

Freedom of Information Gazebos:
The Ethical Imperative for News-Library Town Squares in the Digital Age to Preserve the
Communal Right to Know

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Abstract

This paper applies principles in ethics and philosophy to argue that 1) a “communal right to know” is necessary for societies to function, 2) various forces currently threaten the stability of a communal right to know in the United States, and 3) that the government - through libraries - has a moral obligation to develop new systems to maintain that communal right to know. Further, the paper suggests that instead of framing freedom of information from a libertarian perspective, it is better grounded, historically and philosophically, from a communitarian point of view.

Introduction

The public's ability to know what its government is up to is recognized as a fundamental right in the United States and much of the world. In a democracy, if people are to govern as a collective, then they need to have information to make informed decisions (Blasi, 1977; Meiklejohn, 1948). Citizens' ability to access information is often called the "public's right to know," but what that exactly means is often unclear and debated.

Journalists and scholars often position the public's right to know as a libertarian right for an individual to gather information to him his or her life – as a basic human right. While that is certainly an important function of freedom of information, this paper will focus on the receiving end of information access: the importance of providing a forum for the majority of a community to read or view information and make informed group decisions.

This paper will look to principles in ethics and philosophy to argue that 1) a "communal right to know" is necessary for societies to function, 2) various forces currently threaten the stability of a communal right to know in the United States, and 3) that the government - through libraries - has a moral obligation to develop new systems to maintain that communal right to know.

1. Importance of the Communal Right to Know

This section will provide the philosophical and ethical underpinnings of a communal right to know, specifically the right of communities to have shared information with which they can make decisions as groups. This paper argues that there is a "communal right to know" essential for citizens to make informed decisions affecting the life and liberty of everyone as a whole. The right to receive, as a group, public affairs information is necessary for societies to

function, and is the basis for freedom of information in theory, law, and practice. This section will lay out the philosophical and ethical underpinnings of a communal right to know, which is reflected today in public record laws, court decisions, and debate over what people should know and what they shouldn't know.

1.1 Fundamental Right to Know - for the Community

The United Nations' 1948 international Universal of Declaration of Human Rights, Article 19, states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Further, the Universal Declaration of Human Rights, Article 20, like the U.S. Constitution, protects the right of peaceful assembly and association. In essence, the goal is to guarantee every individual the ability to speak and listen, and gather to discuss and debate, the fundamental premise of a self-governing democracy (Altschull, 1990; Blasi, 1977; Meiklejohn, 1948).

Media ethicists often debate what a "right to know" exactly entails. For example, it might be a duty for citizens to take the initiative to know what is going on in order to be better informed (Rashi, 2009). Or, it might be a moral obligation for journalists to acquire information for the public (Maciejewski & Ozar, 2005).

Sometimes deciding the extent of people's "right to know" is based on what should be revealed to the public and what should be kept hidden as a balance between the community's right to be protected from harm caused by the release of information with the individual's right to have the information to benefit that person (Richardson, 2004). For example, in March 2011 the Utah Legislature approved a bill that would allow for increased secrecy in government.

When the press objected, the governor said the secrecy was necessary for the public good, and that the press opposed the legislation only because it was looking out for its own business interests (Carlisle, 2011).

Thus, the “right to know” often is framed as a libertarian value, where individuals are guaranteed the ability to speak and receive information for the benefit of those individuals. James Madison, the framer of the Bill of Rights, insisted the Constitution include specific protections for individual freedoms, such as speech, religion, and the right to bear arms, and also believed in the rights for people to acquire information (see Madison, 1999). He is often quoted by libertarian proponents for freedom of information, including the popular quotation, “A popular government without popular information or the means of acquiring it, is but a prologue to a farce, or a tragedy, or perhaps both.”

This paper argues that the right to know should be viewed from a communitarian, not just a libertarian perspective; that people have an inherent right to receive information, particularly about its government and public affairs, so that communities can make informed decisions together. While individuals have a right to acquire information that will alert them to dangers (e.g., an environmental hazard near their homes), or to enhance their livelihood, this paper suggests that the central purpose for a “right to know” is for group decision-making – the betterment of society through the dissemination, collective retrieval, and discussion of public affairs information.

