



Cape Fear Firebird

The Light of Save the Cape

February 25, 2013

Sunlight is said to be the best of disinfectants, electric light the best policeman.
–Louis Brandeis (*Harpers Weekly*, 1913)

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.
NC General Statutes § 143-318.9. Public policy

The People's Business

Senator Thom Goolsby has just introduced Senate Bill 125, the first of a series to improve the State's laws on public access to meetings and records. Whether or not the Senator's approach in SB 125, making violations of existing law by public officials misdemeanors, is workable, the issue deserves attention. For although North Carolina's open government laws are as good as any, in practice officials more often than not conduct deliberations and negotiations out of the public eye.

In our newsletter of October 9, 2012, we recounted our experience with the State Ports Authority, which had gotten worse since transfer to the Department of Transportation. It is now worse still: the Board of Directors and staff still have fine–and illegal–dinners together before board meetings to discuss we know not what, and if any serious matters are left over for the actual meeting, the board retreats into closed session. The press and your faithful editor then are allowed to observe only perfunctory motions for matters previously decided.

Senator Goolsby's initiative was driven primarily, not by State agency abuses, but by local bodies' disregard of their duty to the public. We have seen plenty of examples of that, at county and municipal level. The meetings of the Board of Aldermen of the City of Southport seem to follow a script agreed in private discussions beforehand. Any public comment falls on deaf ears.

Senator Goolsby's program also includes closing a loophole exempting the State legislature from open-government laws. Well, good luck, Senator. Your faithful servants at Save the Cape have spent many days traveling to Raleigh to attend committee meetings, to find they only establish a record for matters previously decided in private consultations with colleagues and cronies. If public comments are allowed, that is only to bleed off energy. The people's business, indeed.

And then there is the Federal level. The Corps of Engineers, a military organization, conducts its projects with all the secrecy of planning an invasion of foreign territory. Yes, there is the Freedom of Information act, but the Corps has a book of regulations for that only a Philadelphia lawyer could appreciate. And although your faithful editor is one of those, he is still waiting for a response from a request submitted in March, 2011.