

Press complaint: public documents hidden

By Tim Richard
staff writer

It's irrelevant whether reporters pursuing information have pure intentions. "If it's public, I have a right to view it," a newsman told a panel of public officials and media people.

Battles over use of Michigan's Freedom of Information Act came to a head last week when a panel of Detroit and state and newspaper debated the growing tendency of some local officials to deny access to public documents.

The problem spreads across Detroit and the suburbs, but panelists said the city of Detroit and Detroit Public Schools are the most difficult sources.

"Your perspective is that reporters come in with halo in place and wings flapping," said Robert Berg, press secretary for Detroit Mayor Coleman Young.

Referring to newsmen as "the pack," Berg said, "the intentions of reporters are not always pure." He cited a Detroit News memo (issued before Gannett bought the paper) instructing the staff to look for "horror stories that can be discussed at suburban cocktail parties."

REPLIED News reporter Fred Girard: "I don't buy it, but I'm glad to hear it (city's position) stated so baldly."

"The intentions of the reporter are no consideration," said Girard, who charged that public officials often ask the irrelevant question: "Why do you want it?"

The panel discussed a survey conducted by the Detroit Freedom of Information Committee, composed of newspaper, radio, television and public relations people, which showed that 55 of area journalists say they have been denied access to

public records within the past two years, most of them more than than twice.

Full respondents said most denials came from city government officials, followed by state agencies and courts.

Nearly two-thirds filed Michigan Freedom of Information Act (FOIA) requests after being turned down for records. One-third expressed dissatisfaction with the records they ultimately received, the survey found.

Many reporters said the 1976 law needs to be strengthened, perhaps by simplifying enforcement.

THE REPORTERS work at 26 newspaper, magazine, radio and television outlets in the tri-county area. They were surveyed last month by the FOI Committee.

One-fourth, or 108 of the 407 reporters targeted for the study, answered the surveys. At the 12 Observer & Eccentric Newspapers, half the 36 editors and reporters covering government responded.

At the state level, the Department of Corrections has the most requests under the Freedom of Information Act, according to deputy director Leo LaLonde. Nearly 25,000 are filed each year — 90 percent of them from prisoners.

"They want their files, and they have a right to their files," LaLonde

said. "But one wanted a list of employees, another the architectural plans of all prisons. Many do it to harass us. They want to sue us."

STATE REP. Perry Bullard, D-Ann Arbor, sponsor of the law, suggested enforcement could be simplified by allowing district court rather than circuit court suits.

The chairman of the House Judiciary Committee, Bullard rejected a suggestion that a non-governmental panel be an intermediary in press-government disputes. "The bureaucracy that creates the record controls the file," he said.

Bullard said impetus for open government came from the Watergate scandal that brought down President Richard Nixon.

He said the law, written in layman's language, covers films, tapes, microfilms, microfiches and computer tapes as well as written documents.

Mike Weidland, former newspaper reporter and now with WDIV-TV, said governmental deals of documents occur because "they have something to hide and politics — everyone's afraid of the mayor (Young)."

Weidland said newsmen — and the public — should file FOI requests more often and "not let 'em get away with it."

ONE-FOURTH of the reporters

who responded to the survey said they used the state law to gain access to public information only once or twice. Another quarter said they have used it at least 10 times.

Many said government officials censored documents and failed to comply with legal deadlines for producing records. One-third of the reporters said they had never filed an FOIA request, either because they didn't need to or had obtained records in other ways. The study also found that:

- Nearly 40 percent said government officials don't provide documents within the 5-15-day period required by law.

- 68 percent of the reporters, primarily daily newspaper reporters, said their employers encourage them to use the law.

Generally, the public is entitled to examine records of government bodies or agencies. Some records — such as police investigative files and

records that would invade a person's privacy — are exempt from disclosure.

The Detroit FOI Committee was created last year when Detroit Corporation Counsel Donald Pallen went to jail rather than give up city records that disclosed the city's handling of a \$40 million redevelopment deal involving Chrysler Corp. In refusing to give up the records, Pallen defied a court order to comply with a request under the FOIA.

Committee chair is John T. Wark, a Detroit News reporter.

Founding associations include the Detroit Press Club, Newspaper Guild Local 22 and the local chapters of the Society of Professional Journalists, the National Association of Black Journalists, the National Academy of Television Arts & Sciences, American Women in Radio & Television, Women in Communications, Inc., and the Public Relations Society of America.

People's Law School open again

The People's Law School, a special program of the Oakland County Bar Association, will introduce the public to law and the legal system. It is scheduled for 7-9 p.m. Tuesdays through March at Roma's of Bloomfield, 2101 S. Telegraph.

Topics will include:

- Professional Malpractice - March 7. Samuel I. Bernstein, William H. Buesser and Frederick W. Lawick will discuss whether you should sue your doctor, dentist, lawyer or other professional, how to find an attorney, what to expect of the courts and what can happen.

- What Are You Really Buying When You Buy A House? - March 14. Phillip G. Addison, James Bellinson, and Lori Chmura, broker, president of Middleton Real Estate Training, will discuss purchasing a home.

- What Does Your Auto and Homeowners Insurance Policy Really Say? - March 21. An in-depth dis-

ussion of what insurance policies really mean, what they cover, and what you should buy. Speakers will be Samuel I. Bernstein and David A. Kanan.

- The People's Court - Small Claims - March 28. How to collect what is owed you without an attorney through the Michigan "People's Court," including all procedures, paperwork and hints - from filing through final collection of amounts less than \$1,500. Speakers will be District Judge Stephen C. Cooper of Southfield; attorney Larry Korn; and Circuit Judge Edward Sosnick of the Circuit Court.

All sessions are free, but reservations are necessary. Course materials will be furnished, and certificates will be awarded to those who complete all four sessions. For additional information, call the Oakland County Bar Association at 338-2100 or 338-3937.

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Lands delinquent for real property taxes of 1988 and prior years are scheduled to be offered for sale by the County Treasurer at the County Building in:

Detroit on May 2, 1989.

The legal description of properties to be offered for sale will be published on March 8, 1989, March 15, 1989

and March 22, 1989 in the Westland Eagle, Wayne

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