

# OPINION

DAILY JOURNAL

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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

A bill to bar so-called serial meetings has been passed by the Indiana House.

## OUR POINT

Openness in government is needed for public support. The Senate should approve the bill and send it to the governor.

## Government business should be open to public

The Daily Journal

The Indiana House last week passed a bill that would prohibit so-called serial meetings.

These are separate gatherings of less than a quorum, or majority, of government officials to discuss the same subject with the purpose of conducting official business.

The bill, approved 89-7 and sent to the Senate, closes a loophole in Indiana law that could undermine public confidence in the decisions made by government bodies.

Now that the House has acted, we urge the Senate to follow suit. Then it would be up to Gov. Mitch Daniels to sign the bill and officially bar the practice.

The bill grew out of the firing of Indiana University basketball coach Bob Knight.

In 2000, then-IU President Myles Brand met with IU trustees, no more than four at a time, to discuss Knight. It takes five to make a quorum, since there are nine trustees. After the meetings, Brand announced that he was firing Knight.

Several basketball fans sued the university, claiming that the meetings violated the state's Open Door Law, which requires that official business be done in open and posted meetings. But a judge ruled in the university's favor, which the Indiana Court of Appeals upheld.

The appeals court said the General Assembly specifically defined "meeting" under the Open Door Law as a gathering of a majority of the governing body.

"Thus, without a majority present, no meeting occurs," the ruling said.

"The conduct of the IU Trustees was in direct contravention to the public policy behind the Open Door Law," the ruling said. "While a more open process in matters of governance such as this might be preferable, the legislative branch of our state government has spoken."

Such meetings are currently permitted under Indiana law but would not be under the bill.

Proponents of the bill say some public officials skirt the spirit of the Open Door Law by conducting serial meetings, in which a mayor or council president, for example, meets with only a few members at a time to discuss public business. That avoids the requirement of a public meeting because there is no quorum.

The bill declares that the Open Door Law would be violated if they met all the following criteria:

- At least two but fewer than a majority of members attend each gathering.
- The total number of members attending all the gatherings equals a majority.
- All gatherings concern the same subject matter.
- The gatherings are for the purpose of conducting official business.

The definition of serial meetings includes in-person gatherings and telephone conversations.

Government business should be done in public. Secret meetings or sly maneuvering raises suspicions, even if there's none there.

Openness should always be a requirement for good government.

House passage of the bill is a good first step. Now it's up to the Senate to take the next.

## Focus: Iraq

'Successes' in war are few and far between

Scrrips Howard News Service

President Bush clearly recognizes that the war in Iraq is not going well, and he also recognizes that a new general in charge and the 21,500-troop "surge" is his last chance to win it.

Not so Vice President Dick Cheney, who really needs to get out of his undisclosed secure location more often. In a testy interview with CNN, he dismissed suggestions that the war was going badly as "hogwash" and, on a day when U.S. troops were fighting major engagements in central Baghdad, made this remarkable assertion:

"Bottom line is that we've had enormous successes, and we will continue to have enormous successes."

As an example, he cited the overthrow of Saddam Hussein. That was almost four years ago. Since then, nothing has gone as the vice president once so confidently predicted. Certainly we were not welcomed as liberators.

And Cheney and his inner circle are largely responsible for the fix we're in. The U.S. military easily seized Baghdad, but then a complete absence of postwar planning — remember, we wouldn't need it — allowed that victory to slip away. We disbanded the Iraqi army, police and government and stood by while the government infrastructure was looted and vandalized.

And once again the rationale for fighting in Iraq has changed. First it was to locate and destroy weapons of mass destruction, and then it was to create a legitimate, pro-Western democracy in Iraq, but now, according to Cheney, we're fighting simply because we can't leave: "If we were to do that, we would simply validate the terrorists' strategy that says the Americans will not stay to complete the task, that we don't have the stomach for the fight."

