



New England First Amendment Coalition

The NEFAC Report

New England's monthly right-to-know dispatch

April 2011

Prepared by the [New England First Amendment Coalition](#) in partnership with Northeastern University

The monthly *NEFAC Report* monitors print and online coverage of public access issues in the six-state region.

NEFAC hosts the **National Freedom of Information Coalition summit** in Providence, RI, on May 20-21. Visit our [Website](#) for program details and registration.

School board should explain vote on principal candidate

Oyster River High School students as well as the school's administration are to be congratulated for the civil and responsible way they reacted Thursday to the School Board's rejection of Justin Campbell to be the next principal.

At the same time, Foster's Daily Democrat must chastise the School Board for its vote and the tight-lipped way it has handled criticism.

On Monday, the School Board rejected the nomination of Campbell, director of academic studies at Milford High School. He would have taken over for Laura Rogers, who is leaving in June. His selection came at the end of an exhaustive review of dozens of candidates, with the goal of having a replacement by the time Rogers departs.

However, after coming out of executive session, the board rejected the nomination by a 4-3 vote. This set off a storm of criticism the board has refused to deal with other than to say it was a personnel matter and to indicate it may also be a budget matter connected to state funding. [Read more](#)

- *Foster's Daily Democrat, Dover, N.H.*

4/16/11

NH House leader sought back-up after "pimp" comment

CONCORD, N.H. - The Republican leader of the New Hampshire House emailed GOP representatives the day after he called a Roman Catholic bishop a "pedophile pimp," apologizing for his choice of words and seeking their continued support.

State Rep. D.J. Bettencourt's April 2 email to the Republican caucus is among several dozen supplied to The Associated Press in response to a right-to-know request.

Bettencourt, of Salem, wrote Republican lawmakers that his comment about Bishop John McCormack was undiplomatic and a better choice of words was warranted. He apologized for his comments diverting attention from their work.

"To be sure this is a difficult time for me, but I hope that you will stand with me and I can retain your support. It would mean a great deal to me and my family," wrote Bettencourt. [Read more](#)

- *Norma Love, The Associated Press*

4/13/11

MA utility boss will release budget, employee contracts

MIDDLEBORO, Mass. - An apologetic utility boss did an about-face Tuesday night and promised to release employee contracts to the town treasurer and the budget to the Finance Committee.

"We should be totally open with the town. I've learned a lesson. I've made a mistake," said John P. Granahan, general manager of the Middleboro Gas & Electric Department. "I have nothing to hide."

Last month, Granahan refused to turn over employee contracts to the town treasurer and town clerk as well as the utility's budget to the Finance Committee, saying the information is exempt from the state public records law because it contains proprietary information.

Granahan's apology at Tuesday's meeting of the Middleboro Gas & Electric's board of commissioners came on the heels of a publicly read letter from Richard McNair that accused Granahan of stonewalling and being an obstructionist.

McNair said Granahan's behavior was insubordinate and inexcusable. [Read more](#)

- *Alice C. Elwell, The Enterprise, Brockton, Mass.*

4/13/11

Barring local cable not a violation, board told

AUBURN, Mass - Selectmen learned yesterday that they did not violate state Open Meeting Law requirements when they asked cameraman Richard E. Hedin not to record their working session at Town Hall on March 26.

At the board's meeting of March 28, Joseph M. Hamel, vice chairman of the Local Channel Committee, said that asking Mr. Hedin not to televise the meeting was "in direct opposition to the Open Meeting Law." At the time, Timothy E. Hicks, chairman of the Board of Selectmen, said he did not think there was any violation. But selectmen voted unanimously to allow all of their future meetings, excluding executive sessions, to be televised.

Town Manager Julie A. Jacobson said last night she had sought a legal opinion and learned "there was no violation," since local access channels are governed by the town and the "town can make a decision" whether to televise any meeting. "If non-town media had asked, that would have been different." [Read more](#)

- *Telegram & Gazette, Worcester, Mass.*

4/12/11

VT records bill's passage a step toward transparency

The House passage of the public records bill marks a step toward a more open government following the November election in which transparency was a major issue.

Belief in maximum government transparency must be a bedrock principle for anyone who aspires to public service in this state. Lawmakers' actions must be grounded in this principle because accountability begins with openness.

In a significant shift, the bill would better ensure government must pay legal costs if they withhold a public document. The cost provision creates a real consequence for improperly denying access, something missing in the current law.

This is the right step to take and one which, of course, comes with controversy.

But some parts of the bill reflect lawmakers' deep-seated wariness about people having too much access to government. [Read more](#)

- *The Burlington (Vt.) Free Press*

4/10/11

RI school district fights US complaint on prayer banner

CRANSTON, R.I. - School Committee members dismissed a federal complaint challenging the constitutionality of a prayer banner on school grounds as a "misguided attempt to rid public buildings of historic references to religion."

