

OPINION

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"The Daily Journal is dedicated to community service, to defense of individual rights and to providing those checks upon government which no constitution can ensure."

SCOTT ALEXANDER
founding editor, 1963

AT ISSUE

Openness is important to effective democratic government.

OUR POINT

The battle to retain access to records and government meetings is ongoing but must be waged on behalf of the public.

Keeping debates secret hurts officials' credibility

The Daily Journal

In a democracy, openness is vitally important. When government is conducted in secret, it can quickly lose the trust of the public. When that happens, the effectiveness of government can be compromised and the willingness of people to follow their leaders is diminished.

On the other hand, when a government operates openly and embraces public scrutiny, if not a full public role, then confidence and trust are enhanced.

This week is Sunshine Week. Governments and newspapers around the country will discuss and celebrate the concept of openness in government.

Nationally, there has been a trend toward tighter access to public information since the terrorist attacks of Sept. 11. This is understandable. The United States is at war, and officials must be careful about what kind of information is released to the public.

The World War II attitude of "loose lips sink ships" is pervasive.

However, government officials have been using the Sept. 11 defense for secretiveness when there was no national security reason for it.

A good example is the vetting of DP World, the Dubai company that sought to handle U.S. port operations. The hearings were conducted out of public view. The public was informed only at the last point, when the proposal was ready for President Bush's final OK.

Members of Congress from both parties and the public were concerned about the deal, especially with respect to security.

After DP World canceled the deal, Bush said he had been satisfied that security would be sound at the ports if the Dubai deal had taken effect. "Nevertheless, Congress was still very much opposed to it," the president said.

But if the president was so certain the deal was OK, he should have made a greater effort to open the vetting process to public scrutiny. The public was in no mood for a take-my-word-on-it approach.

Clearly, there were parts of the deal that were sensitive. Those discussions should be private. But if, as the president said, the deal as a whole was safe, then the discussions should have been public early on.

A lack of openness on the part of the president all but sank the proposal from the start.

"I'm concerned about a broader message this issue could send to our friends and allies around the world," Bush said. We're concerned the message a lack of openness sends to this country.

The preamble to the Indiana's Access to Public Records Act reads:

"A fundamental philosophy of the American constitutional form of representative government is that government is the servant of the people and not their master.

"Accordingly, it is the public policy of the state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

"Providing persons with the information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.

"This chapter shall be liberally construed to implement this policy and place the burden of proof for the nondisclosure of a public record on the public agency that would deny access to the record and not on the person seeking to inspect and copy the record."

This is the philosophy all governments should follow.

Voters put their trust in the people they elect.

The elected officials must be willing to return the favor and put their trust in members of the general public by operating in the open.

Focus: Snooping

Warrants for eavesdropping preserve liberty

Scrrips Howard News Service

If Republicans on the Senate Intelligence Committee have their way, a key right of privacy will be eroded — to wit, that the government can only eavesdrop on their phone calls and monitor their e-mails after first obtaining a court-approved warrant.

In his secret eavesdropping program, President Bush elected to dispense with the warrants for international calls to and from the United States. It was a clear breach of the Federal Intelligence Surveillance Act, a 1978 law intended to remedy earlier government eavesdropping abuses. The act established a secret court to rule on warrants.

The president said his wartime powers allowed him to ignore the law. And the administration cited other reasons that sounded more like rationalizations — the act's procedure was too cumbersome and too slow, even though the law permitted the feds to eavesdrop for three days before obtaining a warrant.

Maybe the law does need to be updated to make it faster, more flexible and more accommodating of new technology. But the principle should remain: Eavesdropping warrants must be approved by an independent judicial body. The final say over whose privacy is violated in the interest of national security should not rest with a nameless functionary deep in the bowels of a secret agency.



YOUR

VIEWS & COMMENTARY

Recycling helps to save America's resources

To the editor:

Did you know in the United States at least 162 million tons of garbage are collected each year? The world is running out of garbage dumps. Almost 3 million tons of Coke cans are discarded every year.

