

OPINION

DAILY MESSENGER

Editorial Board

Rick Emanuel President and Publisher
 Sean McCrory Executive Editor
 L. David Wheeler Copy Editor
 Jennifer Reed Digital Publishing Editor
 Mike Murphy Local Editor

OUR VIEW

Cheers and jeers

A CHEER ... to the Canandaigua City Police Department, which responded quickly and thoroughly Wednesday to an alleged threat made by a Canandaigua Academy student against the school. School officials notified parents and were available by phone to answer questions, as were police. After interviewing students and parents, police said they believe the student had no intent of carrying out the threat or of doing any harm at the school, and there was no evidence of any planning or any mechanism to carry out the threat. Additional officers were present at all city schools on Thursday as a precautionary measure, to reassure anxious students and parents.

A JEER ... to the Ontario County village clerk who refused to provide election results Tuesday night to the Daily Messenger by phone or email. She grudgingly revealed the general outcome of her village's contested race by phone but withheld specific numbers because it had "been a long day." Full results were emailed on Wednesday. Public servants are appointed or elected to do what their title implies — serve the public. And Sunshine Week, which spotlights the importance of open government and the dangers of excessive and unnecessary secrecy, was not the wisest time to delay the release of election information.

A CHEER ... to former Farmington resident Mark Reusow, who has organized a petition for a traffic safety device to be installed at the intersection of County Road 28 and Country Road 41. It's the site of a recent three-car fatal crash and many others in recent years. The petition has amassed 1,551 signatures as of Tuesday. Those wishing to add their name may do so at www.change.org.

A CHEER ... to U.S. Reps. Louise M. Slaughter, D-N.Y., and John J. Duncan, R-Tenn., who this week introduced the bipartisan Political Intelligence Transparency Act. This legislation would bring transparency to the political intelligence industry, which generates \$400 million in annual profits by gleaning information from the halls of government and selling it to Wall Street to inform investment decisions. It would expand the 2012 Stop Trading On Congressional Knowledge (STOCK) Act and subject those who engage in political intelligence to the same regulations and requirements as lobbyists. Every day, political intelligence firms help hedge funds and Wall Street investors profit from information not available to the public that is gathered from government sources. These firms have no oversight and can freely pass along information for investment purposes. The Political Intelligence Transparency Act would require political intelligence firms to register with the House and Senate under the Lobbying Disclosure Act and include revolving door restrictions for members of Congress, executive branch officials and their staff and employees.

A JEER ... to government agencies who either are ignorant of or have no respect for the state's Freedom of Information Law and its provisions regarding the timely delivery of public records. Any information regarding the performance, fiscal responsibility or integrity of a government agency should be considered inherently public and made available quickly upon request. Throwing up contrived roadblocks or delays is an abuse of power and runs counter to the FOIL's presumption of transparency. Sunshine Week has shown us all the importance of a free and open society and demands that each of us insist upon the rights we have been bestowed.

STAY CONNECTED

By writing, tweeting, commenting and staying informed on the issues that matter in your community.

For consideration, letters must be original, no more than 200 words and include a phone number for verification. Guest essays should be no more than 500 words. All submissions may be edited for clarity, length, taste and libel. Send them to letters@messengerpostmedia.com