This communitarian philosophy toward freedom of information has permeated the underlying assumptions of freedom of information for thousands of years, long before the United States enacted the Freedom of Information Act in 1966. In the *Allegory of the Cave*, written in 360 B.C., Plato describes a scenario where prisoners are chained to chairs their whole lives in a

cave, forced to watch shadows on a wall from images created by puppeteers (Plato, as translated by Grube, 1992). With their backs to the cave lighting and puppets, the prisoners have no way of knowing reality - all they see are the flickering images reflected on the wall that represent a poor copy of reality. These people watch the images together, discuss them, and even name them. They reach a common understanding of what the images represent, even if inaccurately portraying the real world.

Plato writes that one prisoner is forced out of the cave to see reality, blinded by the sun and perplexed by images that are unfamiliar. Eventually, that person sees the sun and shapes for what they are, and returns to the cave to enlighten his former fellow prisoners. However, the prisoners, so accustomed to their version of reality and threatened by the unfamiliar, would get angry at the blasphemous portrayal of reality and put to death anyone else who would lead others out of the cave.

This allegory is often discussed in relation to media and shared information, and their effects on society. People, as a group, watch day after day the same shared images on a wall - or on the television - and the people, as a group, construct reality based on those representations of reality. They read the same books, share the same music, and develop a shared lore. As in the cave, a society may develop a skewed perception of reality through this shared information exposure and discussion. For example, according to media research, heavy television use results in amplified racial stereotypes (Ramasubramanian, 2010), over-estimation and fear of crime (Kort-Butler & Sittner Hartshorn, 2011), and unrealistic expectations of body appearance (Clark & Tiggemann, 2008).

It might be “best” if everyone lived outside the cave to see reality for what it is. However, Plato wrote, that is not going to happen. Only a few wise people can attempt to see reality, and

those who do break away from the pack will be killed. People, in general, come up with the best interpretation of reality that they can, chained in a cave, watching images on a wall, together.

Non-Western civilizations, too, have valued the need for the people, as a collective, to know what its government is up to, and to have a central forum to receive and discuss that information. In the 7th Century A.D., Chinese emperor T'ai-tung established the Imperial Censorate to record official government decisions and correspondence, and to criticize the government, including the emperor (Lamble, 2002). Founded in Confucian philosophy, the Censorate scrutinized government and exposed corruption on behalf of the people, announced publicly for all to hear. Citizens who had a grievance with the government could literally gather at the emperor's castle to beat a drum until their grievance was addressed. T'ai-tung said emperors were to "admit their own imperfection as a proof for their love of the truth and in fear of ignorance and darkness." (Lamble, 2002, p. 4)

Following T'ai-tung's lead, other countries adopted similar philosophies. Sweden enacted the world's first federal freedom of information law and free press legislation, in 1766, exactly 200 years before the United States did the same thing. Even Colombia and Finland had adopted right-to-know laws before the United States. Today, freedom of information, for the good of society, is a legally protected international human right in more than 80 nations, including Kyrgyzstan, Albania, and Mexico (see, for example, the text of nations' laws provided by Dutch FOI expert Roger Vleugels, at <http://right2info.org/laws>).

Through time, civilizations have relied upon shared information through public squares, town-hall meetings, and the posting and distribution of leaflets on community gazebos. "Hear ye! hear ye!" the town crier might yell, and the people gathered together to hear the news. It was there that they received information, discussed it, and made decisions for the benefit of all.

That is not to say, however, that people always have received a variety of information, or quality information that they needed as a community to make shared decisions. Censorship, misrepresentation, and intimidation have all been used through history to manipulate people. John Milton argued against censorship in *Areopagitica*, writing that people need all information at their disposal, no matter how unpopular or wrong, so they can weed through the false facts and identify the truth.

This libertarian “marketplace of ideas” approach to freedom of information, expanded upon by John Stuart Mill in *On Liberty*, focuses on the act of providing diverse information to citizens. Implicit in Milton’s argument for publication of books and treatises without government censorship is the assumption that everyone in the community, once provided information from disparate sources, will come to a decision on what to accept and what to reject. Milton wrote, “Let (Truth) and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?”

