



Double celebration set for March

Bring on the cake! And, oh yes, two sets of candles for a double celebration by the FOIFT in March. Program committees are applying the final touches for the two-day event March 25 and 26 in Austin.

Although the two days will celebrate the 25th anniversary of the FOIFT and the 30th anniversary of the signing of legislation that became known as the Texas Open Records Act, the Foundation will be focusing on the two events throughout the year.

FOIFT President Wanda Garner Cash said the Foundation's programs will emphasize both anniversaries and added, "This year, more than ever, we will reinforce the theme of how open government benefits all citizens. We hope every Texan will help us celebrate and join in a shared commitment to openness, access and the public's right to know."

The programs and celebrations will start with a resolution from the Texas legislature on March 25. Present and former Texas governors along with representatives from other consumer groups and media organizations are invited to join the FOIFT in the reading of the resolution. That evening, a reception and dinner at the Bob Bullock Texas State History Museum will celebrate the Foundation's 25th anniversary. It will feature the presentation of the 2003

John Henry Faulk Award for Civic Virtue to former Lt. Gov. Bill Hobby and his wife, Diana.

Hobby served as lieutenant governor of Texas longer than anyone else in the state's history, and he was instrumental in the legislative reforms that created the first open records law.

Guest speaker at the Hobby presentation will be Bob Schieffer, a longtime network anchor who began his career in Texas.

Current and past Texas leaders have also been invited to offer brief comments about the public information laws and the impact they have had on Texas government.

A symposium will be held March 26, at the Bass Lecture Hall in the LBJ School of Public Affairs at the University of Texas at Austin. The program will discuss what led to the passing of the open records laws and the current environment for public information. Jane Kirtley, Silha Professor of Media Ethics and Law at the University of Minnesota, will present the keynote address. Both print and broadcast reporting classes at UT will present a report of recent student-conducted surveys of local governments.

The FOIFT began as the dream of a dozen journalists meeting in Dallas a quarter of a

century ago. Today, it's one of the better known and most respected organizations of its kind in the country.

"Over the past 25 years, the FOIFT has proven to be a valuable asset in educating the citizens of Texas about their rights and responsibilities under the public information laws," said Katherine Garner, FOIFT executive director. "We continually work to preserve and protect the free flow of information between the general population and its elected officials."

Former Texas Gov. Dolph Briscoe, Jr. signed the legislation that became known as the Texas Open Records Act. He says it's especially important that citizens be aware of how legislative decisions are made, who is making the decisions and their reasons for those decisions.

Tickets for the dinner on March 25 are \$150. The March 26 program is free and open to the public. For more information about the festivities, contact the Foundation at (214) 977-6658.

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A legacy of public service

By Wanda Garner Cash
FOIFT President

Bill Hobby exacted a promise from the Freedom of Information Foundation when we told him we wanted to honor him and his wife Diana with the 2003 John Henry Faulk Award for Civic Virtue.

It wasn't exactly prior restraint. Hobby, the consummate newspaperman, would never be party to such an anti-newspaper practice. Our pledge to him, however, did allow the most practical application of the First Amendment: we agreed to let him say whatever he wanted on Tuesday, March 25, when he and Diana receive this award in Austin.

The award program also will commemorate two significant milestones: the 25th birthday of the FOIFT and the 30th anniversary of the state's open records act.

Bill, who served as lieutenant governor longer than anyone else in Texas history, was instrumental in the legislative reforms that created that first open records law.

Ever the proponent of free speech, he told us he would accept the award as long as we granted him the floor. He has a few things he'd like to say to the media, and what better opportunity than this gathering of free speech advocates, Hobby said.

Houston Chronicle Executive Editor Tony Pederson and state Sen. John Whitmire were there as witnesses. All three of us exulted in the Hobbys' agreement to participate with the Foundation—just as we also braced for what is sure to be a rousing acceptance speech.

