

FIRST FIVE

Free speech, press need freedom of information

By Kevin Golderberg
Freedom Forum

The right to speak and the right to print, without the right to know, are pretty empty.”

These are the words of Harold Cross, author of “The People’s Right to Know,” a book largely regarded as inspiration for the federal Freedom of Information Act (FOIA), which Congress passed in 1967.

The FOIA — and its state-level counterparts — guarantees us the right to request records from any government agency, allowing the public to oversee the activities of government. It not only enhances our exercise of the rights to free speech and freedom of the press (as well as the other three freedoms — religion, assembly and petition) but also directly benefits society by potentially exposing government waste, abuse and corruption.

While many view the FOIA as a federal law for journalists to use in their role as watchdogs of government activity, access

to records provides an ongoing benefit to all of us.

Reporters from The New York Times used FOIA to track the expenses and meetings of Scott Pruitt, the former head of the Environmental Protection Agency, who resigned in 2018 amid allegations of corruption. A blog associated with the Times also used FOIA to learn that the Department of Agriculture received 64 complaints from 2007 to 2009 about foreign objects such as glass, a rubber glove and an insect found in hot dogs sold to the public. (I can hear some of you saying, “Actually, I’d rather not know that.”)

At the local level, the Associated Press used FOIA in the wake of Hurricane Katrina to determine that 122 other levees built by the Army Corp of Engineers around the country contained deficiencies. That FOIA request brought the issue to the attention of the residents of those 122 communities, allowing them to take steps to protect themselves and their homes from flood risk and resulting in repairs where necessary.

But it’s not just reporters

who use FOIA. Ordinary people — even those who are skeptical of the role of the media in overseeing government — use the law to great effect. In 2019, students at Back of the Yards High School in Chicago used public records to learn that the two white police officers at their mostly minority school each had substantial misconduct complaints against them, including allegations of use of force, false arrest and verbal abuse, often against people of color. The students then used this information to ask for the removal of police officers from their public schools.

Other Gen Zers have used their digital skills to access and analyze public records, especially large datasets, through technology.

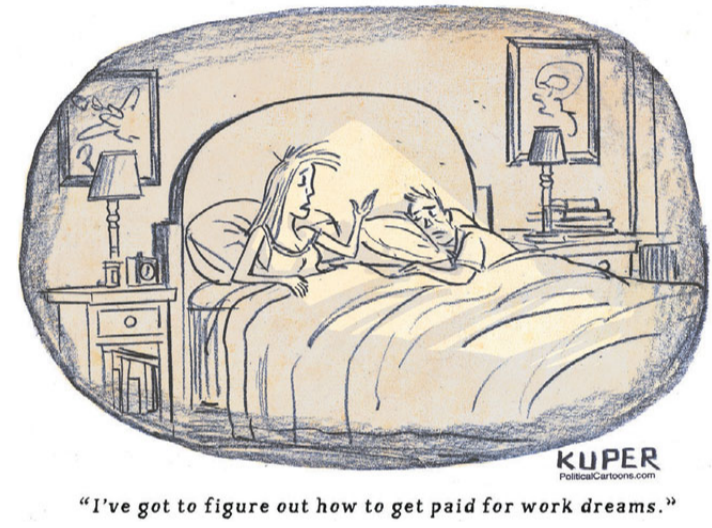
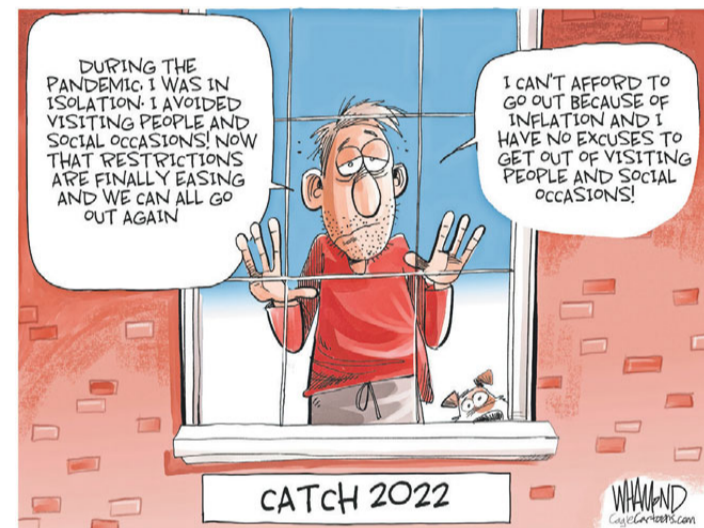
Jack Sweeney, a freshman at the University of Central Florida, has used publicly available flight information to track SpaceX founder Elon Musk’s private jet — which he then reported via Twitter @ElonJet. As Russian forces invaded Ukraine, Sweeney launched @RUOligarchJets, which tracks the movement of Russian oligarchs.

