

Transparency in Government: Exploring Idaho's Open Meeting and Public Records Laws

Stephanie Trebesch
A.P. United States & Comparative Government
American Government
Capital High School
Boise, Idaho

Grade: 12th Grade

Time Allotment: Two 50-minute class periods

Subject Matter: American Government

Overview:

In the private business world, deals are conducted in privacy. In the confines of conference rooms executives reach business decisions behind closed doors. Furthermore, assuming there is no illegal activity; company records and correspondence also have a sphere of privacy. This privacy arrangement does not apply to government. In order to have an effective and operative democracy there has to be a certain amount of transparency of what the government is doing. There are certain key laws that ensure this transparency for all governments – from local, county, state and federal.

Throughout this lesson students will learn and investigate the Idaho Open Meetings Law and the Public Records Law.

Learning Objectives:

Students will be able to;

- Understand and relate the concept of transparency to a democratic system of government.
- Explain what occurs when there is not transparency in a governmental system.
- Know the basic essentials of the Idaho Open Public Meeting law.
- Identify the fundamental rudiments of the Idaho Public Records law
- Formulate and discuss their opinions on possible infringements on this concept of transparency.

Standards:

Idaho State Standards:

<http://www.sde.idaho.gov/ContentStandards/docs/Social%20Studies%20Standards/SocStudies9-12AG.doc>

Goal 4.1: Build an understanding of the foundational principles of the American political system.

Objective 4: 9-12.G.4.1.4 Explain the central principles of the United States governmental system including written constitution, popular sovereignty, limited government, separation of powers, majority rule with minority rights, and federalism. (503.01c)

Goal 4.2: Build an understanding of the organization and formation of the American system of government.

Objective 1: 9-12.G.4.2.1 Identify the three branches of federal government, their powers, and responsibilities. (504.01a)

Objective 2: 9-12.G.4.2.2 Explain the functions, powers, interactions, and relationships among federal, state, local, and tribal governments. (504.01b)

Goal 4.3: Build an understanding that all people in the United States have rights and assume responsibilities.

Objective 3: 9-12.G.4.3.3 Identify the ways in which citizens can participate in the political process at the local, state, and national level. (506.01b)

Media Components:

Idaho Open Website

<http://idahoptv.org/dialogue/openidaho/index.cfm>

Materials for the Students:

- Pen/pencil
- Notebook paper
- Markers/colored pencils
- Poster paper
- Computer

Prep for the Teachers:

- Investigate the Open Idaho Website. Explore the links that the website provides.
 - o <http://idahoptv.org/dialogue/openidaho/>
- Review the PowerPoint presentation.
- Make copies of the handouts.

Handouts:

- Handout #1 ~ Open Meeting and Public Record – Learning Activity
- Handout #2 ~ Review of Open Meeting and Public Records Laws
- Handout #3 ~ Roundtable Discussion
- Handout #4 ~ Open Meeting and Public Record - Assignments
- Handout #5 ~ Enrichment Activity

References:

- What is Democracy?

- <http://usinfo.state.gov/products/pubs/whatsdem/whatdm2.htm>
 - Focus on the “Pillars of Democracy”
- The Culture of Democracy.
 - <http://usinfo.state.gov/products/pubs/whatsdem/whatdm6.htm>
 - This website not only gives an overview of democracy, but also an example of totalitarian systems of government. Additionally, there is a piece about coalition building that will tie in well with the objectives of the open meeting law.
- Arendt, Hannah. The Origins of Totalitarianism. New York: HBJ Book, 1971.
 - This is the predominant source of how totalitarian governments form and rule. Arendt uses both Hitler’s Germany and the Soviet Union under Stalin as primary examples.

~ DAY #1 ~

Introductory Activity:

Show students the first slide of the PowerPoint.

- Ask students to brainstorm on their paper what images or thoughts they have of the Soviet Union government.
 - Make sure the students focus on the government, rather than day to day life in the Soviet Union.
- After one minute, have students share their thoughts with a partner.
- As a class, discuss and share their ideas on the Soviet Union government.
 - When stereotypes are presented, redirect these to the facts.
 - Students should have a foundation of the Soviet system from their history and economics courses.

Show students the second slide in the PowerPoint.

- Ask students what are some differences in the Soviet style of government and a democracy.
- Although students will more than likely reference their own experience and knowledge of the United States, try to keep the focus just to the system of democracy.
- Student’s response will more than likely be focused on the First Amendment in addition to free elections.

Show students the third slide in the PowerPoint.

- Ask students what they think this photo represents. How does it relate to anything that we are discussing in government? Let students think silently about this and then ask for their ideas.
- Positively reinforce all answers as at this stage there is no significant “right” or “wrong” answer.
- If no student came up with the answer of transparency explain the concept of transparency in democratic societies.
- Ask students to list ways they personally have experienced transparency in our government.
- Students will be returning to this list at the end of the lesson to see if they placed Idaho Open Meeting law and Public Records law.