And Bill Hobby has plenty of material to draw on spanning four decades of public service. His official biography ticks off a list of accomplishments, any one of which would be an outstanding achievement on its own: naval officer, journalist, parliamentary expert, governmental policymaker, university regent, lieutenant governor of Texas, university professor and chancellor of the University of Houston System.

Anyone who knows Bill Hobby knows his heart is as big as Texas when it comes to education and public service. They also know he says what he thinks and follows through on promises. Diana Hobby cuts her own impressive swath as an advocate of life-long learning.

Diana is a scholar, arts lover and exemplar of civic responsibility. She was book editor at *The Houston Post* and from 1979-1991, associate editor of the academic journal *Studies in English Literature* at Rice University. She also is

a strong supporter of libraries, and in 1997, the Hobby Foundation made one of the largest donations ever given to a library, allowing an extensive renovation and enlargement of the Fondren Library at Rice University.

As bona fide Texas icons, the Hobbys are fitting recipients of the 2003 Award for Civic Virtue. The newest testimonial of their devotion to enhance and support the visual and performing arts is the just-opened Hobby Center for Performing Arts in Houston.

But the Hobbys are unique philanthropists. They don't just give money; they roll up their shirtsleeves and also donate time and ideas to projects they believe in. One example is the William P. Hobby Center for Public Service at Southwest Texas State University in San Marcos, recipient of a \$1-million dollar endowment that also includes a distinguished lecture series.

While the Hobby family represents a legacy of public service and civic virtue, the FOIFT's primary homage is to Bill's role in passing the state's first open records act in 1973. As lieutenant governor, he worked with Speaker Price Daniel, Attorney General John Hill and Gov. Dolph Briscoe to pass the seminal reforms that underscore the public's right to know.

For that, and for combined lifetimes of good work, we believe honoring Bill and Diana Hobby is appropriate and timely.

We hope you will join the celebration.



From a vision to a role model

One of the founders of the organization that ultimately became the Freedom of Information Foundation of Texas a quarter of a century ago was Robert W. Decherd, Chairman of the Board, President & Chief Executive Officer of Belo Corp. Here is his description of how it got started and achieved success.

By Robert W. Decherd

When Dave McNeely, Tracy Rowlett and several other Dallas journalists first discussed with me the formation of the Freedom of Information Foundation of Texas, I hardly imagined the success and influence the Foundation would achieve in such a comparatively short period of time. We started out on a shoestring budget, with most of the funding coming from Belo, *The Dallas Morning News* and a handful of major papers in the state. The best decision we made was to recruit high-ranking, dedicated board members who could deliver their organization's financial resources and talent to support the FOI Foundation's initiatives.

The first time the Foundation ventured into policy advocacy (e.g., cameras in the courtroom) and intervened in specific cases where governments were withholding information, it required considerable discipline and will power to stay the course. But, as the Foundation achieved success after success, we began to realize the prospect for significant legislation and a state-wide network that could support media organizations of all sizes and types.

I am especially proud of the leadership Ralph Langer provided to the Foundation, since the current shape of the Foundation was largely created during his long tenure as president. The Foundation is now a model for other states (and the envy of most), and unlike most other journalism organizations, has significant philanthropic support from influential men and women throughout Texas who are not journalists and are not directly associated with media organizations. This is a testimony to the foresight, commitment and initiative of many FOI Foundation leaders.

Belo and all of its media operations in Texas are extraordinarily grateful for the existence of the Foundation.

We look forward to many years of continued work together on behalf of the state's citizens and its media organizations.

Briscoe reflects on OR legislation he signed

Editor Note: Thirty years ago, in 1973, then Gov. Dolph Briscoe, Jr. signed legislation that today is known officially as the Texas Open Records Act. The FOI FOCUS asked him to reflect on the anniversary of that act—his thoughts then and now.

By Dolph Briscoe, Jr.

At the time I signed the legislation, my thinking was that there was too much secrecy in state government. It was not possible then for a citizen to determine what was going on in state government.