Everyone must have the same information to engage in a “free and open encounter.” It would make no sense for each person to receive a different piece of information, and for each person to reach his or her own conclusion absent knowing what other people have before them. Philosophers have suggested that individualism can live in harmony with communitarianism in protecting liberties while still providing a platform for people to come together and make joint decisions. Societies, particularly democratic ones, need a communal “gazebo” to gather around for receiving information to make joint decisions. John Dewey, for example, wrote that democracy is defined as the carrying out of the “public will” through cooperative rather than individual action (Dewey, 1935, p. 87). In the United States, this communal right to know has been accomplished through not just public squares, but the actions of government and the press.

1.2 Role of Government

The U.S. government has a long history of providing public records for all citizens so they can collectively understand what their government is up to and make better decisions. Quinn (2003) argues that the founding fathers intentionally left out language from the Constitution requiring the printing and dissemination of government information to the masses because they believed it was obvious that citizens must have information for democracy to work. Over the years, Congress enacted specific legislation to provide for this information dissemination, including the first printing act in 1795, formation of the Government Printing Office in 1860, and creation of the Federal Depository Library Program in 1895.

In 1935 Congress created the Federal Register to require the daily printing of new regulations, and notices for the public to provide input before regulations are adopted. Supreme Court Justice Louis D. Brandeis worked behind the scenes to move the legislation through Congress because of his belief that government was getting so complicated that citizens - and government employees - needed accurate timely information to stay apprised of the constantly updated rules and regulations (Feinberg, 2001). Brandeis, speaking for the importance of government openness and access to information for citizens, said, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." (Brandeis, 1932, p. 92).

First Amendment scholar Alexander Meiklejohn believed that the sovereign right of citizens to receive information was the central purpose of the First Amendment, and that citizens need to receive information so they can collectively self-govern: "The First Amendment does not protect a 'freedom to speak.' It protects the freedom of those activities of thought and communication by which we 'govern.'" (Meiklejohn, 1961, p. 257).

This philosophy has permeated U.S. Supreme Court decisions regarding the federal Freedom of Information Act (FOIA). The Court has interpreted FOIA to mean that people should have access to government records that shed light on government operations, while records that have no bearing on the government can be kept secret. This is called the “sufficient reason” and “presumption of legitimacy” tests, even though there is no such mention of this in the actual FOIA statute (Halstuk & Chamberlin, 2006).

The Supreme Court, in the 2004 case *Favish v. National Archives*, stated that the requester of government information must show, in certain cases, that there is a significant public interest at stake, and that disclosure of the information would advance that public interest. For example, a government official’s e-mail that explains the spending habits of a public agency would be public, but an e-mail to the official’s spouse regarding a personal matter could be withheld from public disclosure. The gist of the court’s argument is that government information should be made available to the public for decision-making, not necessarily to individuals for their own non-public purposes.

To enhance providing information proactively for the public, many government agencies have turned to the Internet, posting records and data online through e-government initiatives. While many agencies have done well, studies show the results mixed, with smaller agencies having more difficulty implementing e-government (Moon, 2002).

The focus of e-government is to provide information online for everyone to have access to. However, this forum has its limitations because of two reasons. First, government agencies usually disseminate information independently, with different Web portals for cities, school districts, states, and federal agencies. Each community usually does not have a single, one-stop-shopping online portal for *all* government information, local, state, and federal, that affects that

community. Second, even if there were such a portal, or public online town square, it is likely agencies would withhold information that is embarrassing – often the information that citizens should see. The inherent nature of bureaucracies is to be secretive (Rourke, 1960; Weber, 1968). Research shows that government agencies purposely and illegally withhold documents that are politically sensitive and embarrassing (Bush-Kimball, 2003; Cuillier, 2004a; 2010; Erickson, 2008). An independent force is necessary to provide this information to the public, in a centralized forum that everyone can receive.

1.3 Role of the Media

The press plays a key role in the communal right to know, providing information to the public so that they can make shared decisions in a free and open encounter.

The term “freedom of information” was first coined within journalism by Herbert Brucker, who argued for a more objective press to enlighten the public (Brucker, 1949). In particular, Brucker was disappointed in a mainstream media that predominantly espoused conservative viewpoints and did not strive for fair and balanced coverage. He wrote that journalists must deliver information to the population as objectively as they can: “By virtue of being thus detached (the press) serves the whole of society with unprejudiced testimony as to what is going on, and so helps us all to have in our minds at least a reasonable approximation of the real world we live in.” (Brucker, 1949, p. 136).