Learning Activity:

- Continue to go through the PowerPoint slides.
- Students will view the skits that pertain to the Open Meeting and Public Records Laws.
- Student should use their note taking skills to take the main points of each slide.
- At the end of the PowerPoint review the key concepts of the Open Meeting and Public Meetings law.
 - o Have students go back their original brainstorm sheet and add the Idaho Open Meeting Law and the Idaho Public Record laws as examples of transparency in government.

Culminating Activity:

- Handout #1 ~ Open Meeting and Public Record – Learning Activity.
 - o Have students work individually on whether or not the different scenarios are a violation or if the request will be granted.
 - o When they are finished have students compare their answers with a partner.

~ DAY #2 ~

Introductory Activity/Review :

- Handout #2 ~ Review of Open Meeting and Public Records Laws
 - o Have students complete the matching exercise.
 - o Go over the answers with students.
- Ask student how this relates to the material that we discussed yesterday.

Learning Activity:

- Handout #3 ~ Roundtable Discussion
 - o Divide students into groups of three.
 - o Explain the assignment and answer any questions that students may have.
 - o Once students have completed this, have groups share their responses.

Final Assessment:

- Handout #4 ~ Open Meeting and Public Record - Assignments
 - o Students may choose from the different assignments to show their knowledge of the Open Meeting or Public Record laws.

Extension Activities:

- Handout #5 ~ Enrichment Activity
 - o Have students attend a city council meeting. Have - one -two paragraphs detailing what was discussed. Three paragraph analysis focusing on the them of transparency.

Idaho Open Meeting and Public Records Laws

~ Handout #1 ~

Name: _____ Period: _____ Date: _____

Directions:

Read the following scenarios. For each scenario decide whether or not it is a violation of the Idaho Open Meeting law. If it is a violation, mark **V** for *violation*. If it is not a violation write **NV** for *no violation*.

1. _____ Bliss County Commissioners gather at a holiday party. After most of the party goes have left, they decide to get some work done and approve a 5000 unit subdivision.
2. _____ Jewel County Commissioners call an Executive Session in order to review and assess the improprieties of one of the county officers. Two thirds of the quorum agree to the Executive Session.
3. _____ Clearlake School District's Board of Trustees changes the regularly scheduled meeting to a different time and place. The board does not send any notification of the changes.
4. _____ Bridger County Highway District calls an Executive Session in order to discuss a pending lawsuit with the county attorneys.
5. _____ Greenfield County Commissioners regularly submits the agenda for the weekly meetings. However at last week's the meeting the Commissioners discussed the proposal of a new nuclear power plant.

Directions:

Read the following scenarios. Using your knowledge of the Idaho Public Records law, for each scenario decide whether or not the request will be granted. If the request will be *granted*, mark **G**. If it *will not be granted*, mark **NG**.

1. _____ George Allen phones the Elk County public records office and requests the property assessment tax for his property along with his neighbor's property.
2. _____ Joyce Vanderhal is a reporter at the St. Joseph newspaper. She phones the public records agency to request a copy of a recent accident that resulted in the loss of sight for a city employer.
3. _____ Lee Barns asks the local Fish and Game office for an environment impact statement on the de-listing of the wolf.
4. _____ Jenny Knudsen would like to know more about water usage in her area of the state. She phones the local irrigation district and requests a report for water usage in her area.
5. _____ Joe McConnally made a bid on the construction of a new high school in Lincoln. He phones the school district and requests a copy of all the submitted bids.

Idaho Open Meeting and Public Records Laws
~ Handout #2 ~

Name: _____

Period: _____

Date: _____

Directions:

Match the terms with the appropriate clue.

1. _____ quorum

a. Everyone has the right to review and copy any documents pertaining to public agencies.

2. _____ meeting

b. When making hiring decisions; Evaluating, dismissing or disciplining public agents or to hear public complaints; Labor negotiations; Considering preliminary negotiations on trade or commerce; In regards to litigation; Consideration of pardons and paroles, sexual offender classification, custodial review of juvenile corrections

3. _____ governing body

c. The minimal number of officers and members of a committee, (usually a majority), who must be present for valid transaction of business.

4. _____ Open Meeting Law

d. Law related; Workers compensations; Emergency response plans; Personnel documents; Personal health documents; Professional discipline; Trade secrets; Bids; Court records dealing with minors' abortions

5. _____ Public Records Law

e. Convening of any governing body of a public agency that is making OR even deliberating toward a decision on a matter.

6. _____ Exceptions to Open Meeting law

f. It is illegal if a quorum meets outside of the public meeting and took some definitive or non-definitive action

7. _____ Exceptions to Public Meeting law

g. Any public agency that consists of two or more members with the authority to make a decision or recommendation to a public agency.