The suit, filed Monday in U.S. District Court in Providence, seeks removal of the banner on constitutional grounds and for the city to pay compensatory and other damages.

The roughly 8- by 3-foot banner summons "Our Heavenly Father" to guide students so that they can bring credit to the school. Written in 1960 by David Bradley, a member of the student council at the time, it's been displayed since 1963 in the Cranston High School West auditorium, across from the school creed.

[Read more](#)

- *Maria Armental, Providence Journal*

4/6/11

Judge awards VT employee union \$6k in legal fees

Washington County Superior Court Judge Geoffrey Crawford has awarded \$6,026 in legal fees to the Vermont State Employees Association. It's a second strike against the state of Vermont in a dispute with the state workers' union over access to public records.

Crawford ruled last week that the VSEA is entitled to recover attorney's costs for time spent preparing a court case against two state agencies that charged the union \$1,300 to look at public records.

Crawford determined in January that the Public Records Act does not authorize the state to impose a fee for the "inspection" or viewing of public records. Therefore, Crawford decided, the records should have been released to the union free of charge.

In this new decision, the judge said by imposing a fee for inspection of records, "the agencies created a financial impediment" to access. [Read more](#)

- *Anne Galloway, VTDigger.org*

4/5/11

Records show dated Boston school food sent to prisons

The state Department of Education recently donated thousands of cases of out-of-date food from the school lunch program to state prisons and a county jail, documents show.

The food - more than 11,000 cases of cheese, blueberries, frozen chicken, and other goods - was offered free of charge to kitchens that serve inmates, as education officials removed old products from warehouses that serve schools across Massachusetts. The state had been reviewing its inventory after controversy erupted last month when expired food was discovered in Boston school cafeterias.

The donations to prison facilities, shown in documents obtained by the Globe under the state's public records law, underscore the breadth of the problem with out-of-date food in the federal school lunch program. Prison officials defended their cafeterias, while an inmate advocate shuddered at the notion that food unfit for children could be served in jail. [Read more](#)

- *Andrew Ryan, The Boston Globe*

4/5/11

GOP attempt to access Wisconsin prof's email questioned

Over the last several months, you may have heard unsettling stories of the ongoing political skirmishes in far-off states like Wisconsin and Ohio. Particularly in Wisconsin, whose capital is home to a large university, students have played large roles on both sides of the ongoing protests.

There are many similarities between these states' situations and that in Rhode Island - including the firing of Providence teachers and the ubiquitous budget battles that form the undercurrent of political debate in most places. But the petty partisan wrangling in those states differs significantly from the relatively calm, civil and adult discussions going on here. Naturally, then, we wrote the dispute off as a national issue that had little direct relevance to students and professors at Brown.

So we were shocked and disappointed to read a report by the Milwaukee Journal Sentinel last week that the Republican Party in Wisconsin was trying to access emails sent by William Cronon, a professor at the University of Wisconsin at Madison. Apparently, the party suspected the professor had violated university policy by using his official email to conduct political activities, though the key terms they were looking for - "Scott Walker," "recall" and "union," for example - highlight the contemporary, political nature of their curiosity. [Read more](#)

- *The Brown Daily Herald, Providence, R.I.*

4/5/11

Medical marijuana there, but getting Rx might be tough

PROVIDENCE - Last month, the Department of Health gave the go-ahead for the opening of three medical marijuana dispensaries that were authorized in large part to give patients a safer and more accessible way to obtain what the federal government still classifies as an illegal substance.

But the opening of the dispensaries may not necessarily make it easier for patients to get marijuana. Thanks to a law enacted by the General Assembly in the waning days of last year's session, most information about the medical-marijuana program, including the names of doctors who certify patients for marijuana-use cards, is now secret.

As a result, patients who want to obtain medical-marijuana are depending on word of mouth to find a doctor in Rhode Island who's willing to certify their need.

"They're not going to be able to find them in the Yellow Pages, that's for sure," says Steven R. DeToy, spokesman for the Rhode Island Medical Society. [Read more](#)

- Tracy Breton, Providence Journal

4/5/11

AG asks if MA town board violated open-meeting law

REHOBOTH, Mass. - The Attorney General's Office is investigating whether the board of selectmen violated the Open Meeting Law when it held an emergency meeting on Feb. 28.

Selectmen Ken Foley and Donald Leffort voted to place three non-binding referendum articles on the April 4 election ballot. The questions include increasing the number of selectmen from three members to five, conducting criminal background checks on elected officials and revisions of recall procedures.

The Attorney General's Office is requesting that Foley, who is chairman of the board, provide copies of all correspondence, including emails, between members of the board that were sent or received between Dec. 1 and Feb. 28 regarding the ballot questions and the Feb. 28 meeting. [Read more](#)

- Joseph S. Siegel, The Sun Chronicle, Attleboro, Mass.