On a larger scale, FOIA requesters should applaud the recent creation of Gumshoe by graduate students at NYU’s Center for Data Science. Gumshoe is an artificial intelligence tool that sorts through large swaths of information. This is more necessary than ever given the explosion of information that is created by the government every year and the hundreds, if not thousands, of pages of text that one might receive via a public records request. The Gumshoe team has already received funding including a \$200,000 grant from the Patrick J. McGovern Foundation to build out the product for widespread distribution.

You don’t have to be a journalist or computer genius to use public records laws — and certainly not to benefit from their use. That’s why we all should celebrate Sunshine Week and public records all year round.

Kevin Goldberg is a Freedom Forum First Amendment specialist. First Five is a monthly column on First Amendment issues produced by The Freedom Forum, a nonpartisan nonprofit founded by Al Neuharth. First Five is an effort to inform citizens on the freedoms protected by the First Amendment.

CARTOONIST'S VIEW



LETTER TO THE EDITOR

Who feels the brunt of breaking an oath?

In the book of Exodus, in the Bible, Moses was called to bring down a couple of stone tablets that had been inscribed “by the finger of God,” with the Ten Commandments.

These 10 “Thou shalt” and “Thou shalt not,” set the moral tenants for the Hebrew people. Commandment number nine, states that “Thou shalt not bear false witness.” In other words, “do not tell a lie.”

Back in the late '50s and early '60s, there was a radio program that turned into a TV show entitled “Truth or Consequences.” On the show, contestants received roughly two seconds to answer a trivia question correctly (usually an off-the-wall question that no one would be able to answer correctly, or a bad joke) before “Beulah the Buzzer” sounded.

On the rare occasions that a contestant did answer correctly, the host would reveal that the question had multiple parts. Failing to complete this “truth” portion meant that the contestant had to face “consequences,” typically by performing a zany and embarrassing stunt.

Let’s say a group of golfers get together every Saturday to play around of golf. One of the golfers has a habit of not recording his score correctly. He may shoot an eight on a par five, but tell the group he shot seven, then writes a six on his scorecard.

The others in the group know what he does and accept his not telling the truth. He suffers no serious consequences for his or her actions. This person does not seem to harm any other member of the group.

Let’s then say we have a president who takes the following oath of office: “I do solemnly swear that

I will faithfully execute the office of President of the United States and will to the best of my ability, preserve, protect and defend the Constitution of the United States.”

Then, let’s say, the following day this president, whoever he or she might be, signs a stack of documents that will cancel our present energy independence and open our borders to allow illegal immigrants to walk across our sovereign boundary and be admitted into the U.S. without penalty. It would appear to me that this individual broke that solemn oath in less than 24 hours.

Now, who will suffer the consequences of these actions? I suspect not the President. It will be the average American citizen that will feel the brunt of the untruth of breaking that oath.

Jim Sparke, Bemidji

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From the Pioneer archives

10 years ago
April 6, 2012 — Low water levels will prevent the DNR from managing their regular walleye egg take station at Big Lake Creek since the walleye can’t make their usual runs up there. Instead, the DNR will have to rely on egg take stations from creeks connected to the Mississippi, which are closely related to the Big Lake walleye strain.

25 years ago
April 6, 1997 — Paul Benschoff has been sworn in as the 9th District Judge, taking over the position from James Preece who held it for 30 years. Benschoff has been a trial lawyer in Bemidji for 20 years and was sworn into his new position in front of family and friends who wished him luck in his new career.

50 years ago
April 6, 1972 — The first annual meeting of the Wild Rice Producers Cooperative met in Waskish, where they discussed the board of directors and various committees. The group, which was formed in 1971, brought together members from around Minnesota, and even one all the way from Colorado.

100 years ago
April 6, 1922 — Three active tuberculosis cases will be removed from the county to the Lake Julia Sanatorium for treatment. The county commissioner approved this move after the family, made up of a mother and her two children, continued to mingle with the public despite their diagnosis, which the county said put others at risk.

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