



April 5, 2016 |  81° |  Check Traffic

Editorial | Our View

Preserve open government

By [Star-Advertiser staff](#)

February 14, 2014

The bedrock importance of open government is articulated eloquently in our Hawaii Revised Statutes — in part one of Chapter 92, the Sunshine Law that requires open public meetings, and again in Chapter 92F, the Uniform Information Practices Act, which mandates access to government records, tempered by government employees' right to a certain amount of privacy.

Both laws begin like this: "In a democracy, the people are vested with the ultimate decision-making power. Government agencies exist to aid the people in the formation and conduct of public policy. Opening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore the Legislature declares that it is the policy of this state that the formation and conduct of public policy — the discussions, deliberations, decisions, and action of government agencies — shall be conducted as openly as possible."

Yet, year after year, some state lawmakers seek to erode these protections, proposing legal exemptions that limit the tax-paying public's right to know. They introduce bills on their own accord and at the behest of government agencies, departments and appointed and elected officials. Most measures fail, but not all of them.

Over time, it is possible to seriously erode laws that promote government transparency and accountability by chipping away at them, bit by bit, exemption by exemption, until only the soaring rhetoric remains.

That's why Hawaii's citizens must be ever vigilant, aided by watchdogs such as the Office of Information Practices, Common Cause Hawaii, the League of Women Voters, and of course, the news media, which is dedicated to preserving access to public information.

This legislative session, several disturbing measures have emerged, including:

» Senate Bill 2962, which would allow any number of County Council members to attend and hold a limited public meeting to discuss council business, as the guest of a board or community group holding its own meeting. Its companion bill is HB 2139.

» Senate Bill 2992, which would exempt the Office of Hawaiian Affairs from the Sunshine Law. No hearing has been scheduled for this outrageous short-form bill. However, it still bears watching, given OHA's repeated unsuccessful attempts over the years to skirt public oversight. OHA, a state agency that receives taxpayer funding and is Hawaii's 13th largest landowner, according to its website, is the subject of intense public interest at the moment, given its controversial proposal to develop high-rise residential towers in Kakaako Makai.

» House Bill 2287, which would create a special exemption in the open-records law for the Department of Hawaiian Home Lands, shrouding many files in secrecy. This bill is especially egregious considering that Star-Advertiser investigative reporter Rob Perez, who has reported on widespread problems in the department, has repeatedly and unsuccessfully sought the public information that DHHL now seeks to conceal.

Individually, each of these attempts would weaken government accountability. Collectively they represent a failure of our elected representatives to guard the public trust. They should be rejected.

The long slog to unseal police disciplinary records on Oahu illustrates how wrong it is for lawmakers to interfere with the public's right to know. This week, in a lawsuit brought by the online news outlet Civil Beat, a Hawaii Circuit Court judge ruled that the Honolulu Police Department must turn over disciplinary records for police officers suspended for misconduct.

It's essentially the same opinion the Hawaii Supreme Court reached in 1996, when it ruled in favor of University of Hawaii journalism students who had sought such records and been rebuffed. But the Legislature effectively pre-empted that high court ruling by inserting a special exemption for police in the open-records law.

It's taken nearly two decades to undo that action, and this week's ruling may yet be appealed. Still, the judge's decision is a victory for anyone who cares about open government.

That should include all of us.