Harold Cross summarized Brucker’s point succinctly in his 1953 seminal book on access to government records, *The People’s Right to Know*, with this first sentence of the preface:

“Public business is the public’s business.” (Cross, 1953, p. xiii)

A movement arose in the press in the 1950s toward greater focus on the people’s right to know, partly as a response to heightened secrecy during World War II and then the Cold War

(Archibald, 1993; Uhm, 2005). At the time, the movement was rather press-centric, pushed by the American Society of Newspaper Editors, who had commissioned Cross to write *The People's Right to Know*. Cross and a few other journalists led the movement, which eventually included Congressman John E. Moss from California who launched a House Subcommittee on Government Information in 1955 and pushed for passage of the Freedom of Information Act in 1966 (Foerstel, 1999).

The rise of the right-to-know movement in the United States following World War II through early the 1970s also went hand-in-hand with the emergence of a more critical evaluation of the role of the press in society. The Commission on Freedom of the Press (Hutchins Commission, 1947) argued that the press has a social responsibility to provide the public full access to the day's intelligence and to provide a forum for the exchange of comment and criticism. Social responsibility theory suggests the media have a moral obligation to consider the needs of society for the public good.

The Hutchins Commission referred to the way people in colonial times received information and reached communal decisions, through their town squares and close proximity. A person had access to a variety of political journals to which he or she would subscribe to “reinforce his prejudices. But in each village and town, with its relatively simple social structure and its wealth of neighborly contacts, various opinions might encounter each other in face-to-face meetings; the truth, it was hoped, would be sorted out by competition in the local market place.” (Hutchins Commission, 1947, p. 15) In 1947, it was apparent this form of communal decision-making was disappearing, and it was incumbent upon the media to “regard themselves as common carriers of public discussion.” (p. 23)

Traditionally in the United States, the power of the mass media has been in its ability to reach a large percentage of the population, creating a communal learning environment – a town hall or public park gazebo of sorts where people receive the same information together. Families sat down to dinner to watch the news together on television, with only a few network channels to choose from. Such broadcast reporters and anchors as Edward R. Murrow, Walter Cronkite, and Dan Rather, were widely watched and could influence a large percentage of people because there were few other options. George Gerbner developed cultivation theory in the 1970s, for example, to explain how television viewing could cultivate an entire country's perceptions, particularly toward violence (Gerbner & Gross, 1976). Local newspapers and television stations often took the lead of national news organizations, such as *The New York Times*, and an entire nation would get a sense of the important issues of the day, nationally and abroad.

Today, the press is still seen as an important part of the freedom of information movement, and its focus is primarily on protecting rights for the public to *acquire* government information. The American Society of News Editors organizes national Sunshine Week each March to promote the right to know (see www.sunshineweek.com). News organizations dominate open-government coalitions that exist in nearly every state, all coordinated by the National Freedom of Information Coalition, which is housed in the University of Missouri School of Journalism. One study indicated that a strong press is highly correlated with strong freedom of information laws in South American countries (Michener, 2009).

But while the press might focus on access to information, the ability for it to provide public affairs information to a collective audience has vastly decreased.

2. Deterioration of a Common Public Square

This section will argue that citizens in the United States are losing their communal right to know through fragmentation of information sources and societal shifts in information use because of Internet technology. People are still getting information, but it is information specific to their individual interests, often not information relevant to communities as a whole. We are no longer looking at images on a cave wall chained together. More and more, we are seeing different images, bound in our own individual caves, which makes it more difficult to reach a shared understanding of reality.

2.1 Media Fragmentation

Because of new technologies and societal information-use shifts, people in the United States have more information from which to choose and more ways to access it without having to consume information shared by everyone. This is affecting the communal right to know because fewer and fewer people are reading or viewing the same information necessary to make shared decisions.

The “legacy” media, or traditional media, such as general-circulation newspapers and network television news, are becoming obsolete, or at least significantly altered because of declining advertising revenue and consumers. According to the annual “State of the News Media” study released in March 2011, by the Pew Research Center’s Project for Excellence in Journalism (<http://stateofthemedias.org/>), for the first time in history, more people (47 percent) reported getting their news from online sites rather than a newspaper (40 percent). Among 18-29 year-olds, 65 percent got their news from online, surpassing even television (52 percent). Ratings

for CNN plummeted 37 percent in 2010, and Fox news dropped 11 percent. Network news continued to lose audiences, as it has steadily for three decades.