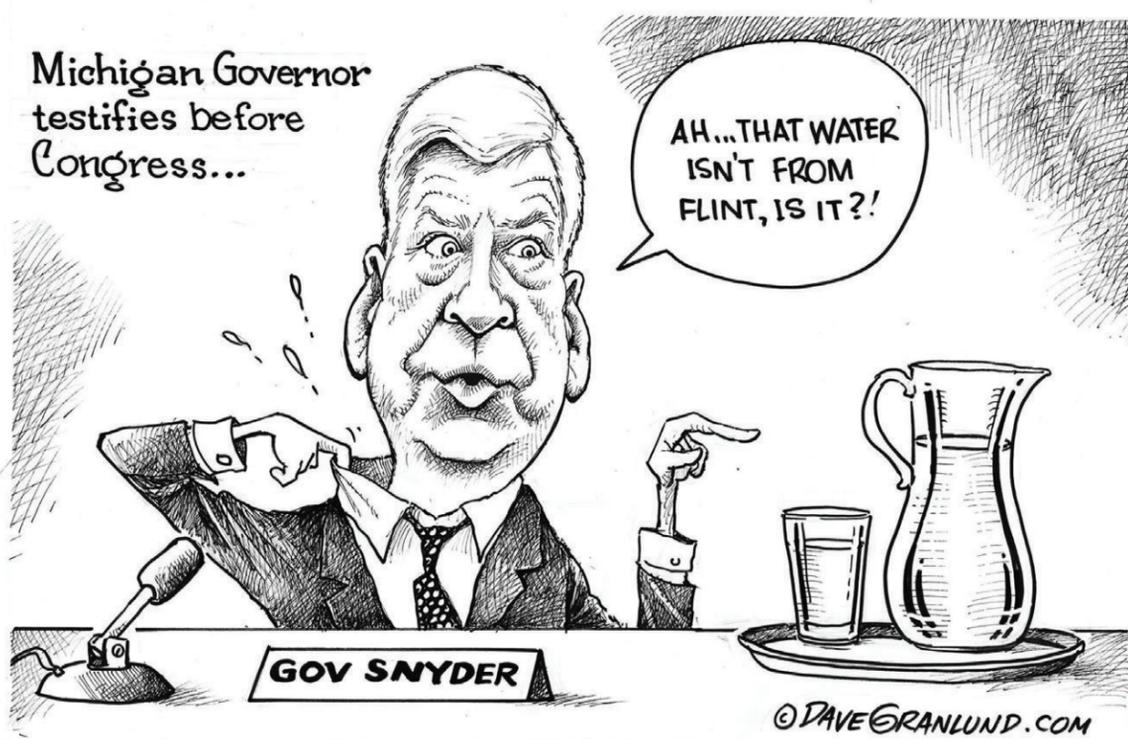
Comment on opinion content, read more letters to the editor and submit your essays at MPNnow.com.

To comment on our editorials, cartoons and guest essays like our Facebook page at Facebook.com/MessengerPostMedia.

Follow @MPN_Opinion for tweets from our opinion page editors and contributors.

ANOTHER VIEW

Michigan Governor testifies before Congress...



COMMENTARY

Commander in chief?

Five presidential candidates are still vying for their parties' nominations. Not a single one of them has served in the armed forces. They know nothing about what it means and feels like to wear the uniform, lose one's individuality, carry a field pack, tromp around in combat boots, eat bad food, live a Spartan existence within, what in America, comes closest to a totalitarian society or experience the horrors of war. Hillary Clinton has an excuse. She is a woman and, until very recently, society did not contemplate that women experience these hardships.

But the male candidates have no excuse. And the one among them who has the least justification for avoiding any military obligation is Donald Trump. He was, given his age and year of college graduation, by far the most in "jeopardy" of having to serve. But despite being perfectly eligible and having



RICHARD HERMANN

graduated in the peak year of the Vietnam Era draft, he secured a draft exemption due to a minor, insignificant and temporary deformity: an alleged tiny bone spur in his foot. For most people, bone spurs are asymptomatic. Trump likely fell into this category, given that he had no problem playing football and basketball while in school at his military academy. A draft physical he took two years before he graduated from college found no such condition, and designated him 1-A, that is, draft-eligible. But given his student deferment, he did not need an excuse then.

Bone spurs are, and were then, an easily treatable condition. I ran into many

soldiers who had them and were still able to perform all of their assigned duties, and even play organized sports. During two draft physicals, I encountered hundreds of young men with conditions far worse than a little bone spur, who passed their physicals.

Consequently, the only conclusion to be drawn from Trump's ability to avoid military service is that someone intervened on his behalf. Perhaps his very wealthy, extremely well-connected father?

