power in this country grows, according to those who invented America. Now listen to they way those words were embellished in Washington State 40 years ago by those who invented the people's insistence that government remain open so voters and taxpayers could be fully informed:

"The people of this state do not yield their sovereignty to the agencies that serve them," reads the preamble of the Washington Public Disclosure Act, enacted in 1972. "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created."

That's state law. And furthermore it is a state law that the people, through the initiative process, imposed upon state and local government because after years of effort it was obvious that government was not going to impose this level of openness on itself. The drafters were equally suspicious of the judicial branch of government, and wrote into this powerful law directions for future judges:

"This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected."

All three branches of government have diligently whittled away at the people's initiative, and therefore the people's sovereignty. The Legislature has seen fit to add a fistful of loopholes to the open government law every year and the governor has dutifully signed them into law – often at the behest of government lobbyists for cities, counties and schools. The original open government initiative listed 10 exemptions; now there are nearly 400. The judiciary often backs government agencies that are taken to court by minimizing penalties. This record is capped by the Washington Supreme Court's disastrous 5-4 ruling in the 2004 Hangartner case which exempts most writings of government lawyers from public review.

The lesson? It remains up to We the People to protect our demand of access to government information and decisions. Fortunately, the legal foundation remains in place, and it remains a powerful tool for a people attempting to self-govern.

I have a personal and professional interest in our open government laws. My

father, the late Bruce A. Wilson of Omak, was both a Chronicle publisher and a Washington State senator from 1968 until 1986. He was a staunch open government advocate and shepherded the Open Meetings Act through the Senate in the immediate wake of voter approval of the 1972 initiative. (The initiative's focus was records, not open meetings).

Professionally, I now operate an independent newspaper and website (in Port Townsend) and am past president of the Washington Coalition for Open Government. During times of financial difficulty and political edginess, I know the need to open up government for citizen scrutiny increases, not diminishes, despite the wishes of some bureaucrats or elected officials. The recent controversy surrounding the Okanogan County PUD is a case in point.

In what appears to me a violation of at least the spirit of our open government laws, the PUD commission evidently tried to sneak a \$13,000 raise for the general manager past the public. It is fully in the public's interest and oversight purview to know how much public servants are paid, when and why they get big raises. Much (not all) of the controversy could have been avoided by doing this important piece of public work in the public eye, with proper notification. Why hide? Obviously out of fear of embarrassment. However fear of embarrassment is not one of the exemptions to the law. As I understand it a citizens' group has arisen to monitor and event attempt a recall of elected PUD commissioners.

The simple truth: The PUD has earned this scrutiny. An ethical and mature decision to do the hard work in public, and take the heat in public, leads both to better decisions and a higher level of trust. It's also what the law demands. On July 27, the Chronicle and the Coalition for Open Government are hosting what is sure to be an informative forum on open government, in the Omak City Council Chambers at 6 p.m. Some of the state's leading open government experts will present the basics of the laws, how agencies can remain open, how citizens can use the laws. They will take individual questions. Presenters include impressive experts like attorney Greg Overstreet and former Rep. Toby Nixon, along with Rep. Joel Kretz of the 7th District and Russell Wood, the state records officer. Chronicle Publisher Roger Harnack will moderate.

Both government officials and citizens will learn and benefit from this exercise of the tangible meaning of "We the People."

Scott Wilson