

Testimony in Opposition to LD 1353 April 30, 2009

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- Senator Bliss, Representative Priest, and Members of the Judiciary Committee, I'm Pem Schaeffer from Brunswick, and I'm here to testify in opposition to LD 1353.
- To begin, I'm struck by the irony of the bill being considered today. It asks our presumed servants in the public sector to approve greater censorship of the business you all conduct on our behalf. Curiously, I understand there is a proposal to impose greater transparency on the private sector, specifically for hospitals. Meanwhile, as a lifelong dweller in the private sector, I face broad demands for public disclosure of my personal affairs.
- Let me give you some examples:
 - You can head down to the Brunswick town office and use a computer terminal to look up the details of my private property holdings in town by my name, the property address, or the legal specifics of the property. When you do, you will find the dollar values of these holdings along with related exemptions and tax levies.
 - Further, you can look at the assessor's files and related building permits to find the size of my house, how many bathrooms it has, the number of bedrooms, the area of the kitchen, and anything else the public record contains.
 - I remember when we were building our house. The assessor came by and asked the builder how much our appliances cost, how much we paid for counter-tops, how much our plumbing fixtures cost, and so on.
 - At the same town office, you can look at voter registration records, and discover which political party, if any, my wife and I affiliate with, and the last time we voted.
 - You can go to the internet and find out, by my name, and by specific candidates and causes, to whom I made "significant" campaign contributions.
 - The upcoming census, I'm confident, will ask for details of my private sector life far beyond anything that LD 1353 addresses. Because the government demands to know.
 - I won't bore you with what I must disclose to comply with income tax laws.
- Some might respond that government has a compelling interest in such details of my private life. I contend that my compelling interest in complete transparency of everything government does with my financial resources, and under my authority, surpasses government interest in my private affairs.

- LD 1353 would intentionally and explicitly rescind our access to the details of government business; a sacred right to public information that has existed for centuries. At the same time that a transparency movement is growing nationwide, and enlightened and respectful leaders are opening government checkbooks for all to see. And in an era where private sector income is in decline, while public sector incomes continue to grow.
- Full transparency is a vital check because there is no institution more vulnerable to neglect, exploitation, and mismanagement than government.
 - Government has no need to turn a profit, or to provide returns on stockholder investment.
 - Its horizon does not extend beyond the next election, and it has negative incentives to plan for a successful long term future.
 - It faces competition from no one to keep it nimble, innovative, and cost effective.
 - Government sustains a bureaucracy that is not held to any tangible performance or merit standards, and that provides, in essence, guaranteed lifetime employment with the most generous benefits of any field of employment.
 - It does not ask for our support; it compels it by law. Its very existence is never in question, and it derives its life blood from the labors of others.
 - It suffers no oversight of the overseers. When's the last time you saw a legislator or member of congress called before a citizen committee conducting an investigation into their behavior?
 - And when's the last time you saw a government go out of business?
- I've come to believe that the concept of public servants operating within the consent of the governed has become a quaint curiosity, and that the current understanding of "public service" dishonors that once profound notion. More and more we find ourselves governed by a near-permanent ruling class that is adept at managing perceptions and popular opinion to maintain its hold on power.
- Private citizens have very few options available to monitor the details of how government conducts its affairs on our behalf. Or to evaluate the utilization of private assets compelled from us by force of law. The professional media has virtually abandoned any pretension of watchdog stature.
- One of the few options we have left for keeping an eye on those who serve us is "sunlight," or more specifically, freedom of access to government information. And now this bill proposes to willfully darken the windows that let that sunlight shine upon public affairs, and take this core principle of self-government from us.
 - On what premise do supporters declare that citizens need less visibility into government affairs instead of more?

- What is it that bill supporters don't think we should know or see? And what we should know or see? And if it passes, who will the state favor, and who will it disfavor in making such judgments? On what basis?
- The opposite of transparency is secrecy. If secrecy is what proponents favor, then let the record show that support in the form of a roll call vote if the bill makes it to the floor.
- Some may argue that names aren't necessary; I take exception to that assertion.
 - Without names, we cannot know how many, and who specifically, are drawing multiple paychecks from the state.
 - Without names, we have no way of knowing the extent of political patronage, and whether family and friends are being rewarded with taxpayer largesse.
 - Without names, we're not able to look up an employee we dealt with to see how they are compensated, and to recommend to their superiors that they be paid more, or if appropriate, less.
 - We already have a government staffed by an army of faceless bureaucrats; making them nameless as well will only increase the sense of distance between those in public service and those they are paid to serve.
- It's said that information is power, and denying access to information concentrates that power. This bill would clearly take power from the people; the same people under whose consent you govern. This is not a trivial matter; it is a fundamental change in the relationship between government and the governed.
- It's a rare occasion when the editorial writers of the Brunswick Times Record and the Portland Press Herald and I are in agreement. In the case of LD 1353, we are in complete agreement, and these newspapers are rightly concerned about censorship and the public right to know. This may not be "bipartisan support" as you think of it, but as I think of it, this agreement unites opposite sides of the spectrum in opposition to this bill.
- For all of us, then, I implore you to vote ought not to pass on LD 1353.
- Thank you.