

# commentary

from other pens...

## Open meeting laws are misunderstood

Whatever the reason, there's still way too much misunderstanding of the state's Open Meetings and Open Records acts.

Far too many times, public officials are looking for ways to get around the laws, not ways to live the sort of public life the laws envision.

The acts declare it to be state policy that meetings and records should be open to the public. That's the spirit of these laws.

But it's misunderstood more often than not.

In several recent cases, officials have accused each other of "violating" the open meetings law by talking about something said in a closed session. The Open Meetings law says some sessions may be closed, but it never says that an official can't talk about what happens in closed session.

Both laws are permissive and biased toward openness. They list categories of topics or records which may be closed... but don't have to be. It's up to the people involved.

The Open Meetings Act, for instance, says that discussions may be closed when a public agency talks about non-elected personnel. It doesn't require that they be closed, and it's not illegal for a board to talk about an employee in public. Otherwise, they couldn't praise one.

Because the exception becomes the rule, though, meetings about certain things are always closed, whether it makes sense or not.

Often, it'd be in an employee's interest to have discussion about him or her open. It keeps people honest and makes them back up whatever allegations they have. Employees have the right to demand an open meeting, but seldom do. It's the same principle that brings us to require open trials in court, but it's little observed in public life.

Some public officials are a lot more concerned about what they can keep secret rather than what they can do out in the open. They just don't get it. EVERYTHING they do is the public's business, because they work for us.

Open meetings, open discussions of public business, open records at the courthouse, they're our right, because we own the county, the city, the state. Public officials work for us.

And their business is our business.

When they start to be unduly concerned about what we know and how we find out, then it's time for us to start worrying.

Because when the door closes at a meeting, often as not, what they're talking about is something we ought to know.

Not every time. There are legitimate exceptions to openness. But they are few and far between, a darned sight fewer than what we see.

It's something to remember that, as the laws say, public business ought to be open unless there is a compelling reason to have it otherwise. Saving officials from embarrassment or criticism is not reason enough, but sadly, that's the way it often is. — Steve Haynes

"When government activity is conducted in secret with the intent of preventing public opinion from mobilizing, it virtually ensures that once mobilized, public opinion will oppose the activity." — Steven L. Katz, lawyer, 2001

### where to write

**U.S. Sen. Pat Roberts**, 302 Hart Senate Office Building, Washington D.C. 20510. (202) 224-4774

**U.S. Sen. Sam Brownback**, 303 Hart Senate Office Building, Washington D.C. 20510. (202) 224-6521

**U.S. Rep. Jerry Moran**, 1217 Longworth House Office Building, Washington, D.C. 20510. (202) 225-2715

**State Rep. Jim Morrison**, State Capitol Building Rm. 174-W, Topeka, KS 66612. (785) 296-7676

**State Sen. Stan Clark**, State Capitol Building Rm. 128-S, Topeka, KS 66612. (785) 296-7399



## Kansas no-call system up and running

Dear Kansas Consumers:

The Kansas No-Call Act, which allows you to register your residential telephone numbers so that you will not receive unsolicited telemarketing sales calls, is now up and running. To get on the list, all you have to do is call toll-free, 1-866-362-4160, or visit the Attorney General's website, [www.ink.org/public/ksag](http://www.ink.org/public/ksag). Registration is quick, easy, and absolutely free. You only have to provide your name, telephone number, and address, and your registration lasts for five years.

If you register by September 23, 2002, your name will appear on the first official Kansas No-Call list which will be published on October 1, 2002. Telemarketers will then have 30 days to remove your name from their lists, and by November 1, 2002, you should not receive any more unsolicited telemarketing calls.

Some companies may continue to call you, however. The law has exemptions for any company with which you have done business in the previous 36 months, in addition to any company that you



carla j. stovall

• consumer corner

have expressly asked to call you. Remember this when filling out registration forms for drawings or sweepstakes; you may be giving that company permission to call you. Additionally, calls from political or charitable organizations which are not actually selling a product or service are not required to comply with the Kansas No-Call Act.

However, if you receive a telemarketing call from a company that does not fall within the above exemptions, please obtain the name, address, and phone number of the company calling you. Without this information, it will be difficult for my office to prosecute the violation.

My office has received reports that there may be

individuals or groups offering to sign consumers up on the No-Call list for a fee. These offers are scams. As I mentioned previously, there is absolutely no cost for consumers to register on the Kansas No-Call list.

If you are contacted by a group or individual offering to sign you up on the No-Call list for a fee, or receive a call after November 1, 2002, in violation of the Kansas No-Call Act, please contact my Consumer Protection Division at 1-800-432-2310.

Attorney General Carla J. Stovall offers this public service to help you avoid becoming a victim of consumer fraud. Although some of the details have been changed, the cases appearing in this column are based on actual complaints. For further information or to file a complaint, please write Attorney General Carla J. Stovall, Consumer Protection Division, 120 SW 10th, 2nd Floor, Topeka, Kansas 66612, or call the toll-free Consumer Hotline, 1-800-432-2310. Leave your name, number and subject of your inquiry with the receptionist and your call will be returned promptly.

## Travel agents unite! The State Dept. wants you

Joel Mowbray is a journalist. For some of you that's not a good thing, but I believe journalists are as important to our democracy as lawyers, but maybe that isn't a good comparison due to the level of regard for barristers in this county.

Journalists' most important job is to keep an eye on what our government representatives are doing. Most citizens of this great country tend to close their eyes and ears to what our "leaders" are doing, until a few weeks before an election. Then struggling to figure out who did what to who, when, why, and how much it cost.

