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The Sunshine Report: *Online*

Transparency news from the Virginia Coalition for Open Government

March 2013

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Coalition News

Abernathy honored

Dorothy Abernathy, the immediate past president of VCOG, and still current board member, will be one of five individuals inducted into the Virginia Communications Hall of Fame. Abernathy is the Virginia bureau chief for the Associated Press.

Chip Woodrum

The day before Virginia's FOIA was presented to the highest court in the land (story at right), Virginia lost that same law's greatest champion. **Clifton "Chip" Woodrum**, former delegate and former VCOG board member, passed away while vacationing in Florida. Woodrum was loved by many, respected by more, for his candor, humor and intelligence. He was instrumental in not only rewriting the state's open-government law in 1999, but also in steering the Freedom of Information Advisory Council through its first years of existence. Woodrum embraced open government fully, even when -- or especially when -- it exposed the less savory side of government. Dan Casey, columnist at Woodrum's hometown paper, *The Roanoke Times*, had [this remembrance](#) of a fine man who will be missed.

FOIA car magnets

VCOG FOIA magnets are available for \$5 [on VCOG's website](#). It's also easy to add a VCOG membership to your purchase. Once you have your magnet in place,

Greetings, Friend of VCOG!

U.S. Supreme Court hears Virginia FOIA case

With its usual pomp and pageantry, supplemented by the well-known opaqueness of its proceedings, the nine justices of the U.S. Supreme Court heard oral arguments Feb. 20 on whether Virginia's Freedom of Information Act could constitutionally prohibit out-of-state residents from accessing Virginia's state and local government records.

As expected, the justices were tough on attorneys for both sides. Led by Justice Antonin Scalia, the justices seemed skeptical that the practice violated the Dormant Commerce Clause or the Privileges & Immunities Clause, and let the plaintiffs' attorney, Deepak Gupta, know it.

On the other hand, Chief Justice John Roberts seemed dismayed that Virginia's Solicitor General Earle Duncan Getchell Jr. could offer no real justification for maintaining the prohibition except that it might add slight administrative costs. Getchell maintained he was "agnostic" on any commercial impact the prohibition might cause.

Getchell said open records were "very much the fad" when they were passed. The comment was part of a thread that ran throughout the hour-long argument about who remembered when the first FOIA laws were



post a picture of it to [VCOG's Facebook page](#), or attach it to a tweet with the hashtag #vaFOIA.

Stay up to date on access

Sign up for VCOG's [daily listserv on access and First Amendment news](#) from Virginia and across the country. It's free!

For a steady stream of access-related stories and additional commentary and information, join the more than 400 people who are following [VCOG on Twitter](#). The latest six posts are also carried on [our website](#).

General Assembly 2013: not its sunshineiest moment

It's all over, except for the vetoing.

The Virginia General Assembly adjourned sine die (which, depending on which chamber you are in is pronounced "see-nay dee-ay" or "sigh-nee die") Feb. 23, with a groundbreaking transportation package and a supposed deal on Medicaid expansion.



Along the way, the 140 members of the House and Senate also managed to make a whole lot more public information confidential. As [reported by](#) and [editorialized on](#) by the *Virginian-Pilot*, the word "transparency" was bandied about quite a bit during the session, but the legislators' words did not always match their actions.

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passed. Justice Elena Kagan drew laughter when she made clear she was not old enough to remember their passage.

Many from Virginia's access and government communities made the trip to the court, including VCOG's Megan Rhyne, Craig Fifer (both pictured above) and Tom Moncure, Waldo Jaquith of Virginia Decoded, Alexandria city councilman Justin Wilson, the FOIA Council's Maria Everett and James Schliessmann, and Phyllis Errico from the Virginia Association of Counties.

Read a [full transcript of the arguments](#), and a [round-up of stories](#) from a dozen different news sources.

A decision is expected any time between now and June 30.

Open government in the news

Los Angeles County prosecutors argued to a court there that the records Richmond Police Department kept for singer Chris Brown's community service [were full of discrepancies](#) "indicating at best sloppy documentation, and at worst, fraudulent reporting."....Speaking of Richmond police, a captain on the force testified about [how he had panicked](#) when he realized a thumb drive containing home addresses of more than 100 department employees was lost. The captain was one of the witnesses called to testify in a case brought by the department seeking to force police-accountability activists to take the addresses and other information off their websites.....A lawyer with ties to Democratic politics [submitted a FOIA request](#) to Attorney General Ken Cuccinelli, requesting that he turn over scheduling records and emails from the past two months to show he's not using public resources or job time to run for governor.....Unable to reach a settlement over prayers at public meetings, attorneys from the Virginia chapter of the American Civil Liberties Union and the Pittsylvania County Board of Supervisors [will head back to court](#) for a judge's ruling on the prayers' legality.....A FOIA request filed with the school division by a county staffer on behalf of a member of the Isle of Wight Board of Supervisors was rebuffed by the division's superintendent because the supervisor was, well, a supervisor. The county attorney sided with the supervisor, noting that he is a citizen of the Commonwealth entitled to file such requests just like other citizens (no link).....Refusing to call themselves "gadflies," four Richmond citizens [joined forces to create Better Government for Richmond](#), a citizen advocacy group they hope will persuade more people to demand more accountability of their city officials.....After he filed a lawsuit in January for police videos of an Occupy Charlottesville protest last year, Larry Bishop finally [received some, but not all](#), of the footage. Bishop has still not been told why it took so long for the department

to respond to his FOIA request.

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