Recycled steel can be used to make new steel. Recycled tin can be made into new tin products.

If all the Sunday papers in North America were recycled, more than 500,000 trees a week would be saved.

I hope you recycle forever, please. Will you tell other people to recycle?

Autumn Wilson and
Abigale Brock
Third-graders, Indian Creek
Intermediate School

Smoking debate clouds discussion of key issues

To the editor:

I haven't smoked for years, but I am again tempted to go back.

The local, state and national governments say that they don't want people smoking. It is in fact a dirty, disgusting and dangerous habit, much like shoddy government.

I smoked instead of speaking out when the state decided to cut costs by dismantling care for the mentally disabled at Central State Hospital and Muscatatuck in the Bayh and O'Bannon administrations.

I avoided starting back up as Sen. Richard Lugar first spoke out about his concerns regarding Bush's foreign policy in Iraq and Afghanistan and the United Nations and then backed down as though one Republican could not (dare not) criticize another.

I refrained from bunning a smoke as a Republican Congress spent through national debt savings, without addressing health care, thereby sending jobs overseas under a president who couldn't keep his pants zipped.

I didn't buy a pack as hospital and insurance costs skyrocketed, which competition was supposed to control. Nor as time and again the health sector reversed its findings on what is bad in exercise and dieting for us, though I suspect



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sensationalizing by the press to be equally to blame.

I have avoided confrontation and public involvement repeatedly because of the frustration and aggravation that would drive a sane and caring citizen to smoking, drinking and sleeplessness.

But to no avail.

Now there are talk and plans in the state to lease a toll road to a foreign consortium by a governor who criticized his opponent for saving money by outsourcing services to India. Instant gratification to get funding for an interstate, a concept that is already antiquated at 50 years old.

What of rapid transit or at least mass transit in a partnership with our besieged auto industry? You know, stepping into the 21st century and out of the 20th?

I'm steering clear of pipes and cigars as local officials stay with the visions of growth built around driving somewhere, of one-story towns and larger, more generic and impersonal schools that instill anonymity.

I'm eschewing snuff as they contemplate an east-west corridor through fertile ground that is disappearing worldwide. Receding faster than a promising Hoosier future under the auspices of a government so provincial as to think it is not a part of the problem when it does not see the county as a part of the whole.

So when I see how secondhand smoke (which I hate, too) is such a public danger, I think term limits might be a more effective aid than banning smoking as well as referenda and public initiatives.

Ongoing public debate inside and outside of the statehouse, courthouse and Capitol by people less concerned about being re-elected

might also pre-empt a wave of people driving while under the influence or carrying a gun in the glove compartment and other unhealthy, antisocial and smoke-and-mirrors-like behavior.

I could rant on about the lottery (a tax on hope), enacted because "everyone else has one," or returnable bottles and cans which other states have and we don't. Or the state legislators involved in "consultation fees" for Ivy Tech which appears to me to be what used to be called graft, but being a traditional person, I'll probably just go overeat and think about why it's easier to go on missions instead of baking something and visiting neighbors.

Remember people can like you just the way you are, but they don't necessarily live around here anymore. **Jud Vaught**
Franklin

Mississippi Coast needs help in rebuilding effort

To the editor:

I just returned from a trip to the Biloxi/Gulfport, Miss., area and am on a crusade to spread the word about the devastation of our beautiful Gulf Coast and the people who live there.

I have been a visitor to the coast for the past 15 years, and what I saw on this trip, six months after Hurricane Katrina wreaked her havoc, broke my heart.

With New Orleans getting the majority of the air time coverage, many people have no idea of the mass destruction in Mississippi and are shocked by what I tell them about people still living in cars and tents, and relief stations still being used and filled to capacity.

All the piles of debris, rubble, trash etc., sitting along the roadsides and on concrete slabs where houses once stood, is a depressing sight, day after day after day.

