

EDITORIAL

FOIA reform needed as 50th anniversary approaches

A pair of Freedom of Information Act reform bills that could potentially be signed by the president would help ensure that government discloses information the way lawmakers intended when it enacted the law 50 years ago on July 4.

These reform bills are never more timely than during Sunshine Week, March 13-19. This national initiative promotes dialogue about the importance of open government and freedom of information.

The Sunshine in Government Initiative, a coalition of newspaper, media and journalist organizations that promotes government transparency, sent a letter this week to every U.S. senator urging support for FOIA legislation.

The bills address several persistent problems that FOIA requesters face. Federal agencies would be required to make public records available for inspection electronically, including those that have been requested at least three times. They would be prohibited from charging a fee for providing records if they miss a deadline to comply with a FOIA request.

The first bill, S.337, the FOIA Improvement Act of 2015, sponsored by Sen. John Cornyn, R-Texas, and co-sponsored by Sen. Deb Fischer, R-Nebr., passed the Senate Judiciary Committee and awaits a floor vote. If the other bill, HR 653, the FOIA Oversight and Implementation Act of 2016, passes in the Senate, House and Senate negotiators will have to work out differences before sending the bill to the president.

Nebraska should be commended for consistently ranking in high in the U.S. — and usually on top in the Midwest — for freedom of information access.

The Better Government Association's BGA-Alpher Services Integrity Index ranked Nebraska No. 4 in its Final Integrity Index, which is a total of other rankings that break down information access by state.

Nebraska ranked No. 3 in FOIA rankings for performing well in response



time and in electronic format of data requested. All of the top 10 states had a response time of five days or less.

Nebraska ranked No. 9 in open meetings. States in the top 10 better address public information related to special and emergency meetings better than other states.

There is still work to be done in Nebraska, however. It ranked No. 17 on conflict of interest laws, which measures how states require financial disclosure, and No. 20 on whistleblower protection laws, for penalties for employees who knowingly and falsely claim they experienced retaliatory action.

FOIA has helped uncovered corruption in ways that might otherwise have been impossible.

In 2010, Union Pacific Railroad Company filed a complaint against the U.S. Environmental Protection Agency under the FOIA after UP discovered that the EPA had intentionally destroyed information that UP requested under FOIA regarding concerns about lead contamination at the Omaha Lead Superfund (OLS) Site. Records showed that for several years, EPA employees were instructed to destroy emails to avoid FOIA requests for OLS records. EPA agreed to pay \$25 million.

The 2015 film "Spotlight," winner of the Academy Award for Best Picture, follows The Boston Globe's "Spotlight" investigative team of journalists and their landmark discovery of widespread child sex abuse by numerous Roman Catholic priests in the Boston area.

Freedom of information access will always be a work in progress at the local, state and federal levels. But with initiatives like Sunshine Week and persistent use of FOIA requests to urge disclosure of information, the public will not be left in the dark about its government.

EDITORIALS represent the opinion of Enterprise Publishing. Contact Publisher Mark Rhoades at mrhoades@enterprisepub.com, Associate Publisher Chris Rhoades at crhoades@enterprisepub.com or Managing Editor Katie Rohman at editor@enterprisepub.com. Call them at 402-426-2121 with comments or questions.

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— The First Amendment to the U.S. Constitution



Should schools restrict restrooms by biological gender?

South Dakota Gov. Dennis Daugaard recently vetoed a controversial "transgender bathroom bill" that would restrict access to certain restrooms and locker rooms at public schools to students of the same biological gender. Supporters of the bill argue that it protects children, while opponents claim it endangers the mental health of transgender students and could hold schools liable.

Associate Publisher Chris Rhoades and Managing Editor Katie Rohman debate.

Use the restroom for the gender you were born with

People who are male should use the men's restrooms and locker rooms in schools and other public areas. People who are female should use the women's. For me, this really isn't even a discussion. To open the door to allowing individuals to use a locker room based on the gender they "identify with" is simply not a good idea.

My daughter has a saying that "everyone's different" that she loves to use when she's acting goofy, funny or doing something out of the ordinary. And, she's right. We are all different. And, those differences should be celebrated. Whether you choose to be gay or straight, Lutheran or Catholic, Hawkeye fan or Husker fan, Democrat or Republican, you should have every right to be who you want to be. However, fortunately or unfortunately, your gender is not a choice.

There are two genders in this world, and there's obviously physical and chromosomal differences between the two. This is why we have separate locker rooms and restrooms. If a male chooses to "identify" as a female, that's fine. Good for him, and that's his choice. But, the physical makeup of his body says otherwise. So, at least for the sake of public places, someone in this situation should have to use the men's restroom or locker room.

I do believe that there should be laws in place to make sure this happens. The last thing I want is my daughter to be in high school someday, showering next to a guy who is "identifying as a girl." Whether he truly is, or it's his perverted attempt to find his way into a girls' locker room, I don't want my daughter in that situation.

Let's encourage and celebrate our differences. But, it's OK to embrace things that we cannot choose, and cannot change, as well.



Chris Rhoades

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Government should stay out of the restroom

Gov. Dennis Daugaard should be applauded for axing this discriminatory bill that promotes unsubstantiated fear and ignorance in South Dakota public schools.

This legislation would have required that every restroom and locker room in all public schools be "designated for and used by students of the same biological sex." The "biological sex" wording is important — that means that transgender students would have to be provided a single-occupancy restroom, unisex restroom or other designated use.

This bill addresses a nonexistent issue. There is no reason to "protect" children. **Katie Rohman**

The legislation also establishes another unnecessary state mandate. School districts should have the authority to determine what works best for their students.

In 2015, the nonprofit research center Media Matters contacted the largest school districts in 12 states with gender identity protections. No documented incidents were reported of students' safety or privacy being at risk. This includes Des Moines Public Schools and Sioux City Community School District in Iowa, which banned discrimination in public schools in 2007. Neither district reported harassment, bullying or inappropriate behavior due to transgendered students having access to facilities.

By implementing discriminatory laws like this one, we are promoting harassment and sexualizing facilities like restrooms and locker rooms. The more we "protect" children, the more we promote ignorance and discrimination.

Also, it's sad that in 2016 we still have to argue that yes, identifying as a transgender person is not "imaginary." That's right up there with denying that a man landed on the moon or that climate change doesn't exist.

When 42 percent of transgender women and 46 percent of transgender men (American Foundation for Suicide Prevention, 2014) have reportedly attempted suicide at least once, wouldn't that raise the question as to why some people identify themselves that way? For transgender people, the sex they were assigned at birth and their internal gender identity don't match. Trying to change a transgender person isn't going to be any more successful than trying to change a person's sexual orientation.

The bottom line is that transgender people shouldn't be treated any differently than anyone else in the restroom and locker room, where you really should, quite honestly, be minding your own business.

KATIE ROHMAN is managing editor of The Enterprise, Pilot-Tribune and Arlington Citizen. She may be reached at 426-2121 or editor@enterprisepub.com.

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