



New England First Amendment Coalition

The NEFAC Report

New England's monthly right-to-know dispatch

Prepared by the [New England First Amendment Coalition](#) in partnership with the First Amendment Center at Northeastern University

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The monthly *NEFAC Report* monitors print and online coverage of public access issues in the six-state region. Visit our revamped [Website](#) for the NEFAC blog, media updates from around New England, guides to the states' right-to-know laws, legal contacts and more.

Got something to say? Contribute to the NEFAC blog and keep the right-to-know conversation going. Send your 300-word entry to blog monitor Laura Crimaldi at Crimaldi@hotmail.com

New England's take on WikiLeaks

WikiLeaks told us things we ought to know

Count this writer among those who respect WikiLeaks' current activities. The whistleblower role in our society has a long tradition and reminds us that much of what government does in our name, especially in foreign endeavors, is not transparent. We live in a country of state secrets.

Many of the revelations are pedestrian, and cries about putting people, especially soldiers, in harm's way are predictable officialdom attempts to alarm us and predispose opinion toward condemnation.

State secrecy always manipulates patriotism.

Thanks to WikiLeaks, we have some exposure to information that we as citizens ought to know to determine our level of support for our government's activities. Whatever is done by our government is undertaken in our name. We supply the blood and treasure. [Read more](#)

- Bruce Bourgoine, Kennebec Journal, Augusta, Maine

12/11/10

Don't want leaks? Guard the secrets

Yesterday's New York Times revealed some remarkable things about how the world works. One story reported that the U.S. government knew that the Ukrainian freighter captured by Somali pirates in 2008 was carrying tanks destined for the guerilla army fighting Sudan's government. Another documented the acrimonious diplomatic conversations between the U.S. and China over the awarding of a Nobel Peace Prize to a jailed pro-democracy dissident.

A third story detailed the threats and negotiations resulting from the CIA's imprisonment in Afghanistan of a German citizen mistaken for a terrorist. And the paper's lead editorial reported that Saudi Arabia, Qatar and Kuwait appeared to be taking steps to stem the flow of money to terrorist groups from private charities but in reality were looking the other way.

Those stories had one thing in common. All relied on information made available by WikiLeaks.org, a nebulous organization devoted to government transparency. [Read more](#)

- Concord (NH) Monitor

12/10/10

'When everything is classified, then nothing is classified'

Organizations such as WikiLeaks believe that many things need to be aired out while others believe there are things that are best left kept shrouded in secrecy.

That debate has gone on since the days of Sparta vs. Athens and will continue long into the future. But what is certain is that the information age has made keeping secrets problematic. When hundreds of thousands of people have access to classified documents, as in the United States, it's only inevitable that they will find their way into the public domain.

We think people should pause and reflect on something written by Supreme Court Justice Potter Stewart during the Pentagon Paper's debacle, which revealed the United States had basically lied its way into the Vietnam War.

"When everything is classified, then nothing is classified," he wrote.

This points to a greater problem -- that there is just too much secrecy in our government. [Read more](#)

- Brattleboro (Vt.) Reformer

12/10/10

Everything you need to know about WikiLeaks

Wikileaks is a self-described "not-for-profit media organization," launched in 2006 for the purposes of disseminating original documents from anonymous sources and leakers. Its website says: "Wikileaks will accept restricted or censored material of political, ethical, diplomatic or historical significance. We do not accept rumor, opinion, other kinds of first hand accounts or material that is publicly available elsewhere."

More-detailed information about the history of the organization can be found on Wikipedia (with all the caveats that apply to a rapidly changing Wiki topic). Wikipedia incidentally has nothing to do with Wikileaks-both share the word "Wiki" in the title, but they're not affiliated.

Julian Assange is an Australian citizen who is said to have served as the editor-in-chief and spokesperson for Wikileaks since its founding in 2006. Before that, he was described as an advisor. Sometimes he is cited as its founder. The media and popular imagination currently equate him with Wikileaks itself, with uncertain accuracy. [Read more](#)

- MIT Technology Review

12/8/10

Assange should be Time's 'Man of the Year'

With the year coming to a close, perhaps the world's most well-known look back at the past 12 months is in its selection phase.

The 25 candidates for TIME Magazine's "2010 Person of the Year" are currently listed on the magazine's website. Readers are invited to run through the candidates and rank their influence, though the website notes that "TIME's editors who choose the actual Person of the Year reserve the right to disagree."

This year, let's hope that they don't. Because, as of Dec. 6, the logical choice for the award was leading the way.

Julian Assange should be TIME Magazine's 2010 Person of the Year.

Controversy frequently surrounds the selection process, and Assange's current spot at the top of the list angers many. It is safe to say the entire federal government is against it.