As I flew out of the airport in Gulfport, I vowed to spread the word far and wide to anyone that would lend an ear of how people still need our help.

Brothers and sisters of Mississippi, you haven't been forgotten; know that I am doing my personal best to bring light to this continuing crisis. God bless and keep you all.

Stacey Fee
Indianapolis

President risking political irrelevance

President Bush recovered somewhat from the political doldrums late last fall with a series of speeches in Iraq. But now, only favorable events can save him — and favorable news is in short supply.

In fact, he's just been utterly repudiated by his party's leadership in the House on the Dubai ports issue, despite his deeming it serious enough to mount a veto threat.

What's more, the bad news on Dubai follows gruesome news about civil strife in Iraq, continuing criticism of Hurricane Katrina preparations, bad handling of Vice President Dick Cheney's hunting accident in Texas and sinking approval numbers.

The White House calculated that it had bought time with a 45-day security review of the Dubai ports deal to convince the public and Republicans that it was in the nation's best interests to keep good relations with the United Arab Emirates, an Arab country that's an ally in the war on terror.

But pure political fear, and an astounding lack of faith in Bush's judgment, caused GOP leaders to mount an effort to sink the deal without waiting for the White House to come up with an alternate plan.

With polls showing that nearly 70 percent of Americans oppose letting an Arab-owned company operate American ports, the House leadership concluded that the Dubai deal was unsalvageable and that Bush and the GOP should take a quick loss and move on.

Senate Democrats will try to ride the wave of public opposition to the port deal to attach riders to must-pass legislation such as the Iraq supplemental appropriation. If they succeed, and some Republicans will likely go along, the legislation would still go to a House-Senate conference, giving the administration one more chance to hatch an agreement.

In fact, some House GOP leaders say this was their intent in attaching the "no" on Dubai to a



Morton
Kondracke

slower-moving appropriations measure rather than passing a free-standing bill that might pass the Senate and force an immediate Bush veto and a likely override, which would be an even stiffer repudiation of the president.

Whatever the outcome, the Dubai deal, Bush's handling of it, and the House GOP's repudiation of it — and him — has done serious public damage to Bush's political standing.

Bush has helped the GOP expand its hold on Congress in three straight elections, but Republicans clearly fear he's a liability now.

The latest Gallup Poll shows that Bush retains the support of 82 percent of rank-and-file Republicans — a large number, but down from 93 percent in the 2004 election. Indeed, his missteps have produced continuing rifts with Republicans in Congress.

A number of the errors have raised questions about the administration's basic competence. These include the nomination of White House counsel Harriet Miers to the U.S. Supreme Court, misjudgments about difficulties in Iraq, failures during and after Katrina and early difficulties in the Medicare prescription drug rollout.

Some other intra-GOP difficulties are ideological — immigration policy being the chief one, along with old-line conservative dissatisfaction with the growth of government power and spending under Bush.

Another category of dissatisfaction is institutional, with congressional Republicans disturbed that the Bush White House has treated them as far-less-than-equal partners in running the government. Repub-

licans generally defended Bush's National Security Agency terrorist surveillance program, but not his bypassing Congress to institute it.

And some of Bush's initiatives have proved politically unpalatable to Republicans — notably, the Social Security overhaul that Bush spent much of his post-re-election capital promoting.

The Dubai port deal strikes lots of Republicans as a failure on all fronts, indicative of incompetence, misplaced internationalist ideology, institutional arrogance and utter political tone-deafness.

Bush has had successes. He's put two conservatives on the Supreme Court and, after some dicker, has gained reauthorization of the USA Patriot Act. And statistics show that the economy is strong, even if the public doesn't believe it.

But Republicans clearly are worried about Bush's fortunes and their own. To bounce back, one GOP leader told me, "we've got to stop making mistakes. The White House, more importantly, has got to stop making mistakes."

"They've taken a difficult problem and made it almost unmanageable by not thoughtfully engaging the right people. And the president's veto threat was just incendiary."