The goal is not supposed to be to demonstrate our tenacity and combativeness. The goal, as President Bush and his spokesman Tony Snow have said repeatedly, is "an Iraq that can sustain, govern and defend itself and be an ally in the war on terror."

Enormous success? No, by that measure it's more like 0 for 4.



CHENEY



YOUR

## VIEWS & COMMENTARY

### Subdivision plan leaves out green space, trails

To the editor:

A Jan. 3 Daily Journal article detailed how developers of the proposed Riverwalk subdivision drastically altered their plans after getting opposition from White River Township residents.

These sorts of missed opportunities will continue to happen if our local government bodies do not wake up to their responsibilities.

Months earlier, the Riverwalk development was designed in a way to be one of the most progressive in the area relative to its pedestrian infrastructure, varied land use and green space.

However, the developers' reaction to the obstacles placed in their way was to completely redesign the development so that they no longer had to "ask permission" for what they wanted to do. That is to say, they now would fit into the existing subdivision control ordinances.

Earlier, they had hoped the innovative design would be viewed favorably enough that the county would give them a few concessions. Instead, the innovations went away, and we will be stuck with another cookie-cutter development.

What ultimately happened was no accident and is predictable. In both our county government and in the city of Greenwood, current subdivision control ordinances are sorely out of date.

That has two effects. The first is that they do not require much of developers with respect to pedestrian infrastructure and green space. The second is that the ordinances are out of step

WRITE A

### LETTER TO THE EDITOR

The Daily Journal invites readers to submit letters, opinion columns and e-mail comments for the opinion page.

#### GUIDELINES

- Letters published must contain the writer's name and city or town.
- Letters sent to the Daily Journal must be signed and must include a daytime telephone number for verification to be considered for publication.
- Letters should be kept as brief as possible.
- Make sure the e-mail letter includes the writer's name, mailing address, telephone number and e-mail address for verification.

- Opinion columns for the community forum section of the editorial page also will be considered for publication. The article should be kept to a reasonable length and should include the writer's name, address and telephone number for verification.

- Because of space and legal considerations, the Daily Journal reserves the right to edit any letters or articles and to limit comments.

#### WHERE TO SEND THE LETTER

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with the modern housing market.

The net result is that developers and builders nearly always want to build something different from what the ordinances call for. So they come, hat in hand, to local government bodies to do some horse trading.

Maybe they can trade smaller lots for more green space.

Maybe they trade some commercial space approval for larger brick homes.

Currently, most local officials like this system. They like the horse trading because they think it gives them bargaining power. But one does not always win in a negotiation. And residents can't always be there to insist on

getting value back for the concessions.

In the Riverwalk case, the developer decided it wasn't worth the trouble, and as a consequence residents of that part of metro Greenwood are now going to be without pleasant green space trails that were to run alongside creeks and ponds. And all because officials bet they could secure such amenities. They couldn't.

Had the subdivision control ordinances been updated for the sort of pedestrian infrastructure and green space requirements that other places in Indiana have implemented, the Riverwalk developers would have had to put

in the green space and waterside pathways whether they asked for concessions or not.

This is how many communities are getting a vital pedestrian system of connected sidewalks and pathways built without using taxpayer dollars.

Our county and the city of Greenwood need to move now on updating the development requirements before any more opportunities are lost, or any more narrow sidewalks are built that could have been (should have been) more in alignment with modern standards.

Our Trails Advocacy Board supports the ideas expressed in the trails-friendly ordinance proposal first put forth in 2005 by the city's own trails advisory board. Greenwood officials have continued to fight letting you see the proposal at all, refusing to put it on the city Web site even when its advisory board was still functioning; but you may access a link to it now at [www.buildtrails.org](http://www.buildtrails.org).

This proposal seeks to improve the pedestrian infrastructure for maximum utility, enjoyment and safety, while speeding up the timeline and minimizing cost to taxpayers.

Both city and county governments are in the process of updating their comprehensive plans. Please encourage your local officials to give serious consideration to the elements in the trails-friendly ordinance proposal that can prevent us from ever again having to accept a place such as Riverwalk, which never had a river and now will not be walkable either.