Making an educated decision is not easy. It is a duty we have as citizens to keep tabs on our seemingly ever-expanding government. Journalists are an indispensable part of this decision-making process. Now back to Mr. Mowbray. He reports for National Review On-line, a conservative public affairs web site that is the on-line link to National Review magazine made famous by its founder William F. Buckley, Jr.

Diplomatic security service officers detained Mr. Mowbray at the State Department on Friday, July 12th, in what can only be interpreted as an intimidation technique. The guards wouldn't let him leave until Mowbray had called a lawyer from his cell phone and National Review had called the State Department's press office to ask what was happening — about a half-an-hour after the run-in began. Mowbray has been highly critical of a State Department led program called "Visa Express."

He has challenged the lead State Department spokesperson many times in the last few weeks on State's official views on "Visa Express". The program gives people with Saudi Arabian passports easy access to U.S. visas, many times without the need to even meet face-to-face with an American official before the visas are issued. The fact many of the murderers of September 11th had visas from Saudi Arabia hasn't seemed to affect State's spicket from continuing to pump out visas from the Royal Kingdom. But about two weeks ago, State had to fire its longest-serving career diplomat, who was in charge of visa programs, in response to increasing congressional uproar created by articles Mowbray has written about "Visa Express." His



mitch hixson

• soundgarden

articles correctly show Visa Express is a dangerous program, so dangerous that even the U.S. Ambassador in Saudi Arabia had asked for the program to be stopped.

Why would the State Department want Mowbray's head on a platter? Why try to intimidate a journalist who has plenty of places to scream about his detention? Why detain someone from a conservative publication, when a conservative sits in the big chair at 1600 Pennsylvania Avenue?

Its because Mowbray's reporting showed, in black and white, that the program is a huge national security risk. But the far more disturbing reason for Mowbray's detention is that State wants to expand "Visa Express" around the globe. Travel Agents rejoice! The Federal government can now hire you. Say hello to job security for life, great health care, and about 50 paid days off a year thanks to all of our national holidays. I'd say aloha to the private sector for that.

Saudi travel agents are actually used to process many of these visas. State has consistently defended using private sector Saudi travel agents to handle the first step in the visa-collection process by arguing the travel agents do no more to visa applications than an express mail delivery service, like U.P.S. or Fed Ex would. But Mowbray's reporting states quite the opposite. In a cable Mowbray obtained, the U.S. ambassador to Saudi Arabia said, "Using the travel agents to assure that documentation is complete and in compliance with guidelines saved the consular officers from spending valuable time pre-interviewing applicants whose paperwork was not in order."

Translated that means private sector travel agents from foreign countries are being used to "pre-interview" visa applicants, and to ensure the applicants have complied with all U.S. laws to obtain a legal visa to America. U.P.S. is good, but not that good. When Mowbray questioned State's

lead spokesman about this, the mouthpiece for our State Department got caught in a lie. Foreign travel agents shouldn't be our main line of defense against terror. But with this State Department program, that's what they are.

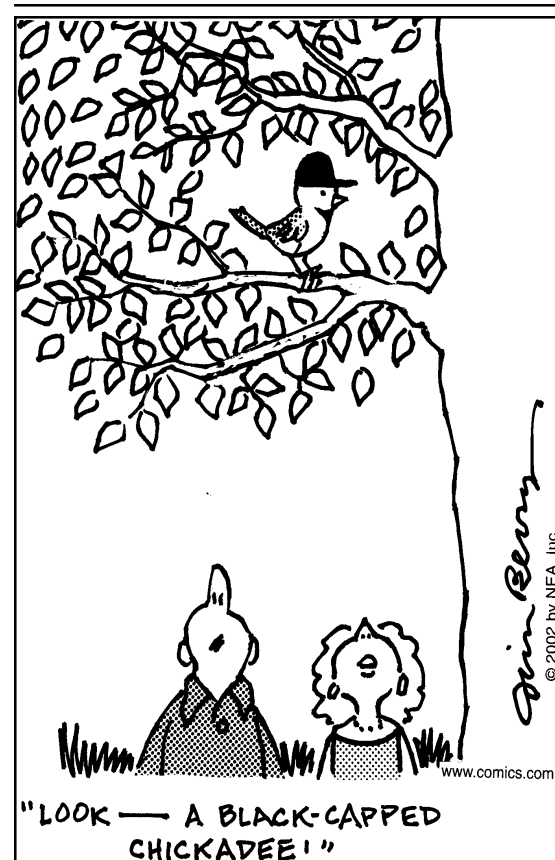
The obvious answer, to anyone but the State Department, is that foreign travel agents should not be making the who's in, who's out decisions on prospective foreign visitors to this country. Not pre-September 11th, and not now. Foreigners are doing work that needs to be handled by real United States diplomats. I admire the State Department for trying to save money, but with the way the current Congress and White House are spending money, what's wrong with dropping a few more dimes in the coffers to hire Americans to personally talk with those foreigners who want to travel to our homeland. Especially with what we know post 9/11.

I still haven't figured out the scariest part of this story, scary as in making your skin crawl, not shocking your socks off. Is it creepier that the only face most Saudi's receiving visas will see is a Saudi travel agent, even though they are attempting to come here? Or that only 30 percent of Saudis issued visas — today, post-9/11 — are even interviewed at all before receiving a visa?

Is it creepier that State sees nothing wrong with this? Or that State higher ups would decide the real place to focus their attention would be on a single journalist who catches them in a lie?

Travel agents need to lobby the State Department to keep Visa Express, but to hire Americans. Think of all the exotic locations Visa Express could be expanded to: Iran, Iraq, Afghanistan, Indonesia, Sri Lanka, Cyprus, Syria. Ah! The possibilities.

### berry's world



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