

January: A tough year for transparency

Written by By Bill Lueders

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In 2015, Wisconsin advocates for open government faced a disquieting truth: If we want to preserve our state's tradition of transparency and accountability, we must fight for it, against powerful players who will be fighting back.

The most egregious attack came on the cusp of the July 4 holiday weekend, when the Legislature's Joint Finance Committee [inserted provisions](#) into the state budget to gut the state's open records law. A tremendous backlash from across the political spectrum forced lawmakers to back down.

Just three weeks later, the attack's [main architect](#), Assembly Speaker Robin Vos, R-Rochester, [ordered](#) the drafting of a bill to exempt the Legislature from the records law, allowing all the secrecy it desires. That intent is apparently still alive.

And while some secrecy provisions were pulled from the budget, one sailed through, creating [different rules](#) for the University of Wisconsin System than for all other state agencies regarding the naming of finalists. Henceforth, the UW can pick athletic coaches and fill key academic positions without revealing which applicants were passed up.

Another blow came this fall, when Vos added a bill [amendment](#) late in the process to end the longstanding requirement that significant donors to political campaigns reveal where they work. The Legislature and Gov. Scott Walker, brushing off [concerns](#)

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that this will make it harder to track concerted special interest spending and even illegal activity, passed the bill into law.

Moreover, the Walker administration is embracing dubious interpretations of legal language to shield and even destroy records of public interest. It [claims](#) a “deliberative process” exemption that appears nowhere in state law lets it deny access to records of bill-drafting communications. A [lawsuit](#) over this practice is now playing out.

More recently, the administration has [begun asserting](#) that a new definition of “transitory records” approved by the state Public Records Board in August lets it destroy certain documents. This has happened at least twice, over records showing who has visited the governor’s executive residence and text messages between state officials and a private company that seems to have absconded with a state handout.

The Wisconsin Freedom of Information Council has [asked](#) the Dane County district attorney to prosecute the Public Records Board for violating the Open Meetings Law in changing its definition of transitory record without flagging this on its meeting agenda. The board chair has since [vowed](#) to revisit the matter.

But Walker administration officials have refused to explain their use of this definition, which does not mention text messages or visitors logs. Elisabeth Winterhack, an attorney for the Department of Administration, and DOA spokesman Cullen Werwie have not responded to [repeated requests](#) for answers to simple questions, including whether the Walker administration is continuing to destroy records showing who visits the executive residence.

Meanwhile, the Wisconsin Center for Investigative Journalism has [reported](#) that two former high-ranking Walker administration officials say they were warned not to use official email accounts for important business, to avoid creating a paper trail. The administration denies it.

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We are seeing, in words and action, the beginning of a culture of contempt for the public's right to know, embedded deeply within state government. That should be of grave concern to every resident of the Wisconsin, as we prepare for future battles.

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