4/5/11

Newspaper obtains records, story on Vt's top pensions

MONTPELIER, Vt. - When Bruce Lang was hired as a Vermont state trooper in October 1977, the benefits package offered by the state was a major factor in his taking the job.

"When I came on it, was a job-security thing," said Lang, who was 18 at the time and came out of Lyndonville. "There were good benefits, including the pension."

Especially the pension, as it turned out.

Lang, who retired as a major in 2007 after 30 years of service, now finds himself with the highest state police pension - at \$84,522 annually - and the eighth-highest overall among Vermont state retirees paid out of what is currently a \$3.35 billion fund, according to records obtained through a formal request by the Burlington Free Press that provide the first-ever public evaluation of how well Vermont pays its retirees. [Read more](#) and [account of how how records were obtained](#)

- Mike Donoghue, The Burlington Free Press

4/3/11

Change in law would lower priority of open records

PROVIDENCE - Advocates for open government are challenging a proposal that they say would undermine the mandate to provide public records throughout a large swath of Rhode Island state government.

The proposed state regulation that has provoked the advocates is a provision that state employees "will make every reasonable effort to honor" a request for public documents, but that satisfying the request "shall not in any way interfere with the ordinary course of business."

That passage is "truly offensive to the public," and seems to say that openness and transparency are not a state priority, declared Barbara Meagher, associate professor of journalism at the University of Rhode Island.

Meagher, president of a freedom-of-information coalition called Access/RI, spoke at a public hearing on the proposed regulations in the DaVinci Community Center. [Read more](#)

- *Gregory Smith, Providence Journal*
3/29/11

Combining CT oversight boards to save money a bad idea

Welcome to the Office of Governmental Accountability.

Really.

What a name. How utterly and perfectly Orwellian. It ranks up there with the Ministry of Peace (really a war-mongering agency in Orwell's "1984").

The Office of Governmental Accountability is the epitaph we the people will get if the General Assembly merges five state watchdog agencies as part of Gov. Dannel P. Malloy's plan to shrink our \$3.2 billion deficit.

The agencies in question are the Freedom of Information Commission, the State Elections Enforcement Commission, the Office of State Ethics, the Judicial Review Council and the Contracting Standards Board.

It's a bad idea, and one that deserves to be deep-sixed now. The purported goal is to save the state, and theoretically taxpayers, moola, and bolster enforcement actions. And these are laudable goals. State government should be efficient. But when we look at how these costs and benefits shake out, the savings are meager. And that's not to say that these five agencies can't save money, but combining them is too drastic a route to take. [Read morre](#)

- *Connecticut Post, Bridgeport, Conn.*
4/2/11

Vermonters have little recourse when the doors close

MONTPELIER, Vt. - When a reporter was shut out of a meeting between the New York state Comptroller's Office and the Springwater Town Board over a financial audit, the editor of a Western New York weekly made an inquiry to the state's Committee on Open Government.

Was he right that such a meeting should be open?

Indeed, came back the advice from Robert Freeman. The after-the-fact advice didn't get the reporter into the meeting, but the newspaper wrote an editorial about it. In Freeman's eyes, such efforts eventually force government officials to open their doors and open their records to the public.

"You find out it sinks in over the long term," said Freeman, who's been handing out advice about open meetings and public records in New York state for 37 years.

Vermont has no such place for those who feel they've been shut out of government - whether at a meeting or in a search for public record - to turn. Some contend that it would help solve frustrations the public has over having no place other than the intimidating and expensive courts to turn to for help. [Read more](#)

- *Terri Hellenbeck, The Burlington Free Press*
3/28/11

Maine debate: parents' right to know vs. teens' privacy

AUGUSTA, Maine - Lawmakers heard testimony Tuesday on when a teenager's right to privacy should outweigh their parents' right to know when it comes to sex, pregnancy, treatment for drug and alcohol problems or other medical issues.

In what was likely a precursor to bigger legislative battles to come over abortion, health and civil liberties groups squared off against advocates for stronger parental rights and social conservatives during a committee hearing.

The Legislature's Judiciary Committee is considering two proposals to loosen Maine laws that allow minors to seek mental health counseling, treatment for substance abuse or prescription drugs - including contraceptives - without their parents' knowledge.

Supporters argued that the measures were needed to address government intrusion into Mainers' family

lives.

"I believe the family unit is the most important foundation of our society and I believe having these laws only strengthens that foundation," said Rep. Richard Cebra, R-Naples. [Read more](#)

- Kevin Miller, Bangor (Maine) Daily News
3/27/11

NEFAC plays host to the National Freedom of Information Coalition's 2011 conference at the Biltmore in Providence, R.I., May 20-21.

Comments welcome.

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