This leader said he fears that Bush and his top aides are tired. "Tired people make mistakes. If the president is focused on something else, everybody else who's tired just takes a break. They don't ask enough questions. They don't give enough advice. They don't rush in the way they used to."

So, has Bush been reduced to lame-duck status or, worse, to Jimmy Carter-style irrelevance? "I don't think so — yet," this leader said. "Anything can happen any day in a dangerous world, and the president's right back on top again." But from here, it's hard to see what event that could be.

Morton Kondracke is executive editor of Roll Call, the newspaper of Capitol Hill. Send comments to letters@thejournalnet.com.



Jerry
Wilson

Smoking ban good but not good enough

As a single guy living alone, I tend to eat out a lot. My favorite culinary venues are in Indianapolis and Greenwood.

Until a couple of weeks ago, the question I was asked almost every time I ate out was, "Do you want smoking or nonsmoking?" What a relief it is not to have to answer that question anymore.

The long-awaited smoking bans took effect this month.

A growing number of Indiana communities have passed ordinances prohibiting smoking in public buildings, including restaurants. Bloomington led the way a few years ago. Since then, Indianapolis, Greenwood, Columbus, Fort Wayne, Carmel and Shelbyville are among the communities that have passed smoking bans.

Smoking bans are supported by a large majority of citizens, even many smokers. Smokers view it as another excuse to quit the nasty habit.

Some see smoking bans as just one more example of government's encroachment on a person's privacy. Normally, I would agree with such sentiments. I oppose the seat-belt laws for the same reason.

However, choosing not to wear a seat belt endangers only the person making the choice not to wear them. Laws requiring seat-belt use restrict a person's right to choose to take the risk.

If smoking affected only the smoker, I would oppose smoking bans, too.

But secondhand smoke is not only annoying to the nonsmoker, it is dangerous. Smokers have the right to smoke, but they do not have the right to smoke in public places where their bad habit adversely affects those around them.

The anti-smoking ordinances in place in Indianapolis and Greenwood go a long way toward protecting children and nonsmokers from secondhand cigarette smoke. But in all honesty, they do not go far enough.

In Indianapolis, for example, bowling alleys are exempt from enforcing the ban. There are a lot of children at bowling alleys, since bowling is a family game.

The city's smoking ban also does not apply to outdoor venues. That might seem to make sense because there is always fresh air blowing in when you're outdoors.

But I've attended outdoor concerts and other events where people were freely smoking all around me, or upwind from me. It wasn't much different from being in an enclosed space.

Initially, the proposed smoking ban in Indianapolis included outdoor venues. But the original bill was in danger of dying unless the changes were made. The compromise was a good one, but it is unfortunate that compromises have to be made when it comes to the protection of public health.

Other communities that are considering anti-smoking ordinances, such as Franklin, should take that into consideration.

The issue is not about a person's right to smoke. It is only about where they have that right. If it is a public space, even an outdoor one, nobody should have the right to smoke.

And, although a hodgepodge of varied anti-smoking ordinances around the state is better than not having any smoking bans at all, a statewide, unified ban would be far better.

The Indiana General Assembly is not considering a statewide smoking ban this session. It's too late for such a bill to be introduced this year.

But next year, with the start of a new General Assembly, the time may be right to introduce legislation that would ban cigarette smoking in all public places statewide.

There is very little likelihood that small towns with mostly Mom-and-Pop restaurants would consider adopting anti-smoking ordinances. A state law would cover such small towns and rural areas.

Once upon a time, and not too long ago, smoking was even allowed in patient rooms in hospitals. It also was allowed on airline flights. In fact, there were few places one could go to escape the vile stench of cigarette smoke.

Today, the indoor air is much cleaner. But in a few years, it could be that we will look back on today's smoking climate and wonder why we even allowed it in public at all, even outside.

Jerry Wilson writes this weekly opinion column for the Daily Journal. Send comments to letters@thejournalnet.com.