

Column

Reader Rep: We All Need To Demand More Open Government

More pressure from citizens is essential to stopping local and federal governments from conducting the public's business in secret.

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By Brett Oppegaard  / About 18 hours ago

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Hawaii Senator [Brian Schatz](#) took a [disappointing field trip](#) last week to the Congressional Budget Office, where unnamed, unelected and unaccountable bureaucrats reportedly were examining and scoring the GOP's latest healthcare bill proposal before even Schatz had seen it.

Schatz – accompanied by fellow Democrat senators Cory Booker of New Jersey and Chris Murphy of Connecticut – used [Booker's Facebook Live account](#) to talk about their procedural frustrations and to document their processes, as stymied federal lawmakers. They were trying to find out what was actually in this complex and massive bill which they quickly could be asked to vote on ([as if their votes even matter](#) at this point).

During the webcast, [covered by Business Insider](#), Schatz remarked:
“(Republicans) are so afraid of the American people finding out what's in this

bill that they are hiding it from everybody, including U.S. senators, until the very last moment.”

One unnamed Senate aide’s blunt remarks about this Republican strategy kind of says it all: [“We aren’t stupid.”](#)

No; that wouldn’t be the word for it. I can think of many others that might apply to this legislative approach, including [unethical](#), [immoral](#), [diabolical](#), [devious](#), and [fascist](#).



But let’s stick to the big overarching label here of what we should call such a procedural blitz, [concerning even to some](#) Republicans. That phrase would be: [Anti-democratic](#).

This [perversion of a president](#) didn’t invent [propaganda](#) or [dirty political tricks](#), but he appears to quickly have obliterated even the loosest of boundaries around political decency and honor. We are now, of course, a nation that recently elected a [U.S. Representative](#) *after* he [body slammed a reporter](#) for [asking him a simple question](#) about these secretive healthcare matters.

While Schatz’s theatrics were more of a political stunt than an earnest attempt to get access to the Republican proposal, an unintended focus of this Facebook Live video ([the second clip](#)) drew my attention. That was when the three senators jumped into a taxi to cross town to the CBO office and briefly interacted with the driver.

Booker explained what they were doing and their concerns as elected officials about the opaque proposal process and the importance of the legislation. He then asked the driver if he knew anything about the

healthcare bill, which would reconstitute about a sixth of the entire U.S. economy. The driver looked sheepish, and then tried to brush off the question, with a smile, and a “Naaah.”

Booker added more context and then tried to follow up with the question, “What do you think about that?”

The driver simply responded, “Yeah, man, I don’t know,” displaying an unsettling sense of ignorance, disengagement and apathy (or all of the above). He apparently just wanted to get to the next cab fare, like you might want to keep going about your daily business, rather than stand up for the world’s grand experiment in Democracy.

Like those shabby, weather-worn structures littered around the state, though, many of our American ideals need some sprucing up again. You can’t do it all, of course, but you can do something to help, starting locally, by demanding that all public agencies fully follow existing state law (and the intent of the law) in [the release of public documents and in the administration of public meetings](#), like what Schatz is seeking on the federal level.



Senator Brian Schatz at a recent Civil Beat editorial board meeting.

I have been writing about [this local lack-of-transparency issue](#) recently, and each time I think I've hit the societal bottom in Hawaii, something new lowers the bar.

This week it was the revelation that furtive [Honolulu Authority for Rapid Transportation](#) (HART) officials, those [budget-ballooning rail builders](#), paid \$35,000 in public money for a peer-review report of their activities in 2013 but did not release that to the public (who paid for it!). Instead, they kept it secret, even when [Civil Beat's Nick Grube](#) found out about it – and requested it – in 2015.

Did HART give it up then? No. HART spokesman Bill Brennan said the agency's lawyers believe the document should remain private (for the same [bogus catch-all reasons](#) many other public officials in this state use to cover their tracks, such as the "deliberative process" and "frustration of government" exemptions, or when you combine them, as they should be called: the "deliberative frustration" strategy).

You instead had to wait two more years to find out what was in your commissioned report. But only after Grube and Civil Beat finally gave up on HART altogether and ended up instead just asking the [Utah Transit Authority](#), which conducted the peer review.

HART, by the way, [failed to follow state law](#) here by not responding for months to the original request. (The [Uniform Information Practices Act](#) requires a response [within 10 business days](#)). What terrible punishment will happen to this agency for its lawlessness? Local taxes dedicated to this project will increase soon, so we can give these folks even more money to spend (and squander) in secretive and unaccountable ways.

The Utah Transit Authority, for comparison, turned the entire request for this document around in *four days*, providing the full document at [no cost and with no hassles](#). Yes, you read that right. Four days!

When government works properly like that, and follows the intent of its founding (to serve its stakeholders, the public), it's a wonderful collaboration among the concerned citizenry. When it doesn't, as Senator [Booker](#) [described](#) the current healthcare debate, it's an "affront to our history as a nation."

Schatz added that the current healthcare debate is the "[most foul legislative process](#) I've ever seen in my 20 years of being a legislator and being in politics." What can you do about it? Schatz recommends applying public pressure, including a prompt on his website to "Take Action."

Yet when a constituent follows that thread to Schatz's email form, the core concerns of his healthcare complaint – that more openness is needed in

government; that government officials should be more transparent; that public documents should be accessible and easy to get – are not anywhere on his priority list.

This drop-down list of topics includes such items as “religion,” “women’s issues” and even “postal service” but no explicit mention of [First Amendment protections](#) of the open and free exchange of public information, or even support of the [Freedom of Information Act](#). Maybe he takes those for granted.

Schatz’s field trip, though, should help to open eyes – and drop mouths agape – at just how threatened our democratic way of life has become.

Maybe his next trip home he also can visit HART and bring together a counsel of leaders of the [Department of Health](#), [Parks and Recreation](#), [Honolulu Police](#), the [Sheriff Division](#), etc., and the backlogged Office of Information Practices. Schatz seems highly engaged in concerns of transparency right now.

He seems to want action, so how about using some of that senatorial power on problems in this state, too? Then we could see if it’s really a top-down or bottom-up problem. Or maybe both.

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