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Public Notices Have to be Credible

by Tom Larimer

09:17 AM, Friday, March 01 2013 | 1403 views |  4   

A series of bills was filed in the Arkansas legislature that have the potential to create a layer of government secrecy the likes of which we have not seen since the Freedom of Information Act (FOIA) became law in the mid-1960s.

The bills, filed by Rep. Kim Hammer (R-Benton), would remove publication of public notices from Arkansas newspapers and allow them to be "published" on a government website operated by the Secretary of State. Proponents of the bill suggest this would result in considerable savings to state government.

The price the general public in Arkansas would pay would far exceed any savings that may or may not result if these bills become law in Arkansas.

Public notices are government's way of letting citizens know what their government is up to. They may include bond sales, foreclosures, sale of lands, advertisement for bids for state contracts ... any number of things that state government does. It's the sort of information that citizens need to know. That's why the law has for many years required the publication in local newspapers around the state.

The proposed change would move those notices to a government website to be operated by the Arkansas Secretary of State. No doubt another layer of bureaucracy, another department of state government would be needed to tend to the myriad public notices that would have to be posted.

The problem here is that a very large portion of the Arkansas population will have no access to this information. Estimates are that a million people in Arkansas do not have access to the Internet. This segment of our population would just be disenfranchised if this notion becomes law.

The proposal would remove the elderly, the poor and minority groups, of which we have plenty, especially from access to this vital public information. They just don't have computers, are not tech savvy, and have no Internet connectivity even if they could afford it.

What are we to tell these Arkansas citizens? What this proposal tells them is that the business of state government is really none of theirs.

Public notices have to be credible, they have to be independent, meaning not posted on a government website, and they have to be archiveable. That means that public notices need to be there for all time, so that we can prove and verify what government is doing what it is supposed to do and if it is meeting its legal obligation to keep the public informed.

Technology has come a long way, but even the Internet cannot provide a permanent and inviolable archive.

Public notices are the genesis for newspapers in the early days of this great country. Newspapers have served as a dependable, accurate and easily archived vehicle for publication of these notices for at least a couple of centuries. That's because nobody has ever come up with a better means of keeping the public informed what its government is doing.

In our view, they still haven't.

April 12, 2013

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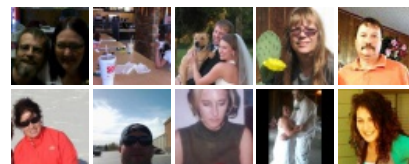
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