Despite his utter cluelessness about the military, and lack of any desire to experience its joys, Trump and his rivals, Ted Cruz and former candidate Marco Rubio, talk a blustery game about punishing our enemies and torturing people and display their eagerness to send American troops off to war. They chomp at the bit to prove how tough they are, notwithstanding that they weren't tough or patriotic enough to step up to the plate and serve

their country in the most manifest way possible.

The chicken hawks who blundered into Vietnam and Iraq, sending off America's youth to die and become maimed in unnecessary, tragic military interventions, which served no conceivable purpose, should be a lesson to Trump. Voters need to add in his dangerous military hypocrisy, along with his countless insults, racist rants, lack of compassion, outsized ego and channeling of the Nazi political strategy of the 1920s and 1930s, and what this might portend when they go to the polls.

Trump is going to be a finalist to become our commander in chief. Think very carefully about whether you really want to entrust your sons and daughters to his lesser angels.

— Canandaigua Academy graduate Richard Hermann is a law professor, legal blogger, author of seven books and part-time resident of the Finger Lakes.

GUEST ESSAY

Ten commandments for open meetings

"I think heroic deeds were all conceived in the open air."

The quote is from Walt Whitman's "Song of the Open Road" — a cheerful 1856 tribute to freedom and the great outdoors.

Hopefully, Mr. Whitman would have approved use of his prose to promote open, well-aired government. It's unlikely the great poet favored government secrecy and closed-door meetings. He also wrote, "Out of the dark confinement, out from behind the screen!"

For today's purposes, Whitman's "screen" represents the executive session — a self-important term for a classic oxymoron: closed public meeting.

Too many elected boards seek every opportunity to meet out of sight of the public they serve. Some schedule executive sessions as a regular agenda item. Some hold up to three executive sessions in a single meeting. Some have executive sessions that last longer than the open portion of their meeting.

In most cases, executive sessions do not violate open meeting laws. The



Sunshine Week

closed-door discussions are often suggested or encouraged by an elected board's legal counsel.

But legality and necessity are two different things.

Consider the following list our Fourth Estate counsel to county commissions, city councils and school boards everywhere on executive sessions and general government openness. Citizens should hold their elected officials to the standards below. These are Ten Commandments for Open Meetings:

ONE: Do not gather as a quorum outside of regular meetings, and do not hold special meetings without giving at least 24 hours' public notice.

TWO: Do not habitually add last-minute items to the agenda, and do not act on anything not listed on the posted agenda.

THREE: Do not abuse the litigation excuse for executive sessions to speculate about possible or imagined lawsuits.

FOUR: Do not stretch the personnel excuse



BRIAN J. HUNHOFF

for executive sessions to discuss policy issues. Example: Creating a new position or changing a department's job descriptions are policy decisions and not appropriate topics for a closed meeting.

FIVE: Do not dial up the "negotiations" excuse to suddenly exclude the public from discussion of controversial issues that were previously aired thoroughly in open session.

SIX: Do not allow executive session conversations to stray to other topics.

SEVEN: Do not violate the spirit of the open meeting law with frequent phone, email or text dialogues with other members. Reach consensus at the meeting.

EIGHT: Do not make a habit of whispering or passing notes at meetings. You were elected to speak for us. Tell what you have to say out loud and proud!

NINE: Allow public input

at every meeting. Include it on every agenda.

TEN: Be as transparent as possible. Do not hold executive sessions simply because counsel advised it is "legal" to do so. Ask yourself: "Is it absolutely critical we discuss this privately?"

That should be the standard because legality and necessity are two different things.

We appreciate our local commissioners and board members. They serve for minimal compensation. They make tough decisions. They sometimes lose friends and make enemies. Their dedication to community is admirable.

We simply ask elected officials to think twice before kicking the public out of public meetings.

Strive for fewer. Less is more. A closed meeting should be a rare occasion, not a habit.

— Brian Hunhoff writes for the Yankton County Observer in Yankton, South Dakota. His editorials about open government won the 2015 Freedom of Information award from the National Newspaper Association.