It was difficult for the average citizen even to be aware of how decisions were made. As far as the public was concerned, there was some faceless person involved. In other words, it could be a group or legislative committee that might be responsible.

There is no question about efforts being made now to place obstacles in the path of freedom of information.

Those efforts have been made, and are being made, and I think it would be good to revisit the situation to see if additional legislation is needed or if it is a matter of better enforcement of existing legislation. It should be a combination of the two.

It's very important that the people of the state, the citizens, know how legislative decisions are made, who is doing it and their reasons for doing it.

No piece of legislation probably ever completely accomplishes its intention. This means that any legislation should be periodically revisited, looked at again to see how it is working, if it is effective and if it is doing what it was intended to do.

You never solve one problem in any one session of the legislature. It is something you work on from session to session.

There is an old saying that it [legislation] is a work in process and will continue to be so.



There is no question about efforts being made now to place obstacles in the path of freedom of information.

--former Gov. Dolph Briscoe, Jr.





A brouhaha in the making

By Randy Sanders

With the Texas Legislature back at work, the Texas Municipal League can be expected to attempt to push for legislation that will make it more difficult for citizens to stay informed about the workings of government.

The TML, with a membership of 1,062 incorporated cities, has a legislative plan that will severely restrict access to Texas government if it is successful in finding sponsors to introduce and guide the passage of many of the recommendations of the TML's Legislative Policy Committee on General Government.

According to the TML's Web site <http://www.tml.org/resolutions/report/htm>, here are some of the items the group hopes to pass and the possible ramifications if successful:

- Allow a city to withhold sensitive security information, including information relating to the location of key facilities existing in public rights-of-ways. This means that the locations of deteriorating natural gas pipelines could possibly be kept from the public.
- Allow a quorum of a municipal governing body to meet with representatives of federal agencies or with federal lawmakers or individual state legislators without posting a meeting notice. This would allow the governing body to deliberate and make decisions affecting their citizens without any comment. In other words, "smoke-filled rooms" could possibly become a staple in government again.

The League also is supporting legislation that would exempt from public disclosure the audit working papers of auditors of political subdivisions. This would seem to indicate that an audit of a municipality could be conducted in secret.

TML also endorses legislation that would "prohibit governments from releasing visual or audio records depicting actual violence, harm or death, or the visual records of the physical results of such harm, violence or death without the written consent of the next of kin." Successful passage of this type of legislation would effectively close autopsy records and would also be used to cover up wrongdoing by police officers.

TML also endorses allowing security briefings for any appointed body to be conducted in executive session. As Lubbock City Councilman Frank Morrison said, "Evacuation plans of public buildings should not fall into the wrong hands." In other words, only employees of the municipality should have that information. If evacuation plans were discussed privately, it would be difficult for anyone other than those in the executive session to be aware of the plans.

Since the terrorist attacks of Sept. 11, 2001, Americans have been concerned about security issues and seem to be willing to give up freedoms that are protected under the U.S. and Texas constitutions.

Frank Sturzel, executive director of the TML, said in early January, "We do not want to seek legislation that is too broad. What we want are specific items protected under federal laws to be protected under state laws."

The Texas Press Association and Texas Daily Newspaper Association are concerned that the Legislature will enact legislation that will leave too much discretion in the hands of low-level politicians and that clerks will take it upon themselves to withhold information based on what they think are security issues.

"We want the legislation to be specific," Sturzel said. "We don't want to empower clerks. That's not our program."

The TML can be expected to mount a full-court press in an attempt to pass its legislative agenda. The fact that its membership represents almost 90 percent of the incorporated cities in Texas can be impressive to legislators in Austin. Additionally, two full-time lobbyists and one full-time administrative assistant are responsible for courting the Legislature in an attempt to pass its plan.