What people don't understand is that the magazine's designation isn't an award or seal of approval. Adolf Hitler won in 1938, and Joseph Stalin won in 1939 and 1942, to name a couple. Rather, the award seeks to profile a figure that "for better or for worse, ... has done the most to influence the events of the year."

[Read more](#)

- The New Hampshire, University of New Hampshire, Durham

12/6/10

How much damage, or good, will come from leaks?

It is impossible to sit here in Northwest Connecticut and decide with any certainty how much damage - or good - maverick informant Julian Assange will do with his WikiLeaks Internet platform.

Mr. Assange, who describes himself as "very cynical" and who from his youthful days as a teen-age hacker has had trouble comprehending the idea of privacy, seems to have a burning zeal to reveal to the public the corruption, backroom bargaining and hypocrisy in the international doings of the world.

He puts no international borders on his crusade, but, as a power broker in the world, the United States is a major target of his endeavors, with a promised 250,000 State Department documents to be leaked in increments in the coming months. He has reportedly promised to vet the materials he will put out to ensure that no individuals in war-torn countries are put in danger of retribution, thereby making himself the arbiter of what can be told and what cannot-rather a god-like position for a "journalist" responsible to no one but himself. [Read more](#)

Kathryn Broughton, Housatonic (Conn.) Times
12/13/10

One wonders whose payroll Assange is on

WikiLeaks has distributed more secret U.S. documents, this time 251,287 diplomatic cables, mostly between American embassies and State Department headquarters.

Unlike many past sporadic leaks of diplomatic traffic, this time U.S. diplomatic officials have had to alert foreign officials around the globe to potentially embarrassing revelations. There is a cost to pay when policies everyone thinks they know about in theory are confirmed as fact. Exposing the sausage of diplomacy - that diplomats are paid to spy and sometimes lie for their countries - can undermine diplomacy's effectiveness.

Now, foreign officials will be that much less likely to talk frankly with U.S. diplomats, and the quality and quantity of information needed to make sound foreign policy will decline, at least for a while.

One wonders if Julian Assange, the virulently anti-American Australian who runs WikiLeaks (and who is wanted in Sweden in sexual-assault cases) is on the payroll of the Iranians, the North Koreans or the Chinese. Or all of them. [Read more](#)

- Providence (RI) Journal
12/3/10

Diplomatic embarrassment, but leaks don't live up to hype

The long-dead German chancellor Otto von Bismarck is credited with uttering the truism, "Laws are like sausages. It is better not to see them being made."

He may well have added foreign policy to that list.

The brouhaha over the release of U.S. Embassy cables via WikiLeaks has set off a furor, at least within our own government. Diplomats have been scurrying here and there, seeking to apologize for what is contained in these documents. The White House has warned that national security has been placed in peril. WikiLeaks founder Julian Assange is being hunted worldwide for sexual assault charges, which he claims are trumped up, and might face espionage charges.

Thus far, less than one percent of the 250,000 cables has been released. At this rate, it will be months before this slow procession comes to a halt. [Read more](#)

- Daily News, Newburyport, Mass.
12/3/10

WikiLeaks needs to clarify mass of disclosed material

"The truth will set you free. But first, it will piss you off," Gloria Steinem once said.

In this age of the worldwide web, where essentially everyone has access to practically everything, the truth will also confuse you to no end.

In such an environment, WikiLeaks - a non-profit organization that publishes previously unavailable administrative information provided by anonymous sources and leaks - emerges as a pivotal revelation resource, distributing unabridged documentation on governmental activities to every pair of eyes willing to take a gander.

Simply put, if there is administrative dirty laundry to be found, no matter how slight the stains, WikiLeaks is there to find it and display it on the expansive clothesline that is the internet.

While holding world leaders and organizations accountable for their actions is indeed a valiant cause, the bare-all mentality that WikiLeaks boldly follows leaves too little to the imagination. [Read more](#)

*- The Maine Campus, University of Maine, Orono
12/2/10*

WikiLeaks and limits on the right to know

International furor over the leak of some 250,000 diplomatic cables from 274 embassies around the world shows the danger of creating "uber" government databases of information. Whether the content of those databases consists of diplomatic cables or the email exchanges of ordinary Americans, the danger of the public release of private information is real and should concern us all.

The WikiLeaks incident also raises questions about excessive government secrecy. Of course, such secrecy generally is designed to hide what our government does and knows from the American people. Examples from the latest WikiLeaks trove include U.S. bomb strikes in Yemen, U.S. knowledge that the overthrow of the elected leader of Honduras was illegal, and U.S. collection of biometric information on foreign officials and U.N. diplomats. I doubt the content of these memos came as surprise to anyone except the U.S. public.

