

OUR VIEW

City's secrecy explanations don't hold up

Governments frequently misapply exemptions to the open records laws to hide information they simply don't want to make public. That appears to be what's happening now in Eau Claire, as the city fights to keep documents related to its search for a city manager out of the public eye.

The Leader-Telegram sought copies of the hiring recommendations made to the council by the panels of city employees, department heads and community organizations. None, it should be noted, are groups in a supervisory role to the city manager. Instead, they are making recommendations to the city council.

The response we received Monday included several justifications, but one was among the most convoluted claims we've ever encountered. It stood out for sheer gall. The city said the documents fit the exemption carved out for employee performance reviews.

These groups weren't conducting a performance review because they're not in a supervisory role. And if the city can stretch the definition of employee to include those it hasn't even hired, it creates a massive hole in Wisconsin's open records law.

The comparison of advice during the hiring process and a review for someone who has been hired is a false equivalency if we've ever seen one. The exemption simply cannot apply if the person in question, in this case Stephanie Hirsch, is not an employee. Even stretching the law to cover the candidate who was indeed employed by the city fails to meet the requirements of state law. Dave Solberg, the city's engineer, was serving as interim city manager — a local public office under state law.

James Friedman, an attorney with the firm of Godfrey & Kahn, agreed when we spoke with him after contacting the Wisconsin Newspaper Association. He noted the city manager doesn't even seem to fit the state statutes' definition of employee. He said a person in that position is considered a public official instead, a very different status than what the city pointed to.

A look at the law supports that interpretation. Wisconsin statutes separate people who hold managerial and executive roles for government with those who are lower in the hierarchy. Specifically, Wisconsin law designates "A county administrator or administrative coordinator or a city or village manager" as being someone who holds "local public office" (Statute 19.42(7w)(b)).

We laid this out for the city and gave them a chance to reconsider. They doubled down. The city tried to bolster its argument for withholding information by creating a straw man argument. It hypothesized that people might be less likely to volunteer to evaluate candidates if their assessments were eventually made public, and that candidates would be less likely to apply if the information was brought to light. In other words the guess that releasing public information *might*, in a hypothetical and unspecified manner, harm future searches justifies keeping the public in the dark.

If this was the first time the city went to ridiculous lengths to withhold information we might write it off as a one-time issue, a misapplication of the law in a singular circumstance. But it's not. This follows the city's established pattern.

In November 2020, we noted the city had previously, by withholding the names of candidates it interviewed, ignored the attorney general's office's clear determination of what constitutes seriously considering candidates for city manager.

A month later, when the council announced it would interview eight candidates, we again pointed to the fact that met the office's definition of candidates being "seriously considered" for the position. The city decided to hide that list, clearly violating both the spirit and the letter of the law.

In the most recent search, the city appears to have actually complied with the law when it came to releasing the candidates' names. It interviewed two, and their names were known to the public when the interviews took place. So it's a shame to see Eau Claire officials once again fall flat on their faces when confronted with other required releases of information.

The city's pattern is clear. It believes applicants are employees, interviews don't indicate serious interest in a candidate, and that requests for information should be fought. The responsibilities it has to the residents of Eau Claire? They're a distant consideration at best.

That's not what people should settle for.



Biodefense needs to be priority

As former elected officials from Midwestern states, we are heart-sick watching farmers across the region destroy millions of chickens infected with highly pathogenic avian influenza because, frankly, they have no other choice.

The last time this disease struck the United States in 2015, our country detected infections in 21 states, spent \$879 million to respond to the epidemic and depopulated more than 50 million birds on 232 farms. The total estimated cost to the U.S. economy was \$3.3 billion. Seven years later, our country still seems unable to do much more than respond by culling large numbers of birds again, costing farmers dearly and driving up the cost of food at a time when inflation is already at a record high.

Avian influenza and COVID-19 painfully remind us of how disruptive and destructive biological events can be to our public health, economy and national security. And now the Russian invasion of Ukraine is yet another stark reminder of how our adversaries may use biological weapons to attack humanity.

We are both privileged to serve on the Bipartisan Commission on Biodefense, an organization that identifies gaps in the federal government's ability to defend the nation against biological threats. The commission has been making recommendations to Congress and the White House to eliminate gaps in national biodefense for seven years.

Our commission understood the danger biological threats posed when the commission held its first meeting in 2014. These threats are only increasing today and will continue to increase in the future unless the administration and Congress act immediately.

The spread of avian influenza and the continuation of COVID-19 show how two simultaneously occurring diseases can create a layered crisis. However, we cannot afford to focus on just these two diseases to the exclusion of all other biological threats. While the current decrease in COVID-19 infections brings hope, the next variant of the coronavirus that causes SARS, or severe acute respiratory syndrome; another emerging infectious disease; laboratory mishap; or biological attack could be right around the corner.

We must also worry about other nation-states and their continued pursuit of biological weapons. Last year, the State Department reported that there were active biological weapons programs in Russia and North Korea, with China and Iran following by a close margin.

The Russian invasion of Ukraine is

unconscionable and unjustifiable. We stand with the citizens of Ukraine as they defend their country against these acts of aggression that have upended the global order in ways not seen since World War II.



SUSAN BROOKS



TOM DASCHLE

Russia's incursion has not only increased the nuclear and chemical threat, but it has also greatly increased the threat of biological warfare. Russia seeks to obtain and control critical infrastructure throughout the region and could use biological weapons to attack the Ukrainian populace, leaving these laboratories and other critical infrastructure intact.

The situation is dire, but just as we cannot afford to focus on COVID-19 to the exclusion of all else, we cannot afford to focus on Russia to the exclusion of all others. Other nation-states and terrorist organizations are also producing or trying to obtain biological weapons.