While there are several groups in the state monitoring public access issues, the TDNA and the TPA, along with the Freedom of Information Foundation of Texas, are the main watchdogs. According to the TDNA Web site, "TDNA maintains a year-around legislative program in conjunction with the Texas Press Association (TPA) which serves as the voice of Texas newspapers at the Texas Legislature. The TDNA/TPA program represents the Texas newspaper industry at both the regular and special legislative sessions. In addition to coordinating all lobbying activity, the two associations produce regular legislative bulletins and special legislative issue updates. The associations transmit legislative information to members via mailings, fax, telephone and e-mail.

[Persons interested in monitoring bills in the Texas Legislature can go to <http://db.texaspress.com/billwatch/> for information.]



"We want the legislation to be specific. We don't want to empower clerks. That's not our program."

*--Frank Sturzel,
Executive Director,
TML*



TAB reviewing early bills

AUSTIN - Early introduction of bills in the current session of the Texas Legislature has been a little slower than previous years, but review of the proposed legislation already is under way by a task force of the Texas Association of Broadcasters.

Of the nearly 800 bills filed the first month, about 70 deal with open government.

Michael Schneider, director of programs for the TAB, said he anticipates a rush of 2,000- plus bills by the regular bill-filing deadline in mid-March.

More important, he says, is not so much the number of bills but the severity of the bills. The TAB expects that security will be used to shut off access to a lot of things. As Schneider puts it: The battle will be over how much.

On average, the task force reviews nearly 6,000 bills each session for what is termed positive or negative impact on open government.

Among bills already introduced that would impact open government is one dealing with concealed handgun records. It would deny public access to records of licensed concealed handgun permit holders.

Another would amend the Code of Criminal Procedure provision that relates to expunction of criminal records. Basically, it would make it easier for an individual to have a criminal conviction removed from that person's record.

FOIFT names officers and directors

FOIFT officers were re-elected to a second term at the December meeting of the Foundation, including Wanda Cash, president; Don Flores, vice president and Keith Shelton, secretary. Joel White, replaced Kathy Vetter as treasurer.

New directors approved were Maria Eugenia Guerra, publisher of *LareDOS*, a journal of the Borderlands; Brett Thacker, assistant managing editor, *San*

Antonio Express-News; Fred Zipp, managing editor of the *Austin American-Statesman* and Linda Quick, marketing consultant and former advertising and marketing director for Foley's.

Retta Kelley of the *Austin American-Statesman*, and M.J. Nicchio, committee clerk for the licensing & administrative procedures committee of the Texas House of Representatives, move to the advisory board.

FOIFT officer wins award

FOIFT vice president Don Flores, editor of the *El Paso Times*, was one of two winners of the first Robert M. McGruder Awards for Diversity Leadership. The awards were presented at the Associated Press Managing Editors national convention in Baltimore. They were in recognition of efforts in hiring and retaining minority journalists.

More FOIFT winners

Congratulations to FOIFT's Brett Shipp and John Lumpkin who were among the winners of the 44th annual Katie Awards announced by the Press Club of Dallas. Shipp and two WFAA-TV colleagues received the Legacy Award for "Fake Drugs, Real Lives." Their effort also earned the award for Investigative Reporting. The award for Specialty Reporting went to Lumpkin, chief of bureau of The Associated Press in Texas, for travel writing. The Katie Awards recognize excellence in journalism and mass communications.

Mixed results in public info survey

TYLER - A 14-county public information survey in East Texas produced mixed results, ranging from full compliance to reluctant responses.

County employees offered requested information immediately in compliance with state open records laws.

City governments turned over requested documents 87 percent of the time.

Law enforcement agencies responded to requests about two-thirds of the time, but flunked that part of the law prohibiting questions about the reason for information requests.

The survey conducted by the journalism department at the University of Texas-Tyler, the *Longview News-Journal* and the *Tyler Courier-Times-Telegraph* spent five months checking 125 governmental entities, including cities, counties, schools and law enforcement agencies.

Researchers tested compliance with three legal requirements that include posting a Texas Public Information Act notice, refraining from illegal questioning on why the requestor wants the information and producing the requested documents within the prescribed 10 working days.