According to the Pew report, every news medium lost readers or viewers in 2010, with the exception of online news, which increased readership by 17 percent. The report found that people are turning to the Web to watch television shows, read news, and find information about specific topics they previously found in niche magazines. More people are using mobile electronic devices for news, as well as online news sites. Political blogs, local online news sites (e.g., the Tucson Sentinel), and Twitter journalism provide targeted information for specific individuals. Search-engine optimization allows people to find what they are looking for through targeted Google searches and avoid opposing views.

Americans are less likely to receive news originating from *The New York Times*, a key force in setting the agenda for the news of the day, and instead consume information from a variety of sources, some less than accurate or objective than traditional media. For example, while only 8 percent of adults younger than 30 read a print newspaper, about 13 percent say they get their news from *The Daily Show with Jon Stewart* (Pew, 2010). Instead of a few main sources of news to choose from, Americans now have thousands.

Not only is this trend diffusing and fragmenting the information people receive to make community decisions, but declining traditional media revenues is reducing the amount of independently assessed government information available to the public. U.S. newspapers lost an estimated 1,500 newsroom jobs in 2010, out of about 40,000 newspaper journalists total, and newspaper newsrooms are 30 percent smaller than they were in 2000. Newspaper journalists comprise the biggest users of freedom of information laws compared to other types of

journalists, and with fewer reporters they have less time to gather, analyze, and disseminate government records.

A survey of 442 U.S. journalists in summer 2010, for example, found that reporters felt they had less time to access public records, that their companies were less likely to sue for records, and that agencies were increasingly denying access to information than three years previously (Cuillier, 2011). Another study of open government coalitions found that news organizations are less likely to sue government agencies to enforce freedom of information laws because of financial constraints (Media Law Research Center, 2009). Andersen Jones (forthcoming) argues that newspapers have been a leading defender of the public's right to know, and that restricted news organization budgets will result in less litigation for public records and ultimately a more secretive society.

Between the fragmented sources of news and diminished efforts to acquire, independently assess, and disseminate government records, Americans' public square to receive information and discuss it together is disappearing.

2.2 Ideas Passing in the Night

In addition to the structural changes in news dissemination today, providing more choices for information consumption, technological change also allows Americans to avoid public affairs information necessary for self-governance, such as city council election information or news of a proposed industrial plant.

In the past, when most people relied on newspapers for news, even if they wanted just the comics or sports section, they still glanced at the front page to get there. Sometimes, a clever headline, gripping photo, or other element on the page would lead people casually interested in

news to become informed. Network television news, as well, “forced” viewers to watch segments of political or community significance in between crime or human-interest stories. This phenomenon is the basis of gatekeeping theory and agenda setting theory – the study of how newsmakers control what people view or read.

Today, the information gates are open and nearly unattended. People can avoid public affairs news altogether, going directly to information on the Internet specific to their interests, which often ends up being entertainment. Postman (1985) argued that Americans choose vacuous information, such as celebrity gossip and crime news instead of reading about political affairs, in order to medicate themselves into bliss, similar to the people in Aldous Huxley’s *Brave New World*. Postman suggests, like Marshall McLuhan stated, that the medium is the message, and that television requires passive involvement and therefore encourages passive information. Reading, on the other hand, requires active involvement and critical acumen.

One might think that the Internet, based primarily on reading, would foster reason and critical thinking. Yet, people would rather watch “Keyboard Cat” paw a tune on YouTube than read a local newspaper story about issues affecting local governance, the environment, or international crises. If the United States has any shared right to know, it is focused more on who won *American Idol* than on information that is necessary for self-governance.

Not only are people voluntarily choosing entertainment information over public affairs information, but the media are helping them do so. The corporate stockholder model encourages short-term gains in profit. Sex, violence, celebrity news, money tips, and other forms of infotainment sell papers and improve TV ratings, so many companies are providing the public what they want rather than what they need. In an effort to regain viewers, television stations are relying more on human-interest stories and crime rather than public affairs news. This further

dilutes the ability for the communal receiving and discussion of shared information important to self-governance.