To combat these numerous threats to our country's health and national security, our commission has recommended the establishment of an Apollo Program for Biodefense to coordinate government research and development and invest in science and technology to help eliminate pandemics in 10 years. We were glad to see that the president's recent budget request for fiscal year 2023 echoed these recommendations by calling for \$88.2 billion in new funding to prepare for pandemics and enhance America's ability to rapidly produce and deliver medical countermeasures against biological threats. It specifically addresses 10 priorities from our Apollo Program report. This is the kind of transformational investment we need to safeguard our country against future catastrophes, and we urge Congress to implement it as swiftly as possible.

All Americans have felt the consequences of one devastating biological event caused by COVID-19, and many are now affected by a second caused by avian influenza. We simply cannot fall into a cycle of complacency, moving on to the next crisis when one ends.

As former lawmakers, we have seen this happen too many times before. We must learn lessons and ensure past mistakes are not repeated. Our national biodefense must be robust enough to meet and defeat the array of biological threats bearing down on us — both here at home and around the world.

Brooks, a former Republican U.S. representative from Indiana, and Daschle, a former Senate majority leader and Democratic senator from South Dakota, wrote this for the Chicago Tribune.

FROM OUR FILES

5 years ago — 2017

Becca Cooke, who owns Red's Mercantile in Eau Claire, launches the Red Letter Grant program to help female entrepreneurs.

10 years ago — 2012

Gov. **Scott Walker** signs four agricultural bills into law — dealing with a livestock registration program, seasonal road weight limits, compensation for losses from cougars and testing cattle — at Five

Star Dairy near Elk Mound.

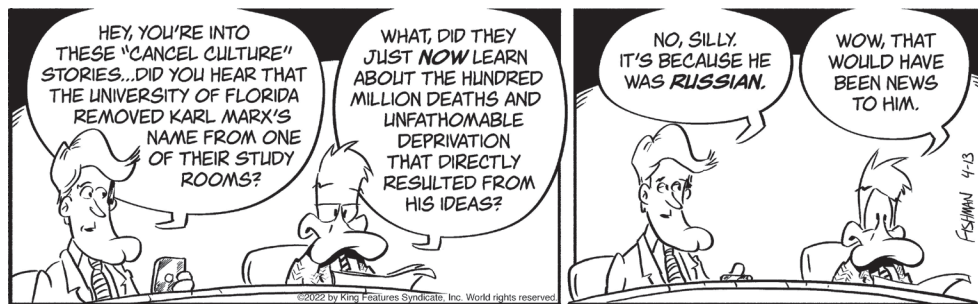
20 years ago — 2002

Murder suspect **Bill P. Marquardt** pleads not guilty because of mental disease or defect to animal cruelty charges in Eau Claire County.

35 years ago — 1987

A former UW-Eau Claire residence hall director gets 30 days in jail for stealing money from the hall's vending machine to support his cocaine habit.

MALLARD FILLMORE



VOICE OF THE PEOPLE

Separate school boards, politics

We just had a supposedly nonpartisan school board election.

I received a mailing stating which three to vote for from the Democratic Party. I received another mailing saying to vote for the other three obviously, but not stated, from the Republican Party. The disclosure in the paper showed Republican and Democratic parties financially pushing their favored candidates. I think we have seen more than enough partisan idiocy in Washington and Madison, much less their contaminating our own local school board elections.

Should our issues be mask wearing? Sexual orientation of students? Critical race theory? Or whatever other hot-button issues can cause discord and bring out the worst in people?

I think that maybe there were a few issues that didn't seem to be election issues such as: Why student achievement is falling in the system. How much can be blamed on COVID? Why are good teachers leaving for a neighboring district? Are class sizes getting too large? Should we be teaching our students how to cope in a modern, high-tech world or which bathroom to use? Do we pay enough to hire good substitutes so that a sick day for a teacher isn't a waste day for the students?

Please think about educating our kids and not your politics. They are our future.

JOHN LAYDE
Eau Claire

Trump, Russian leader too cozy

Regarding the Russian invasion of Ukraine: In February, former President Donald Trump said, "I went in yesterday and there was a television screen, and I said, 'This is genius.' Putin declares a big portion of the Ukraine ... of Ukraine. Putin declares it as independent. Oh, that's wonderful.

"So, Putin is now saying, it's independent, a large section of Ukraine. I said, 'How smart is that?' And he's gonna go in and be a peacekeeper. That's the strongest peace force ... We could use that on our southern border. That's the strongest peace force I've ever seen. There were more army tanks than I've ever seen. They're gonna keep peace all right."

Trump praised the Russian leader for declaring two regions in eastern Ukraine as independent and ordering troops in to carry out "peacekeeping functions." He also said Putin is "very savvy" and that: "I knew Putin very well. I got along with him great. He liked me. I liked him. I mean, you know, he's a tough cookie, got a lot of the great charm and a lot of pride. ... I think he sees this opportunity. I knew that he always wanted Ukraine. I used to talk to him about it. I said, 'You can't do it. You're not gonna do it.' But I could see that he wanted it. ... We used to talk about it at length."

Trump also previously promoted false, unsubstantiated claims that Ukraine, not Russia, meddled in the 2016 election. And he temporarily froze U.S. military aid to Ukraine in 2019 while pressuring Ukraine President Volodymyr Zelenskyy to launch an investigation into Biden, which prompted the first of Trump's two impeachments. If Trump were president today, would he and Putin attempt to make the U.S. and Russia a federation?

RON PAREJKO
Eau Claire