



Additional Open Oregon concerns on the nomination of Portland's Senior Deputy City Attorney Jenifer Johnston to the state Public Records Advisory Council

November 9, 2021

Dear Chair Wagner and members of Senate Rules Committee:

Open Oregon is an educational and charitable organization with a single mission: to assist and educate the general public, students, educators, public officials, media and legal professionals to understand and exercise their rights to open government, specifically, their rights and responsibilities under the Oregon Public Meetings and Records laws.

In separate testimony, we have joined with the League of Women Voters of Portland, the American Civil Liberties Union of Oregon, and the Society of Professional Journalists, Greater Oregon chapter to urge you to thoroughly question Portland's Senior Deputy City Attorney Jenifer Johnston about her track record guiding Portland's records policy, which is widely seen as obstructing transparency. Portland's practices are so poor that our coalition has, earlier this year, proposed concrete changes to Portland's charter to improve transparency.

The city's transparency problems are evidenced by judge's rulings and DA disclosure orders. Portland has also been frequently held up as a poor example of public records management, including by the national open government advocacy organization Muckrock and in discussion several years ago at the PRAC. The city also has on multiple occasions sought legislative changes in Salem that would reduce transparency.

Given that the Legislature gave the Public Records Advisory Council the statutory mission of enhancing transparency, if you are unable to confirm that Johnston could and in fact is willing to take positions contrary to those she and the City of Portland have taken in the past, we would urge you to not confirm Johnston to a seat on the PRAC.

To be clear, Open Oregon believes that including multiple stakeholders is crucial to improve government transparency and thus accountability. Our organization follows that model by

choice, and members who play various roles in records requests respect and learn from each other. The PRAC follows that model by law, and has earned a reputation of members working well together, striving for understanding and consensus in service of the people of Oregon.

However, for effective progress, all parties need to hold a common recognition of the value of accountability and openness of government, as is reflected in Oregon law. Just as Open Oregon would likely not support a records requestor who engaged in repeated, wasteful and frivolous requests to take a PRAC seat, we also cannot support a representative of record holders who promotes policies that deny public access and waste public money.

Thank you for your time and the work that you do.

Open Oregon Board Members Duane Bosworth, Therese Bottomly, Mary Beth Herkert, Tim Gleason, Justin Mitzimberg, John Schrag, Tim Trainor