Still, it is embarrassing for anyone - diplomat or otherwise - to have information intended to be kept private suddenly made public. But just as U.S. diplomats need a realm of privacy in which to operate effectively, the average American needs a realm of privacy in which to live and operate without government surveillance.

[Read more](#)

*- Carol Rose, Boston.com
12/1/10*

Why did US make security breach easy?

The first batch of diplomatic documents released by the website WikiLeaks will no doubt embarrass various governments and leaders - most prominently, the United States and Barack Obama. But the world can probably handle the news that US diplomats consider French President Nicolas Sarkozy to be arrogant, or German Chancellor Angela Merkel to be risk-averse.

There will be potentially more serious implications for those informants whose names are not deleted - among them dissidents, human rights defenders, and journalists who helped provide information to the State Department. Some may now face arrest or even assassination. Governments, such as that of Yemen, that are secretly cooperating with the United States could face backlashes at home, and all American diplomats could be damaged by the revelation that some are gathering confidential information about the people they meet.

All in all, the WikiLeaks documents represent a serious breach of security. The Obama administration is right to condemn WikiLeaks, but it should also accept some blame itself. [Read more](#)

*- The Boston Globe
11/30/10*

Yale Law joins suit for info on military sex harrassment

The Law School's Veterans Legal Services Clinic will be representing plaintiffs in a suit filed this morning against the federal government.

The Service Women's Action Network, American Civil Liberties Union (ACLU) and ACLU of Connecticut have filed a lawsuit against the Department of Defense and the Department of Veterans Affairs. They allege the departments have failed to provide "government records documenting incidents of rape, sexual assault and sexual harassment in the military" in violation of the Freedom of Information Act, according to a press release from the ACLU and the text of the suit filed today.

The Veterans Legal Services Clinic, one of the parties representing the plaintiffs in the lawsuit, was created this semester to provide legal help to veterans. Yale's is the only law school in New England with a program that specifically serves veterans. [Read more](#)

- Nikita Lalwani, Yale Daily News

Records show defiant students jailed by truancy court

PROVIDENCE, R.I. - For years, magistrates for Rhode Island Family Court's truancy program have imprisoned students who misbehave during hearings on their attendance, despite a state law created to keep the government from locking up juveniles for noncriminal offenses.

The magistrates, who run the weekly truancy court in classrooms, cafeterias and school offices around the state, have declared youths as young as 12 in criminal contempt of court for not answering their questions, swearing, slamming a door on their way out of the room or otherwise showing "total disregard for authority," according to court documents and interviews.

Once inside the state's juvenile correctional system, the youths are forced to undergo strip searches, urine and blood tests. They wear prison uniforms and, for a night or two, mix with teenagers accused of drug dealing, robbery, weapons possession, assault and other violent crimes.

Juveniles who skip school -- like those who drink alcohol or violate a curfew -- are considered "status offenders" because their transgressions would not be considered crimes if they were adults. [Read more](#)

- Lynn Arditi, *Providence (R.I.) Journal*

12/11/10

MA town board hit on open-meeting complaint

FREETOWN, Mass. - A Berkley resident opposed to the quarry operation on Bryant Street in Freetown has complained to the state Attorney General's Office that the town's Soil Conservation Board has violated the open meeting law.

Berkley resident Donna Leary is among a faction of residents opposed to the 24-acre Cape Cod Aggregate quarry operation near the Freetown-Berkley border.

Leary said that at the Oct. 12 Soil Board meeting, the board did not mention in the agenda that CCA's one-year extension to blast at the site would be reviewed. She said the agenda stated that permit renewals would be discussed.

Leary, a member of Berkley's Planning Board, could not be reached for comment Thursday. Freetown Soil Conservation Board members said that Leary might have misinterpreted the law. Members also said that town counsel agreed with the board, which has written a lengthy letter to the Attorney General's Office.

Selectmen Chairman Lawrence Ashley said at Monday's selectmen meeting that if town boards were to list every applicant applying for a permit, it would lead to 30-page agendas.

"That's not the spirit of the law," he said. [Read more](#)

- Jeffrey D. Wagner, *The Herald News, Fall River, Mass.*

12/9/10

Bill would ensure release of DUI videos in VT

BENNINGTON, Vt. - Bennington County Sen. Dick Sears has drafted a bill to ensure video of DUI arrests is a public record following a denial by the Department of Public Safety of a request to release footage of State Auditor Thomas Salmon's arrest.

Sears, the Democratic chairman of the Senate Judiciary Committee, said he hopes the bill will make all DUI arrest videos public.

