

Not that long ago, I was working for you. I was a public employee of the taxpayers of the state of Wisconsin, and I was even a bit proud of that status: Government by the people, and all that.

Of course, working for the public meant that my bosses - readers like you - were entitled to know where I worked, my job title, even my modest salary. Back then, you could look up all that information online.

But more recently, the largest state employee union has doggedly pursued a court fight to hide the identities of state employees from the taxpayers who pay their salaries. The case has now made its way up to the state Supreme Court, which should quickly reject the Wisconsin State Employees Union claim once and for all. The circuit court has already sided with the public's right to know, but the union keeps appealing to overturn a wise decision.

This court case started about four years ago, after an audit showed as many as 424 state workers might be driving state vehicles despite prior drunken driving convictions and other serious or repeated traffic offenses. The Milwaukee Journal Sentinel asked for the workers' names, but the state refused, citing a secrecy provision tucked into a union contract covering thousands of workers across state government.

At the time, some officials seemed surprised that the provision, a clear subversion of openness in government, even existed. But the union, then and now, argues that this sweeping secrecy is needed to protect some of its members, such as prison guards who might be targeted by the cronies of the criminals they keep under lock and key. It's a frightening prospect, thus far unsubstantiated. Then again, how would we know? We can't find out the names of the guards.

On the other hand, it has been clearly substantiated that the secrecy clause has been invoked not to protect individual privacy but to prevent public embarrassment in communities large and small. In addition to the Journal Sentinel case, the Lakeland Times, a twice-weekly paper published in Minocqua, also was forced to launch a legal crusade in 2005. It sought the names and salaries of employees in the two northern offices of the Department of Natural Resources, the type of basic information that has always been public under the Open Records Law.

November: State employees: Public servants, not secret agents

Written by By Tim Kelley

Nobody is trying to get truly personal information about public employees, such as their home addresses, spouses' names or Social Security numbers. And as media lawyer Bob Dreps of Godfrey & Kahn points out, the information sought in the lawsuit - specific names - is generally available in printed directories and on the Internet. The union contract provision apparently was intended merely to conceal from the public other records containing those names. Cloaking public union employee names and activities this way can only invite abuse or fraud.

No state contract, whether struck with unions or private contractors, should be able to flout state open records laws by prohibiting public release of information covered under those laws. Dane County Circuit Judge William Foust was the first to recognize this folly, writing in ruling against the union in 2006: "Frankly, I cannot fathom how it is not in the public interest to know the names of public employees."

Now the Wisconsin Supreme Court justices have agreed to hear out both sides; in the meantime, state agencies continue to withhold basic information. This whole costly dustup might have been avoided had not lawmakers and state officials inadvertently signed off on the excessive secrecy of the union contract in 2003 and 2004.

"The citizens of Wisconsin have never given their consent to a state government that operates under a cloak of secrecy through anonymous employees," the lawyer Dreps wrote in a brief to the court this year. "It is fundamental that the public authorizes and controls the state government, not vice versa. ... To agree that the identities of state employees must be concealed ... contravenes the very notion of government by the people."

It's now up to the high court to right an obvious wrong and make sure state union members remain public servants, not secret agents.

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