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Let the Sun Shine In

Leading the Way for the Legislature

California Voters Support Sunshine Amendment to State Constitution

By John Russo

On election day this past November, the sun never shone brighter in California for open government advocates. Over 83% of California's voters came out in favor of Proposition 59 which amended the California Constitution to ensure the people's right to know about government deliberations and records. In California's history, fewer than a dozen ballot measures have won such overwhelming support.

The Sunshine Amendment to the California Constitution secures the fundamental tenets of democracy—access to information and transparency in decision-making. The amendment defines government business as the people's business. It also strengthens the people's right to know about their government by making that right a constitutional right. Government agencies will now be required to publicly explain why they want to keep information secret; a marked change from previous interpretations of the law and court rulings which placed the burden for the revelation of information on the citizen requesting the information.

When civil liberties are under attack in the name of our 'national security', and when free speech is stifled both by knee-jerk censorship to protect 'family values' and the intolerance of 'political correctness,' the principles of open government are vital to the health of our democracy.

Cities are municipal corporations. A city belongs to its "shareholders," the residents and businesses who pay taxes and reside in the city. The public should be able to trust that government leaders will act on behalf of the greater good. To engender this precious trust and encourage public involvement, city officials must perform their duties in the light of day, where the merits of their work and the effectiveness of their policies can be witnessed and judged.

After Proposition 59 passed, Governor Schwarzenegger, to his credit, set a good example. When the California First Amendment Coalition requested records of the Governor's appointments and meetings, he agreed to disclose. This category of gubernatorial records, which for 13 years have been declared off-limits by California courts interpreting the Public Records Act, will now be made public.

Those of us who work in government, whether elected or appointed, are guardians of the public trust and act in service to the people's will. If we, as public servants, are to

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generate and shepherd this trust, we must obey the rules we expect others to follow. In leading by example, we foster credibility.

This is precisely why the State Legislature's self-granted exemption from these rules of open government, now applied to all levels of government throughout California, is not only hypocritical but dangerous. Back room deals and "secret" information breeds distrust of politicians among the polis. The only constituencies for the legislative status quo are the legislators themselves, who find it convenient to conduct the people's business behind closed doors, and the armies of special interest lobbyists whose influence declines if the Assembly and Senate become genuinely transparent institutions.

Governing in the open not only builds public confidence, it produces better policy with sustainable results. The ideas that emerge through public discourse will regularly contain a level of investment from the citizens who participate. Invariably, the truth is more likely to emerge when the facts and all the points of view are ferreted out for public scrutiny. There is no rational policy reason to exclude the Assembly and Senate from the principles of the Sunshine Amendment.

Now, in the aftermath of the Sunshine Amendment's resounding success, is the time for the governor and open government advocates to bring the Legislature out of the shadows into the 'sun' of full disclosure. Only then will California be the true "Sunshine State."