Idaho Open Meeting and Public Records Laws

~ Handout #3 ~

Roundtable Discussion – The Fine Balance between Transparency and Privacy

Directions:

Select the following positions in your group.

- Reader
 - o The reader will read aloud each scenario for the group.
- Recorder
 - o The recorder will take notes on how the group responded to each scenario.
 - o If there are differing opinions the recorder should note these differences.
- Presenter
 - o The presenter will be called on to articulate the group's opinions towards the closure of class.

Everyone must contribute their thoughts to these scenarios. The discussions should be intelligent, fluid and on-topic conversations. In your response make sure you support your answers with examples.

1.) The Pentagon Papers were classified government documents pertaining to the Vietnam War. The 7000 pages disclosed the government's involvement in the war and showcased inconsistencies in what government leaders were telling the people and what they were actually doing in the war. The Pentagon Papers were leaked to the *New York Times* in 1971. The government immediately tried to suppress the publication of the Pentagon Papers. National Security Advisor Henry Kissinger commented, "People have got to be put to the torch for this sort of thing." In *New York Times Co v. United States* (1971) the Supreme Court ruled that the *New York Times* had the right to publish the papers. Do you agree with this ruling? Why or why not?

2.) In 1966 under the Johnson administration, the Freedom of Information Act (FOIA) was passed. The law stipulates that it is each citizen's right to obtain public information concerning federal agencies. Subsequent to the Watergate scandal the act was strengthened. Finally, in 1996 the law was extended to include electronic data. National security information is not included under the FOIA. In May 2007 the National Security Archive filed amicus curiae to the 9th Circuit Court of Appeals. They contend that each judge should individually evaluate whether or not the information sought is truly a national security issue. Do you agree with the National Security Archive's position? Why or why not?

3.) Since 1984 there has only been one major Presidential candidate that did not disclose their federal tax returns – Bill Clinton. Currently there are four candidates that are still considering whether or not they will disclose their tax returns. They are; Hillary Rodham Clinton, Rudy Giuliani, John McCain and Mitt Romney. Democratic candidate, John Edwards, has already indicated that he will not divulge his finances. Is it important to you as a voter or future voter to review the tax returns of potentially future presidents? Why or why not?

4.) Google recently announced that they will make public records more accessible in several states via the internet. Opponents are concerned that there may be a breach of Social Security Numbers. While proponents feel that there this creates more transparency and equal access to the government. Do you agree with Google's move? Why or why not?

5.) In a recently decided case, *Citizens for Responsibility and Ethics in Washington v. Executive Office of the Whitehouse* (2007) a judge ordered the Executive Office of the President to save and preserve all email within the Whitehouse. Citizens for Responsibility and Ethics in Washington are concerned that some of the electronic communication of the Bush Administration is missing. In a time of war, do you agree with the judge's decision? Why or why not?

6.) Under the Campaign Finance Reform Act all campaign contributions are public records. Consequently, if you visit the Open Secrets Organization website you are able to view all contributions to political parties and candidates. Why is this important to government?

~ Handout #4 ~
Assessment

Directions:

Choose one of the following assignments.

Assignment #1:

- Create a poster that outlines the Idaho Open Meeting or Public Record Laws.
- The poster must;
 - o Display the main points of the law.
 - o Be visually appealing.
 - Colorful.
 - Neat.
 - o Be quality work.

Assignment #2:

- Make a pamphlet that a city or county employee could use as a quick resource for either the Idaho Open Meeting or Public Record Laws.
- The pamphlet must;
 - o Detail the main points of the law.
 - o Be typed, 12 font.
 - o Contain at least three graphics.
 - o Be reader friendly.

Assignment #3:

- Create a song detailing the main points of the Idaho Open Meeting or Public Records Laws.
- The song must;
 - o Feature the main points of the law.
 - o Be catchy.
 - o Be at least three stanzas long.
 - o Extra Credit will be considered if performed in class.

Idaho Open Meeting and Public Records Laws
~ Handout #5 ~
Enrichment Activity

Directions:

Attend a public meeting of a local governing body. Before the meeting obtain the agenda of the meeting. If you are not aware of the topics that will be covered, research the topics before you attend.

Attend the meeting and take notes:

- What was discussed?
- What were the various viewpoints?
- Were there any points that were not discussed?
- Was anything decided – if so what?
- Did the body, ever discuss a possible Executive Session. If so, what did it pertain to?
- Was the meeting well attended?
- What were your impressions of the executive officers?

Write-Up:

- Criteria:
 - o Write a one page, single spaced write up on the meeting.
 - 12 font, Times New Roman, normal margins.
 - o Summarize the events of the meeting based on the notes that you took.
 - o The rest of the paper should be your critical analysis of the meeting.
 - o The paper must be turned in within one week of the meeting.