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Open government losing its way in New Mexico

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STEVE TERRELL
Roundhouse Roundup

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Steve Terrell

Last week I accepted the William S. Dixon First Amendment Award from the New Mexico Foundation for Open Government. Below is my acceptance speech. I don't think I deviated significantly from the text.

Thank you. I can't tell you how honored I am to accept this award. I have to thank FOG, not only for giving me this honor, but for all the important work they do in their effort to keep the government open — or at least as open as possible. I have to thank Ray Rivera and Tom Cross and Robin Martin. I've worked there for 29 years, and they haven't fired me yet.

And now that I've sucked up to all the bosses, I'll thank all my other colleagues at *The New Mexican*.

And I have to thank the New Mexico Public Regulation Commission, without which I probably wouldn't be up here today. Had the PRC not accidentally given me a bunch of confidential documents in a routine [Inspection of Public Records Act] request — and then sued *The New Mexican* in a wrong-headed and unsuccessful effort to try to get those documents back, I'm pretty sure I wouldn't have been nominated for this distinguished award.

Come to think of it, I probably should thank the *New Mexican's* lawyer, Victor Marshall, as well.

Truthfully, all I really did with that PRC story was to help facilitate some accidental government transparency.

Ask Mitt Romney. Ask Debbie Wasserman Schultz. Ask Susana Martinez. Accidental transparency is everywhere.

We're living in an era where a large percentage of us walk around every day with a voice recorder and a video camera in our pocket. So you never know when your

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staff might be recorded trash-talking legislators — or bragging about getting around public records requests and getting out of speeding tickets. You never know when your email might be hacked by a disgruntled campaign manager.

Or, like this case with the PRC, you get stung after someone forgets to take out the interesting emails from a reporter’s public records request.

Sometimes accidental transparency is the best we can do when a government decides its best communication policy is to spin and to stonewall. Despite the best efforts of FOG and all the fine reporters we have in this state, despite some good-intentioned government initiatives like the Sunshine Portal, I sincerely believe that government transparency in New Mexico is in worse shape than it was nearly 17 years ago when I first started covering state government.

I remember back in 2001 getting a call from Gov. Gary Johnson’s chief of staff calling me to apologize because he wouldn’t be able to get me a huge amount of correspondence I’d requested for two more days. Two more days!

But that would soon change. In the past two administrations, state agencies routinely take the full 15 days to fulfill a simple request. And that’s only when they don’t declare requests to be “overly broad and burdensome” so they can take longer, sometime months longer to give you the documents you want. And all too often [Inspection of Public Records Act] requests come back incomplete.

Even getting simple responses from the Governor’s Office is insanely difficult these days. Usually all you get is an email statement — hours after you make a request — that sounds as if it’s written by a campaign consultant. Often the actual question is not answered and follow-up questions are almost always unanswered. And sometimes, they just ignore requests for comments if they don’t like the topic.

A friend of mine recently joked that one way to solve the state’s budget crisis would be to do away with all the so-called public information officers at the Governor’s Office and the various state agencies. Some of these guys make more than \$80,000 a year.

In reality, the savings from deleting all these positions would only make a small dent in this current budget situation.

But every little bit helps.

Thank you. This really is an honor.

Contact Steve Terrell at 505-986-3037 or sterrell@sfnewmexican.com. Read his political blog at tinyurl.com/roundhouseroundup.

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