

Remarks of James Russell Wiggins
prepared for delivery at the meeting of the
New England Town Management Institute,
University of Maine, Orono

3:20 p.m. August 11, 1981

Miss Jenks, Ladies and Gentlemen: It is a privilege to join this group of municipal managers in an examination of municipal public relations. At the moment, I would say that your public relations, generally are in bad shape. They are the victim of an epidemic. Not since the Irish potato famine of 1848 has a contagious affliction of such dimensions swept through a society. It is surprising to see so many of you here in an apparent state of good health. There must be some symptom of your disorder, less visible than the blight on the potato vines. Maybe some of you do not even know you are suffering from the most infectious affliction of an itch for secrecy that organized communities have known. But you are.

The national government of the United States rests upon the commitment that the government belongs to the people. Its officials, in the words of Thomas Jefferson, are obliged to give out information to the people so that it may be reflected back upon the government in the various forms into which public ingenuity may cast. The state governments, severally, have made commitments

(2)

to the right of the people to know about their own government.

Maine's legislature has adopted a right-to-know law that declares:

"The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly".

That would seem to be about as clear as the meaning of the Legislature could be made. Nevertheless, in the past few months, in our Down East Area:

(1) Town selectmen refused to allow a citizen to tape record its proceedings (notwithstanding an express legislative sanction).

(2) A school board voted by secret ballot to pay for student transportation.

(3) Another board of selectmen balloted secretly on a motion to fill a vacancy on the board (notwithstanding a state law and a local ordinance banning secret balloting).

(4) Other municipal officials declined to disclose names of applicants for municipal jobs, preventing citizens from making an independent estimate of the wisdom with which officials hired people.

(5) A town government declined to disclose the reasons for the suspension of police officials (a dereliction that the Legislature remedied by requiring this disclosure).

These actions are not as calamitous in themselves as they are alarming for what they disclose about the philosophy of town

(3)

governments and school boards. They disclose that the instinct and impulse of town officials is not to divulge all that the law allows them to disclose, but to conceal everything that the statutes do not compel them to divulge. That was not the intent of the Congress of the United States or the Constitution of the United States, of the State Constitution or the Maine Statutes.

Parenthetically, the spread of the itch for secrecy to the national government is indicated by a drive to repeal or amend many of the provisions of the federal right-to-know law. The epidemic spreads.

Events of the past few years clearly show that, no matter what the statutes or courts may say, town officials basically, fundamentally, philosophically, do not believe the people have a right to know what their governments are doing. Until they do believe that, citizens need to make a more vigorous effort to explain why they wish to know about their public boards, bureaus and commissions. It is in order to try to list, in simple terms, why town councils should meet in public. What are some of the specific reasons for it?

(1) Legislative power of the kind town governments exercise remains with the whole people, and is yielded up only in part and for stated intervals, at which the power can be terminated, renewed, or put into other hands; but if citizens do not know how power has been used they can make no intelligent choices on replacement or renewal.

(2) Open meetings of councils and boards enlist the judgment

(4)

and wisdom of the whole community by introducing into the chamber the check of informed voters on individual proposals.

(3) Public meetings, in the words of John Stuart Mill, "make citizens participants in the government, and sharers in the instruction and mental exercise derivable from it".

(4) Open meetings prepare the mind of the community for necessary and perhaps difficult and unpalatable measures essential for the public good.

(5) Open meetings protect the community against the possibility of wrong doing either by the city officials or by those who may have deceived them.

(6) Open meetings protect honest legislators from false imputation of wrong doing.

(7) Open meetings protect the governing bodies from misrepresentation by witnesses who appear before them.

Town selectmen are extremely agile in thinking up pious reasons for keeping their proceedings secret. There are few really good reasons for it and most of them are denied by the simple truth that few things can be kept secret anyway. All that secrecy can do is to confer private advantage on a few who are in the know.

Woodrow Wilson, in his great work on Congress, in 1913 said: "It has got to be put into the heads of legislatures that public business is public business".

We have fallen from the wise standards of 50 years ago in

(5)

municipal government. Then, Carl H. Chatters, executive director of the American Municipal Association, stated:

"In 30 years experience with city government, I have never known a single city which holds its city council or city commission meetings secretly or in sessions closed to the public".

He ought to be around today.

It is gratifying to have laws like the Federal Information Act and the Maine Right to Know Law, but if selectmen and city managers hold these laws in contempt the laws are of scant protection. No one has the resources to file expensive suits for relief every month to blast open meetings that ought to be held in public. A mass of litigation will not prevent this cursed itch for secrecy from diminishing the vitality, vigor, and honesty of local governments if perverse elected city officials insist upon treating city and town governments as though they were their own private pin factories and personal popcorn stands.

We will not open all these meetings until town officials ask "Why should this meeting be closed?" instead of "Why should this meeting be open?"; and until they ask "will the law allow us to open this meeting?" instead of "will the law let us throw the public out of this meeting?".

The itch for secrecy is like herpes. There is no known cure for it. There are supposed to be 20 million American victims of herpes — about one American out of ten. The incidence of the itch for secrecy among public officials is much higher. I am glad

(6)

you are having a session on public relations; but you won't improve them very much until you give the government back to the people to whom it belongs and stop putting up road blocks denying them the right to know how they are being governed.

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