



Feb 10, 2020

Chair Riley, members of the Committee on General Government and Emergency,

In 2017 Oregon lawmakers approved a Records Advocate office that could help state and local government agencies as well as requesters by serving as a neutral, guiding expert in the records law— the same law that has been a great ally to Oregonians, triggering needed reforms and fighting misconduct and waste.

SPJ urged lawmakers to give the Advocate full leeway to help slim down the size and scope of records requests and give public servants the training they need to respond to elected officials' concerns and engage requesters productively — thus moving the statewide culture around records toward one of engagement and cooperation. This, we contended, would save time and money and allow public information to be provided more efficiently.

Since then, we are happy to report, the Advocate's office fulfilled our hopes by holding numerous trainings helping local and state officials to, among other things, figure out how to save the public money by working to narrow requests that are overbroad.

We mention this because critics of independence for the Advocate have sought to falsely portray Ginger McCall as siding with requesters. The documented reality is the Advocate has worked extremely well with government, including the League of Oregon Cities-aligned Oregon Association of Municipal Recorders (known as OAMR), to help municipalities cope with requesters and save money for the public.

"I will miss your vast knowledge and assistance to me and our staff at the City of Medford," wrote Medford City Recorder and OAMR member Karen Spoons on Oct. 10, 2019. "Keep in touch with OAMR as you have many, many friends."

In trainings of requesters,, she stressed the benefits of being as surgical as possible to save money and forging a cooperative relationship with government.

Indeed, McCall utilized her perceived independence to clash with transparency advocates at times, including SPJ. She worked to help agencies cope with “vexatious” or overbroad requesters, issuing a “bad-faith” finding against one of them in mediation, and sending a sternly-worded letter to yet another. She was pushing statewide to forge a legislative strategy to address the issue of problem or onerous requesters — a common complaint of local governments — at the very time when threats to her independence forced her to leave Oregon.

Notwithstanding the principled disagreements that SPJ at times had with McCall, we appreciated her integrity and were able to build a relationship of trust that even included inviting her to train members of SPJ.

Unfortunately, McCall was rudely awakened last year to the fact that her office lacked safeguards to ensure her independence, and she left.

As a result of the documented interference that McCall faced, Gov. Kate Brown to her credit last September said she backs legislative action to bolster the Advocate’s independence. She continues to hold that position today.

Discussed and honed by stakeholders over the last five-plus months, SB 1506 make very narrow tweaks to existing law to achieve the aims laid out by Gov. Brown..

In contrast, you are also faced with an amendment, the -1, that seeks to roll back the clock to the system that Gov. Brown called “flawed.”

The League of Oregon Cities’ -1 amendment eliminates needed protections from the Advocate’s office and makes SB 1506 not worth passing.

Beyond removing the Advocate’s independence and attempting to block the Advocate’s ability to propose legislation, the -1 amendment removes the section of existing law that allows the Advocate to autonomously prepare reports and studies when it deems it appropriate. This section of the law was explicitly intended to allow the Advocate’s office to pursue efficiency in government, emulating the city of Portland’s highly successful ombudsman office and issuing reports on an as-needed basis to address problems and motivate government to efficiently address issues as they arise.

This important authority was used in 2018 at Gov. Brown’s request to provide research for purposes of informing and collaborating with the Oregon Sunshine Committee.

It’s unclear why the League of Oregon Cities seeks to curb this important authority of the Advocate’s office. However, the LOC amendment would make such reports by the Advocate subject to more process, making every such report subject to editing and approval by the records advisory council.

SPJ agrees with Gov. Brown that to be effective, the Records Advocate must have the independence and the leeway to earn the public's trust as it seeks to improve the workings of Oregon Public Records Law.

SB 1506 would achieve these goals.

But the -1 Amendment would turn back the clock in the name of supposedly seeking broader reforms in 2021.

Don't let the perfect be the enemy of the good. SPJ respectfully requests that you fix the Advocate's office now and let Oregonians know that you value its twin missions of efficiency and an informed citizenry.

Rachel Alexander, President

Nick Budnick, Co-chair SPJ FOI Committee

Society of Professional Journalists, Oregon Territory Chapter