YOUR RIGHT TO KNOW / BILL LUEDERS

Scrutinize candidates on openness

Perhaps no other political issue receives so little attention, relative to its importance, as open government. Elections come and go without candidates addressing this fundamental tenet of a democratic society.

That’s because virtually all candidates, when asked, will say they are big fans of transparency. It’s an easy position to take, a harder one to live up to.

But in Wisconsin’s fall elections, fidelity to open government has come up in several races, for governor, attorney general and U.S. Senate.

Two former state officials have accused Gov. Scott Walker’s administration of dodging the open records law. Former Corrections Secretary Ed Wall and former Secretary of the Department of Financial Institutions Peter Bildsten [both](https://madison.com/wsj/news/local/govt-and-politics/scott-walker-s-former-corrections-leader-releases-tell-all-book/article_1cb062fb-bffe-5d07-ba88-076fda5237ea.html) [allege](https://lacrossetribune.com/second-former-walker-official-comes-out-against-him/article_9a7cec8c-66c8-545c-8a69-ee5ae2cfaf79.html) being advised to not create records that would be subject to release. (Wall was [fired](https://www.jsonline.com/story/news/politics/2016/12/23/panel-rejects-firing-appeal-ex-corrections-secretary/95789696/) in 2016, purportedly for urging another state official to violate the records law by destroying a letter.)

Three state advocacy groups — Wisconsin Democracy Campaign, Center for Media and Democracy and One Wisconsin Now — recently [urged](https://urbanmilwaukee.com/2018/08/22/op-ed-please-rescind-walkers-open-records-award/) the Wisconsin Freedom of Information Council to rescind the [award](http://www.wisfoic.org/index.php?option=com_content&view=article&id=443:wisconsin-freedom-of-information-council-names-2018-opee-winners&catid=50:foic-press-releases&Itemid=87) it gave Walker in March for issuing executive orders directing state agencies to improve their performance on open records requests. They noted other occasions in which Walker has failed to release information, and dinged him for signing a [2015 bill](http://www.wisfoic.org/index.php?option=com_content&view=article&id=360:november-bill-would-make-it-harder-to-follow-the-money&catid=60:2015&Itemid=105) ending the requirement that donors of more than $100 to political campaigns identify their employer.

The council declined to rescind its award. As the group’s president, I agree that Walker’s record on openness has been mixed, but his executive orders provided some welcome clarity and direction on the law.

Similarly, even though we think Republican Attorney General Brad Schimel also has a mixed record on openness, we welcomed the recent announcement that his office, in response to “a noticeable and concerning increase of inquiries” regarding high records fees, would [slash](https://www.doj.state.wi.us/news-releases/office-open-government-advisory-charging-fees-under-wisconsin-public-records-law) what it was charging and urged other government officials to do the same.

Schimel is up for re-election this fall. His Democratic challenger, Josh Kaul, says Schimel “waited until the middle of his re-election campaign to take action that he could have taken much earlier.” Kaul says that, if elected, he would keep the lower fees.

Meanwhile, Republican state Sen. Leah Vukmir’s ill-considered effort to evade the records law [became an issue](https://www.jsonline.com/story/news/politics/2018/08/03/leah-vukmir-racked-up-15-000-legal-bills-taxpayers-2014/893023002/) during her successful bid for the Republican nomination for U.S. Senate. In that 2014 case, taxpayers [got stuck](http://archive.jsonline.com/news/statepolitics/state-to-pay-15000-in-settlement-of-suit-against-vukmir-b99235412z1-252923981.html/) paying $15,000 to settle a lawsuit brought by the Center for Media and Democracy.

In advance of the Nov. 6 election, the Council is surveying all candidates for state Legislature, as well as state Senators not up for reelection. We’re asking a small number of transparency-related questions, like whether respondents think legislators should follow the same records retention rules as all other state and local government officials. (Right now, lawmakers legally can — and some do — destroy records at will.) We’ll publicize the results.

Open government is not the only standard by which public officials should be judged. But it is among the most important.

*Your Right to Know is a monthly column distributed by the* [*Wisconsin Freedom of Information Council*](http://www.wisfoic.org/) *(www.wisfoic.org), a group dedicated to open government. Bill Lueders, managing editor of The Progressive, is the group’s president.*