Ultimately, this might be causing the dismantling of America's marketplace of ideas. Instead of one big idea market, say a Wal-Mart of opinions and information in competition with a Safeway and Albertson's, people now are buying their news groceries without comparison shopping. They don't have to compare - they simply pick up what they want at their specific convenience store or corner stand without regard to what is on sale elsewhere. With disparate information sources, disconnected from competing information sources, the United States is replacing the marketplace of ideas with thousands of separate corner stands of ideas, whether they be lemonade stands, hot-dog carts, or black-light carpets sold out of a van.

The ability for people to avoid ideas and information they disagree with is most apparent in talk radio, political programming on cable television, and political blogs. The Fairness Doctrine mandated that opposing views be aired on broadcast television news, until the 1980s when President Ronald Reagan ended the requirements. Under the doctrine, people could not avoid competing views. They had to compare and participate in the shared marketplace of ideas. Americans, as a whole, were more likely to absorb shared news of community importance, and opposing views, because of the media structure.

No longer do people have to view information that does not interest them or share their political views. A growing body of research indicates that political conservatives primarily choose to watch Fox news and avoid other news sources (Iyengar, & Hahn, 2009), reducing their exposure to alternative views. Talk radio, cable news-opinion programming, and political blogs allow a person to reinforce his or her points of view, and avoid others' ideas. To use Plato's allegory, Republicans sit chained together in one cave, and Democrats sit chained together in a

different cave, developing their own skewed versions of reality. This polarization is reducing citizens' shared knowledge of their communities - they are losing their public gazebos to receive information for shared discussion. They are losing their communal right to know.

3. Alternative: News-Library Town Squares

So far this paper has outlined evidence that suggests changes in society, technology, and media are reducing the ability for citizens to maintain a communal right to know. This trend threatens the very fabric of democracy and the ability for people to evaluate information together. So what is to be done? The options seem limited.

Advertising-based commercial media are unlikely to step in and fulfill their social responsibility to provide a communal forum for public affairs information. Government reporting is expensive – it requires reporters who have the time and skills to gather public records, analyze issues, and develop sources. Infotainment is far cheaper to collect and disseminate, and it appeals to the widest audience.

Public media and non-profit media are better positioned to provide public affairs information, disconnected from the pressure of appealing to the masses, but scarce resources limit their potential. Several non-profit news websites have emerged to provide public affairs news, funded by philanthropists, grants, and community donations, but often fold within a few years because of the difficulty to sustain funding.

Government agencies cannot be expected to serve this need for reasons outlined previously; they operate in silos that are not conducive to centralized community forums and they are unlikely to proactively provide information that will embarrass officials or expose corruption – the very information that people need to know.

Perhaps community Web portals will emerge that will serve the communal right to know. A variety of models are being tested, such as AOL's Patch.com sites, where journalists are hired to provide news for communities around the country. Perhaps open, wiki-like news sites, or Facebook-like enterprises will emerge in communities where centralized public affairs information can be shared and discussed. Still, however, no one has yet to figure out the business model for sustaining such localized public affairs information dissemination.

One possibility, and the option proposed in this paper as having the most promise, is for community libraries to take the lead, to reshape themselves and their mission, and develop "freedom of information gazebos," both physical and online.

Libraries, more than any other institution in society, are best fit to serve the communal right to know. Most communities have libraries, serving as a focal point for information important to citizens, often providing physical space for discussion, forums, and community meetings. Libraries are staffed by professionals expert in finding and disseminating information for citizens. Libraries also are embedded with a culture of information freedom. To serve as true freedom of information gazebos, however, libraries would need to make several important changes in their culture and organizational composition.

3.1 Proactive Collection and Dissemination

Instead of seeing themselves as passive providers of information - having people come to them or their websites to check out books, media and public records - libraries should actively seek out information of value to community political decision making and disseminate it to the public - combining part of the press' role with libraries.

This might entail librarians requesting government records of use to people and putting them online, even information that public agencies would rather not make easily accessible (e.g., disciplinary actions taken against teachers or police officers of interest to citizens, expense reports of the mayor/city council). Libraries should be given the authority to litigate for records, or subpoena records, that other public agencies wish to withhold for nefarious reasons. Often the most useful information for understanding what our government is up to are not proactively provided online by individual agencies. Someone has to haggle and demand those documents be released.