Don Cummings  
Trails Advocacy Board,  
Greenwood

## Americans crave nonpartisan solutions



Morton Kondracke

A new, nonpolarized, problem-solving form of politics is trying to be born in this country, but — lip service aside — most current politicians are stuck in the old mold of nonstop partisan warfare.

The old politics was richly on display Jan. 23 as President Bush delivered his State of the Union address and congressional Democrats reacted.

Bush enunciated, once again, the clear message of the 2006 elections: "Our citizens don't care which side of the aisle we sit on, as long as we are willing to cross that aisle when there is work to be done."

The agenda he offered created some opportunities for bipartisan agreement, notably, comprehensive immigration reform and reauthorization of the No Child Left Behind program. But most Democratic commentary emphasized the negative.

In the main, Democrats gave a nod to the public's desire for bipartisan cooperation then quickly dismissed Bush's proposals as inadequate or wrongheaded.

Typical was the reaction of Senate Judiciary Chairman Patrick Leahy, D-Vt.

"I welcome the president's change in tone," he said. "But though (Bush's) tone sounds more accepting of other views, his basic policies so far have not changed."

The same kind of message came from Speaker Nancy Pelosi, D-Calif., and Senate Majority Leader Harry Reid, D-Nev., and the Democrats' official responder, Sen. Jim Webb, Va.

Webb, in particular, exuded the

that demand solution," he said. "We have to change our politics and come together around our common interests and concerns as Americans."

As various commentators have said, Obama represents a new generational sensibility, a pragmatic post-boomer attitude trying to bypass the ideological hang-ups of boomer veterans of the Vietnam and cultural struggles of the 1960s.

In fact, there are multiple bipartisan efforts under way to promote consensus solutions to various problems, even some of them in Congress, such as the Senate's "bipartisan caucus" started by Sens. Joe Lieberman, independent Democrat-Conn., and Lamar Alexander, R-Tenn.

In recent weeks, several strange-bedfellow coalitions have announced agreements to work together on health care and education reform. One collection, including formerly hostile groups such as the liberal Families USA, the conservative U.S. Chamber of Commerce and America's Health Insurance Plans, announced a cooperative effort to cover all of America's 9 million uninsured children by expanding the State Children's Health Insurance Program.

Another coalition was formed by AARP, the Service Employees International Union and the Business Roundtable to jointly address both health care and the nation's long-term fiscal crisis.

Two House members, conservative Tom Price, R-Ga., and liberal Tammy Baldwin, D-Wis., and moderate Sens. George Voinovich, R-Ohio, and Jeff Bingaman, D-N.M., are co-spons-

oring measures to encourage states to experiment to cover the uninsured, as Massachusetts, California, Pennsylvania and other states are doing.

Bush, virtually ignoring such approaches, came up with a novel alternative to make health care more affordable by offering families a \$15,000 tax deduction to buy insurance, paying for it by limiting deductions for more expensive plans.

Without even a hearing, the plan was declared "DOA" by old-politics Democrats, including influential Reps. Pete Stark of California and John Dingell of Michigan.

Obama, encouragingly, granted that Bush's proposal was serious and should be addressed "in a constructive way." But he also declared that "incremental plans that do nothing to bring down costs or guarantee coverage are simply no longer sufficient" and added that "it's not going to be adequate."

Indeed, a Treasury Department analysis shows that Bush's plan will cover only 5 million of the nation's 47 million uninsured, although White House officials said it would actually cover more.

It's not health care but the Iraq war that mainly prevents the new politics from being born. Beyond that, presidential candidates will be pressured by ideological activists to keep the old wars alive. But the new politics is coming because the public wants it. It will just take courage and vision to give it life.

Morton Kondracke is executive editor of Roll Call, the newspaper of Capitol Hill. Send comments to [letters@thejournalnet.com](mailto:letters@thejournalnet.com).