The Illusion of Accountability
by Justin H. Kirkland, Jeffrey J. Harden

State Capitol Building, now.

Wait!

Isn't this the committee meeting on the fracking bill?

It is, but we can't go in there.

The open meetings requirement ended this year.

I wanted to see if my representative was really fighting these gas companies.

They decided it was too hard to negotiate if we knew everything they said.

We should get to know what they're talking about!

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Politicians don't see it that way.

I was planning to write a story about it.

You can still watch the floor votes from the gallery.

But that just tells me their final choices! I want to know what my representative said during the negotiations.

That seems unfair to the voters.

It's supposed to make compromise easier.

He wants to tell you about that later, in a press release.

And he wouldn't be the first politician to spin the story.

And has it?

Not really. It's the same partisan politics.
THE U.S. CONSTITUTIONAL CONVENTION, PHILADELPHIA: 1787.

Nothing spoken will be printed, or otherwise published.

A necessary precaution to prevent misrepresentation or mistakes.

I think the public never ought to see anything but the final report.

The legislatures in colonial America usually met in secret.

And the delegates to the Constitutional Convention took drastic measures to maintain secrecy.

They wanted the freedom to change their minds on issues.

You'd think people would be upset by all this secrecy.

Oh, they were.

Patrick Henry was a major opponent of the Constitution and its secrecy.

He even denounced the plans for Congress for failing to give the public access.

"The liberties of a people never were, nor ever will be, secure, when transactions of their rulers may be concealed from them."

Did that change anything?

Well, the state ratifying conventions were public.

And slowly over time, state governments began to experiment with transparency.

Eventually they required a supermajority vote, which improved transparency.

What about other states?

Transparency wasn't a priority for a long time. It turns out, they needed a little push.

The first state constitutions of Illinois and Ohio required open legislatures.

But members could easily suspend this rule with a simple majority vote.

Illinois State Capitol, 1820.

Newspaper editors wanted more access to government meetings.

Who’s your source for that quote?

A high-ranking staffer, but it’s off the record again.

I am tired of relying on these anonymous sources!

Isn’t the government required to make their meetings open?

Not Congress, maybe a few state governments.

We need to learn more!

They hired a journalism professor and lawyer, Harold Cross, to study access to government.

He published a book, which helped start a movement toward transparency across the United States, including open meetings laws.

Why would the government bend to the will of newspaper editors?

They were good at arguing that a democratic government should be available to the people.

The legislation that states passed emphasized citizen control of their government’s through open information.

Unfortunately, legislators’ decisions and choices didn’t really change.

It feels like a big illusion.

Open Meetings Act.

An act to require certain meetings to require notice and the keeping of minutes to provide for invalidation of governmental action if provided. It provides penalties and appeal certain.
A FEW YEARS AGO.

This is a committee meeting on a housing development bill from several sessions back.

There I am in the corner.

You look severely under dressed.

Everyone in a suit is a lobbyist, each representing various parts of the construction industry.

So not enough of us actually show up to influence our representatives.

Transparency sounds good in theory, but people have to do their part to make it work.

Otherwise, lobbyists just have an easier time getting the access they want when meetings are public.

Now.

Well, these representatives could advertise open meetings better.

Perhaps, but until more people are interested, reporters will be the main source of information about what's happening here.

I just got stopped at the door.

I have to find another way to figure out what they are talking about in there.

Looks like he had the same idea as us.

Yeah, but you probably wouldn't want him in that room; he's a lobbyist for the oil and gas industry.