FOIFT Executive Director Katherine Garner of the FOIFT said she was impressed by county governments' compliance but disappointed in other entities.

"It's obvious more education is needed," she said.



"The TAB expects that security will be used to shut off access to a lot of things. The battle will be over how much."

*--Michael Schneider,
Texas Association of
Broadcasters*



Briefs

Out of state meetings bill

AUSTIN - Among the early bills filed in the Texas Legislature now in session is one that would give governing boards of colleges and universities the right to meet in other states and foreign countries. The bill provides for such meetings to include telephone or video conferences. Critics point out that meeting out of state or in a foreign country would make it difficult for interested citizens to attend such sessions.

Lawsuit accuses board of violating TOMA

ODESSA - A group of nine Andrews residents allege in recent legal action that the Andrews school district and four trustees violated the Texas Open Meetings Act. The suit contends board members met in executive sessions illegally to discuss implementation of grade-level schools and hiring of administrators and principals.

An Associated Press story quotes Andrews attorney Kevin Jackson as saying the board had reached the point where the action was taken routinely. In the same story, Board President Bob Horton said he didn't think the board acted illegally, but was willing to do whatever was needed to rectify matters.

New AG wants to expand Open Records Division

AUSTIN - Newly elected Attorney General Greg Abbott says he wants to expand the Open Records Division of his office because of increasing requests for government information. He said the division processed 2,962 ruling requests in 1998, and this grew to 7,181 in 2002. State law requires that the division respond to requests within 45 days. The attorney general said he wants enough new money from the state to hire seven to 10 new full-time employees for the Open Records Division.

AG ruling on cameras sets off challenges

AUSTIN - An attorney general's ruling dealing with security cameras on a university campus has touched off a legal squabble involving the city of Austin, The University of Texas at Austin and the attorney general's office.

The Texas attorney general's office said it will fight legal challenges to an order that the city of Austin make records available about surveillance cameras.

An AP story said the city of Austin filed suit against Attorney General Greg Abbott, who had ordered the city to comply with a request from the UT student newspaper to disclose the information.

The UT suit Jan. 15 against the attorney general challenged his order that the university disclose information about surveillance cameras on campus. The student paper, *The Daily Texan*, requested information last October about the location, recording hours and technical specifications of surveillance cameras and the amount of money spent on them.

David Smith, chief of litigation for Austin, said the city was challenging only the part of the request seeking location, hours and technical specifications of the cameras. He said the challenge involves a law enforcement role excepted from open records laws.

A spokesman for the AG's office, Angela Hale, was quoted in a story of *The Daily Texan* as saying that the office intended to fight to make the records open to the public.

Attorney General Abbott said that in a time of increased concerns about security, the government must remain open. He said security cameras are not a part of the law enforcement exception of the national security plan.

Mark your calendars

March 7-8 ~ First Session of the FAI – Freedom of Speech

March 25 ~ 25th Anniversary Celebration and John Henry Faulk Award for Civic Virtue honoring Former Lt. Gov. Bill Hobby and his wife, Diana.

March 26 ~ 25th Anniversary Symposium with the University of Texas

April 11-12 ~ Second Session of the FAI – Freedom of the Press

May 16-17 ~ NFOIC Annual Conference

June 20-21 ~ Third Session of the FAI – Freedom of Religion

September 3-4 ~ Final Session of the FAI – Freedoms of Assembly & Petition

September 5-6 ~ FOI State Conference



The Texas Attorney General's office says it will fight legal challenges to an order that the city of Austin make records available about surveillance cameras.



Growing stronger through membership

The FOIFT appreciates the support from the following individuals.

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400 S. Record,
Suite 240
Dallas, TX 75202
Office Telephone
(214) 977-6658

Fax (214) 977-6666
HOTLINE

1(800) 580-6651

Web site -
www.foift.org
e-mail -
foift@airmail.net

Jud Dixon, Editor
Keith Shelton,
Contributing Editor

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of Texas, Inc.



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