

# MALHEUR ENTERPRISE

## The Voice of Malheur County

(541) 473-3377 293 Washington St. W. Vale OR 97918

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### WRITTEN TESTIMONY

Les Zaitz, publisher, Malheur Enterprise

### HOUSE BILL 2353

Oregon House Committee on Judiciary

I urge you to approve House Bill 2353, an important tool for government candor that should never have to be applied.

The legislation provides a modest incentive for recalcitrant government officials to do what they are supposed to do – comply with the right of every Oregonian to reasonable access to public records. Only government agencies that deliberately ignore that right face the prospect of having to pay for their behavior, and that is as it ought to be.

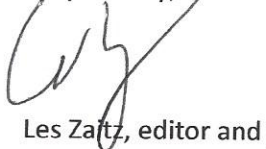
I have been a journalist in Oregon for more than 45 years, and have used the Oregon Public Records Law extensively and at all levels of government. I have the benefits of decades of experience facing the range of government responses to records requests, from cheerful openness to defiant secrecy.

The choices currently open to citizens and reporters who are unduly obstructed from obtaining public records are few. At the local level, they can seek action by the local district attorney to compel production of records. In my experience, district attorneys tend to give stern warnings to local governments that they are about to be ordered to obey the law and the governments finally produce the records. In such a circumstance, the government agency has stalled and acted only at the last moment – not a model of transparent government.

Short of a petition, someone seeking records can continue to ask the agency for the records. I have lived through such an experience in Malheur County in just recent days. I asked a county agency repeatedly why documents hadn't been produced. When I finally sought the district attorney's involvement, the agency complained that it had been subject to "multiple" requests for the record, suggesting the requests were a burden when the agency hadn't responded to any of them.

This is a circumstance where a modest penalty would have educational value. For most government agencies in Oregon, the impact of House Bill 2353 is no impact. They understand their duty under the law. I urge you to give citizens and journalists the means to seek redress from those agencies which ignore that duty.

Respectfully,



Les Zaitz, editor and publisher  
Malheur Enterprise