



Holding the powerful accountable

By Dean Nelson

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Sometimes, a little intimidation is what we need around here.

Recently, two San Diego Union-Tribune journalists were accused of using intimidating and aggressive tactics with San Diego city employees in an effort to look at documents that the city was legally obligated to provide them. The journalists had made their requests by phone for days, but those requests were ignored. So they did what any good reporters would do. They went to the site in person – in this case it was City Hall.

The journalists say they were told the documents they were looking for were in boxes stacked in front of them, and a city employee told them how they could find what they wanted. Meanwhile, other city staffers made frantic calls to the City Attorney's Office to see if, in fact, they were legally obligated to comply with the reporters' requests. No one at the City Attorney's Office could answer the question. The journalists showed staffers the California Public Records Act requiring that the documents be turned over. A representative from the Mayor's Office showed up. Apparently voices were raised. The journalists were actually raising their voices at city staff members and holding them accountable.

It's about time.

In an economic climate where news organizations are shedding their experienced, thick-skinned reporters faster than the auto industry is dropping dealerships, and replacing them with younger, cheaper and more passive recruits, or aren't replacing them at all, it's not just the news organizations that shrink – it's also the public's ability to see how it is being governed and how its tax dollars are being spent. For all of their flaws, local news organizations keep us informed about the centers of power, and keeping the public informed is how we keep powerful people held to some semblance of accountability.

The online news site, VoiceOfSanDiego.org, had similar issues with the city and its refusal to turn over documents it was legally obligated to share. In this case it was e-mails that revealed how the city was conducting its business. Once again, the city stalled, ignored and refused. But instead of sending reporters to City Hall to yell, Voice threatened the city with a lawsuit. Once a lawyer got involved (which is more civilized yelling, I suppose) the city turned over its documents with this explanation regarding its earlier refusal: "Mistakes were made."

My own experience is similar. Two years ago, I was writing a story for San Diego Magazine on who was really running this city. The City Attorney's Office was quite forthcoming. So were City Council members. So was the district attorney. But not the Mayor's Office. Even Steve Francis, who was considering running for mayor at the time, returned my call from Moscow. It took two months of

wrangling with Mayor Jerry Sanders' handlers (and a lot of yelling), and a chance encounter on an elevator with a city insider, before I got my audience.

Secrecy in a democracy should wave red flags to its constituents. But what if no one knows government is operating secretly? Who is going to hold government accountable?

It is possible that voters don't care about whether their city officials are living up to their obligations of fidelity and transparency, and whether voters' voices as participants in democracy are heard. Celebrity deaths are infinitely more interesting than whether city officials are operating legally and setting our course properly for the future. But they should care, and that's where the yelling comes in.

It doesn't seem very San-Diegish to advocate yelling. People here hardly honk their car horns. Transplants from other major cities marvel at how passive we seem to be in traffic and at City Hall.

But powerful institutions – in this case, city officials – want to operate in secret. That's how they stay in power. The public wants to make sure they are being honest and accountable. That's how we ensure democracy. The news media – ever shrinking, increasingly afraid of alienating their relationships with the powerful, with their advertisers and with their readers – are the ones who are supposed to tell us about it. An adversarial relationship between the powerful and the news media is normal. But we're just not used to it, and are maybe even a little frightened by it.

There is no question that news organizations have not kept up with the changing economy, so they're pretty distracted these days as they try to find a workable business model as readers, viewers and advertisers change their habits. News organizations got used to high profits and thought they could live that way forever.

But they have made an even more fundamental mistake, in my view. They stopped yelling. They stopped holding the powerful accountable. The watchdog became the lapdog. These economic down times call for more investigative reporting, not less. More accountability, not less. More compliance with open meetings laws, not less. More documents released for public scrutiny, not fewer.

More yelling.

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