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Ginny Maziarka

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Mark Belling Transcript on West Bend Open Records Request

I enjoyed listening to the podcast (again) tonight from Mark Belling's show from June 19. I thought it might be more advantageous for some if I typed the transcripts so.....here goes!

(Long...but interesting read!)

Mark Belling Show, June 19, Hour 1, Part 2:

"First, I have to give you the background on the story. It's one that we've been touching on every now and then on the show because it shows the level of arrogance that some public officials, primarily liberal, show when the... when the citizenry tries to show a little bit of activism and wants input into their government. It's the West Bend Library Board, and for those of you who haven't been following, here's the short version. People found out months ago that in the gay books section of the children's section of the library are some very lurid books. I've read the passages from some of them and I've read a portion from them on the air before I had to stop because they were way too filthy for me to run on this radio station without us losing our license. I've undergone the mandatory training that ClearChannel gives on what material is too raunchy to put on the radio plus my own standards about how low were gonna go here, and I couldn't come close to reading this filth on the air, that's how bad it is. So these people said "we want you to move this to the adult section of the library." They didn't say burn it, just move it to the adult section. The Library Board up there has consistently refused to do it. They just won't do it. People have passed petitions and so on and so on. In the meantime, in the middle of all of this, some of the people who wanted the books moved filed an open records request to get the emails of all the library board members and the emails they've been sending back and forth on this issue. The Library Board has said 'we don't want to do it! Whoa! You're public officials! Emails sent to or from a public official are a public record under the law; black letter law. The city attorney in West Bend said 'well, yeah, you gotta, you gotta release these. Any email sent to a library board member, any email sent , and you can't talk to yourselves in private about this.' I mean, this is the law! Well they don't like the fact the city attorney told them this. So last night they held a meeting and they voted seven to nothing to hire a private attorney, because they want another opinion. Someone suggested well why don't you just ask the state attorney general's office since we have....the taxpayers are already paying numerous lawyers whose job it is to advise the local government on what the open records law is..... why don't we just ask the attorney general. Well no, we don't wanna do that. So they went out and they're hiring a private attorney -- \$250 an hour. It gets more unbelievable than that! They are going to pay for it out of the library's endowment! That's right! Those of you in West Bend who have donated money to the library over the years, your donated funds that you thought you were donating for the purchase of library materials, is going to be used so these board members can hire a lawyer to try to find somebody who will tell them that they don't have to follow the law! Do you know what the great irony is here, and this actually is ironic, unlike most things that I claim to be,the same library board that says it is standing up for the right for teenagers to see gay porn, is fighting the rights of the citizens to see public records. THINK ABOUT THAT!

They are more concerned about the rights of teenagers to read gay porn than they are about the rights of the public to see public records! You talk about upside down! It shows you that these people these people are nuts!

That... whatever first amendment beliefs they claim that they were standing up for are shot by the fact that they...don't...Y'know, some of them are saying "we never knew that our emails..." C'mon, you didn't know your emails were public records? What are you talkin' about? If they destroyed any of them, they have clearly violated the law. Well, given the fact that they are obviously obsessed with not releasing their emails or any other public records, me, the jerk, but an ethical jerk, got involved in the following way. I sent out two letters and faxed them this morning.

The first one was sent to Kris Diess, who is the mayor of the city of West Bend and is the one who appoints library members and who is at the root of the problem here with her complete lack of leadership and her inability to control board members who are her appointees. I wrote as follows...

Ms. Diess,

This is a request for records under the Wisconsin Open Records Act and the United States Freedom of Information Act (You may wonder why do I include the US Freedom of Information Act. The library receives federal funds and therefore is required to follow not only Wisconsin's open records law, they are required to follow the US Freedom of Information Act)

I request ..

a) copies of all correspondence, including faxes or emails, to or from you and any employee of the west bend library

or member of the library board from June 1st 2008 to the present date.

b) copies of all correspondence, including faxes or emails, to or from you to any other city official dealing with any library issue from June 1st 2008 to the present date.

c) copies of all correspondence, including faxes or emails, to or from anyone on your staff or yourself from any member of the public dealing with any library issue from June 1st 2008.

I am sure you are aware of the legal requirement to save all emails. The above request covers any email account you have access to. Contact ..and email that....Signed, Mark Belling and I dated it today's date, June 19th.

Then I cranked out another one. This one is to the chairman of the library board, Barbara Deters, who we hear on the sly is a big-time lefty and a former teacher's union member. What a surprise that is, Paul! Just shocking that this is a liberal here. Again, dated June 19, 2009.

Ms. Deters,

This is a request for records under the Wisconsin Open Records Act and the US Freedom of Information Act.

I request:

a) Copies of all correspondences, including, but not limited to, faxes and email to or from you dealing with anything related to content of library materials or placement thereof from June 1st 2008 to the present date.

b) Copies of all correspondences, including, but not limited to, faxes and email to or from you to any other member of the West Bend library board on any matter directly or indirectly related to the library or the library board from June 1st to the present date.

c) Copies of all correspondence including, but not limited to, faxes and email to or from you to any official of the City of West Bend relating to placement or content of library materials from June 1st 2008 to the present date.

I am sure you are aware of court rulings and State Department of Justice opinion requiring all public officials to maintain all emails.

This request covers any email account you have access to.

I formally note that Clearchannel Communications and myself intend to file a civil complaint with the Washington County DAs office if there is any evidence that any of the above material has been destroyed. Signed, Mark Belling

Ha! Ha! Well. They don't want to release public records? Let's put them on a public records snipe hunt! Find out exactly what it is that they don't want the public to see..and if they've been deleting emails, if they've been getting from one another on this issue, I do intend to tell the Washington County District Attorney's office and I do intend to pursue civil action against them because that is a blatant violation of the law. These people are trying to hide something here.

There is no reason not to release public records unless there is something in those records you don't like.

Put it this way. Lets imagine you're the mayor of Waupaca, Wisconsin, (I don't know even know if they have a mayor there. They might have a chairman or a village president or whatever) ..suppose you're the mayor of Waupaca, Wisconsin, and suppose somebody asks you, creates a public records request, for all correspondences that you have had over the construction of a new street in downtown Waupaca. You have 3 correspondences and they are all simply emails to the project works director on "how's the project going" and nothing damning in there. You'll respond to that and comply right away. There's nothing bad.. I got nothing to hide.... You put it out.

When do you refuse to comply? When there's something to hide, old lady Deters and old lady Deiss! (chuckles)..there's something out there they don't want out.

So I'm making a pretty broad request and if they thought it was a pain in the patoot to respond to the open records request of these poor little citizens out there, let them deal with me, a pro at this stuff. If you're going to go out there and kick in the teeth citizens who are trying to be involved in their government because you're too pigheaded and arrogant to make a simple solution of moving the books 50 feet to the other section of the library and you're going to go out and try to deny basic access to public records, government records, the only way we, the citizens can have a

check on government... yeah, I'm going to get involved.

Do..Is.. most of my audience care about this, no. But it's interesting enough that I think that you can actually see how some of these smaller community governments actually operate and, yes, we're going to make these people run around like chickens with their heads cut off to comply with your request. Or, they're going to have to fess up and acknowledge that they may have destroyed something."

I like how Mark points out that the board is very willing to spend ENDOWMENT MONEY for advice they can get for free!

Since this show took place, library board president, Barbara Deters, had her chat with Attorney Feind and learned that our city attorney was right after all - no charge. I'll bet a lot of donors are RELIEVED.