A library-based freedom of information gazebo might include providing neighborhood information kiosks (both physical and online) that provide useful data for people looking to buy a house, choose a school, or just stay informed about community affairs that might affect them. For example, libraries could collect and compile a variety of records and databases from different agencies that help people understand what is happening in their neighborhoods, such as road plans, school test scores, crime reports, flood-plain maps, fault-line maps, neighborhood newsletters, property records, dog-bite complaints, and ambulance response times.

A library gazebo might even embark on reporting and synthesizing government actions in a community, such as attending a city council meeting, summarizing it online and posting the minutes and supporting documents.

Finally, a library gazebo could provide the centralized location that citizens could rely upon for public affairs information and discussion. Providing interactive forums to engage the public – through online town-hall meetings, blogs, Twitter, and social media – could provide the electronic forum necessary to enable community-wide decision-making and serve the communal right to know.

Ultimately, such information gathering and dissemination requires a more journalistic approach, and might entail hiring former journalists and integrating reporting and writing courses in library science programs. It would require a new way of thinking, as well a fundamental shift in the mission of public libraries.

3.2 Independence from Inter-Agency Interference

Inherent in a public library actively acquiring, distilling, and disseminating government information is the problem of independence. This shifts the traditional watchdog role of the press, to some extent, on a public agency that is contained within an agency (e.g., city) that it is watching. Structural protections would be necessary to protect libraries from retaliation, both in budgetary cuts or outright firings.

Independence could be possible, based on the experience of other public institutions that play a watchdog role in society. Without the constitutional protections of the First Amendment that the press enjoy, libraries would require statutory protections, possibly through initiatives and referendums similar to those that have created oversight agencies for campaign finance and elections. For example, in 1972, Washington state voters approved Initiative 276, which created the Public Disclosure Commission and the genesis of that state's public records law (Cuillier, 2004b).

Some states have created independent agencies charged with holding other public agencies accountable to the public records law, with enforcement authority to force governments to provide information to the public. For example, the Connecticut Freedom of Information Commission and the New Jersey Government Records Council may levy civil penalties against

public officials for withholding information that should be released (see, for example, a state-by-state analysis of enforcement provisions for public record laws, Rodriquez & Alexander, 2009).

At the federal level, the Office of Government Information Services, created in 2009, aids citizens in acquiring public records from federal agencies. The office, which mediates disputes and reports agencies that do not comply with the Freedom of Information Act, is housed in the National Archives and is led by Miriam Nisbet, who served as legislative counsel from 1999 to 2007 for the American Library Association's Washington, D.C., office.

Even other countries have figured out how to create independent government agencies charged with enforcing public record laws and defending the right to know. The freedom of information commissioner model is used in Canada, France, and other countries. There, a commissioner is appointed for a fixed term and has the authority to enact binding orders on government agencies to provide information to the public. In Mexico, the Federal Institute on Access to Information may force other agencies to divulge records and punish government employees that illegally and knowingly withhold public records.

4. Conclusion

Democracy relies on the public's ability to receive information relevant to public affairs as a group, share and discuss the information, and make decisions in the best interest of the collective. The communal right to know underlies the logic of freedom of information laws, court rulings, and philosophies in Western civilization and beyond – it is a human right.

Humans have had the ability through time to enjoy this communal right to know simply by their close proximity to one another in small groups. Town hall meetings, postings on the city square gazebo, and public gatherings allowed for people to receive information and make group

decisions for the good (more often than not) of all. Traditional media supplanted the town hall meeting by providing public affairs information through a few television networks and major agenda-setting national newspapers, cultivating shared knowledge and values within society.

Now that shared information retrieval is dissipating because of a change in news dissemination. Media fragmentation and the ability for people to selectively choose what information they are exposed to and what they will ignore, has led to a society that is less informed and more polarized than ever.

If journalists or others don't collect and disseminate public affairs information, and citizens don't seek out that information, then libraries have the ability, and the obligation, to protect the communal right to know. Libraries have the potential of becoming the new "freedom of information gazebos" of their communities, both physically and online, where everyone turns to for information in making shared decisions. If they don't do it, who will?

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