

Despite Our Nation's Polarization, We Should All Agree on Government Transparency

By Justin Silverman

We live in contentious times. According to a 2020 study by the National Bureau of Economic Research, political polarization among Americans has grown rapidly during the last 40 years.

“There’s evidence that within the U.S., the two major political parties have become more homogeneous in certain ways, including ideologically and socially,” said Jesse Shapiro, a co-author of the study and a professor of political economy at Brown University. “So when you identify with a certain party and you’re looking across the aisle, the people you’re looking at are more different from you than they were a few decades ago.”

Given the degradation of political discourse in our country and the growing list of hot-button issues pitting us against friends and neighbors, it’s easy to see the divide. But as Sunshine Week begins this year, let’s remember that no matter where we stand on a particular topic, we all need accurate information to shape our opinions and best advocate for ourselves.

The mission of Sunshine Week — March 13-19 this year with related events occurring throughout the month — is to promote a dialogue about the importance of open government and freedom of information. The sunshine reference is attributed to U.S. Supreme Court Justice Louis D. Brandeis who famously wrote that “sunlight is said to be the best of disinfectants.” In other words, an informed citizenry is the best check against government corruption.

This is the idea behind state public record and open meeting laws, as well as our federal Freedom of Information Act. Government transparency is a non-partisan principle that transcends who’s in office or which political party is in control. Freedom of information or “sunshine” laws open up government and empower people through information.

The University of Southern California Annenberg School for Communication and Journalism published a report last fall analyzing the polarization in our country. The report identified the most contentious issues which included gun legislation, policing and vaccines. As Americans, we may have starkly different opinions about these issues. But consider the common ground we can find when looking at them relative to government transparency.

To have an informed debate about gun legislation, for example, it may be helpful to know basic datapoints like how many firearms are being manufactured in the country or the number of gun-related deaths each year. We may need to determine where it’s most difficult to obtain a firearms license or to read emails among government officials looking to curtail Second Amendment rights.

Before we discuss whether a police department should be defunded, we should first determine how much funding that agency receives. How is money spent within local, state and county law enforcement agencies? For us to have a conversation about police officers using force against citizens, we need to know the policies within each department and under what circumstances lethal or non-lethal force can be used.

More than two years into the COVID-19 pandemic, debate still rages about vaccine efficacy and government mandates. Fueling that debate is a steady flow of misinformation that can be counteracted by federal data on vaccine trials, statistics on state resident vaccinations, local school district vaccine requirements for teachers and students, and other vaccine-related records.

While sunshine laws vary from state to state, all this information should be available to us through public record statutes and federal FOIA. Wherever we ultimately land on the issues, these laws exist to provide us a way to learn about government and better support our positions.

But despite the mandated sunshine, shadows persist. Public record request deadlines are often ignored. Inadequate staffing and request backlogs result in delays. Documents are excessively redacted. Citizens are shut out of public meetings. The flow of information can be slowed to a glacial pace.

This is a reality that should concern us all. Every American should be waving the banner for government transparency. The consequences of secrecy affect not just our ability to have good-faith debates about the issues that matter most, but they also limit our ability to oversee government and the work it does on our behalf. When it comes to transparency, we're all stakeholders.

So, here are a few things we can do to honor Sunshine Week:

- * Contact your state representative to discuss strengthening your respective public records and open meeting laws. For example, many states are now considering changes to allow remote participation during government meetings. Be a part of the effort to make access to government easier and more equitable for all Americans.
- * Support your local newsroom. Journalists are often the most frequent filers of public records requests. They are typically at the frontlines of obtaining government information despite newsroom budget cuts and inadequate resources. Subscribe to your news source of choice and be kind to those seeking out information on your behalf.
- * Make a public records request. Not sure how? Visit nefac.org/foiguide for video tutorials. Take advantage of your right to know by requesting information about issues that mean the most to you. Then take that information and engage in fact-based conversations with those in your community.

“Thoughtful debate about serious issues is central to our democracy,” wrote the authors of the Annenberg study. “But solving real problems is impossible when every issue is viewed through a distorted lens that is often informed by sources who create their own facts to further their own power.”

Sunshine laws are integral to thoughtful debate. They can provide us the knowledge needed to form opinions about what's best for this country and how well our government is leading the way. But those laws need to be protected and strengthened. That's something we can all agree on.

Justin Silverman is executive director of the New England First Amendment Coalition. Learn more about the coalition's work at nefac.org.

Sources

(1) <https://www.brown.edu/news/2020-01-21/polarization>

(2) <https://thepolarizationindex.com>