"I don't know why there should be any discussion about releasing it," Sears said. "I don't know what good it does to try and play that game. And I don't know why it should be \$45."

The legislation, currently in draft form for the upcoming legislative biennium, "proposes to establish that video recordings of roadside DUI stops are public records subject to disclosure under Vermont's Access to Public Records statute." [Read more](#)

- Neal P. Goswami, *Bennington (Vt.) Banner*

Public deserves to know more about DOT chief's ouster

The state Department of Transportation was a well-known mess when Gov. M. Jodi Rell brought in a reformer to take over the agency. Joseph Marie was highly regarded and, by all accounts, effective in his short tenure as DOT commissioner. Then in June, without warning, Marie resigned under pressure from the governor over a still-unknown transgression.

Even taking privacy considerations into account, the public deserves to know more about what happened.

In response to a Freedom of Information request from Hearst Newspapers, Rell's office said there is nearly nothing on paper to document the complaint. It was all over the phone, and Rell acted quickly to sever ties with Marie before the situation deteriorated. Under FOI laws, "preliminary" notes can be withheld from public view, even if they are the only written record of an official incident.

In many ways, this is an old story. Rell is about to leave office, and Marie's replacement is serving the state effectively. But it sets a precedent for state appointees that raises new questions. [Read more](#)

- *Connecticut Post, Bridgeport, Conn.*

12/6/10

State FOI panel says town violated law

PLAINVILLE, Conn. - According to the Connecticut Freedom of Information Commission, the town violated Freedom of Information laws by excluding the public from the mediation between the Town Council and Board of Education Nov. 23.

"I'm not hearing a real reason for an executive session," said Tom Hennick, information officer at the Connecticut Freedom of Information Commission office, after a reporter told him the reasons Town Attorney Bob Michalik gave for holding the meeting in private.

Michalik said the meeting was held in executive session for three reasons.

The first was because neither the Board of Education nor the Town Council had enough people present to make a quorum.

He also said there was a "threat of pending litigation," although he admitted that, because the threat merely consisted of a discussion between council members, it was a "debatable" whether that was a valid reason.

[Read more](#)

- *Diane Church, New Britain (Conn.) Herald*

12/1/10

AG won't appeal VT court release of arrest video

The Vermont Attorney General's Office will not appeal a judge's decision making public a police video of the driving while intoxicated arrest of State Auditor Thomas Salmon last year.

Washington Superior Court Judge Geoffrey Crawford ruled last month that the video is a public document under Vermont public-records law, and it was released just five days before the Nov. 2 election.

Nonetheless, the state had 30 days to appeal to the Vermont Supreme Court the adverse ruling. The deadline expired during the weekend.

Attorney General William Sorrell said Monday that the state would wait for a different public records case to send to the state's highest court.

"A case will go up under different facts," Sorrell said. He said a long standoff with police might be more conducive to a ruling to withhold a video in a criminal case. [Read more](#)

- *Mike Donoghue, The Burlington (Vt.) Free Press*

12/1/10

VT law enforcement's pass on open records questioned

COLCHESTER, Vt. - Vermont's law-enforcement exemption to open-government laws appears extremely broad, a board member of the New England First Amendment Coalition said Thursday at a forum held at St. Michael's College.

Greg Sullivan, a professor of First Amendment and media law at Suffolk University Law School in Boston, said he'd reviewed the federal exemption and compared it with Vermont's.

"It's a lot better for the public, this federal standard, than what I'm seeing in Vermont," Sullivan told an audience of about 60 in an auditorium inside the college's McCarthy Arts Center.

The issue of what records police should make public in Vermont has been in the public eye in recent months, in part because of multiple driving incidents involving elected officials and candidates.

Vermont exempts from disclosure "records dealing with the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal or disciplinary investigation by any police or professional licensing agency." Records tied to management of a police agency or related to a person's initial arrest may be made public, the exemption states. [Read more](#)

- *The Burlington (Vt.) Free Press*

11/19/10

ACLU head talks on VPR about clouded VT transparency

One of the rights guaranteed in the US Constitution is the right to hold government accountable as outlined in the First Amendment. That right is backed up by Vermont's state constitution as well and is the basis of the state's public records and open meeting laws.

But civil liberties and other watchdog groups say that too often Vermont's government officials deny requests by the public for records, and meet in sessions closed to the public without adequate reason.

These concerns and others will be the focus of a day-long conference starting Thursday morning at St. Michael's College in Colchester. [Listen to interview with Allen Gilbert](#)

- *Vermont Public Radio*

11/19/10

Remember, keep track of First Amendment news and issues from around New England with *The NEFAC Report* Blog on our [Website](#).

Comments welcome.

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