Your Right to Know / Jonathan Anderson

A fund to fight government secrecy

In 2022, the Wisconsin Freedom of Information Council created a designated fund to help cover legal costs associated with fighting to pry records into the public domain. Called simply the WFOIC Legal Fund, it has never had more than $4,000 in its coffers. But the Council, of which I am a member, has put what money that is there to good use.

The Council last year awarded a grant to The Badger Project, which together with a watchdog group known as the Invisible Institute is [suing](https://thebadgerproject.org/2024/05/24/wisconsin-does-not-and-should-not-have-secret-police-the-badger-project-sues-state-doj-for-full-list-of-law-enforcement-officers/) the state Department of Justice for refusing to release records about police officers. That [case](https://wcca.wicourts.gov/caseDetail.html?caseNo=2024CV001515&countyNo=13) remains pending.

The Legal Fund also helped cover some expenses in journalist Daniel Libit’s [suit](https://www.wiopenrecords.com/post/journalist-daniel-libit-sues-uw-madison-uw-foundation-for-nil-consultant-contract) against the University of Wisconsin-Madison and UW Foundation over access to records about publicity deals for student athletes. A Dane County circuit judge [dismissed](https://www.wpr.org/news/records-lawsuit-seeking-nil-contract-uw-dismissed-open-records) the lawsuit in September on technical grounds, and Libit did not appeal. But the suit ultimately prompted disclosure of the requested information.

And the Council in 2022 provided funds to an individual who successfully sued the La Crosse Police Department and the Holmen Police Department for records related to criminal investigations.

The Council’s goal in establishing this fund, which began with a $1,700 contribution from a citizens group grateful for the Council’s guidance, is to help individuals and journalists who are confronting improper government secrecy. We are focused on funding lawsuits that are likely to succeed, could help clarify and strengthen the public’s right of access to government meetings or records, or that involve clear or egregious violations of law. We also consider the financial need of the applicant.

There are some strings attached. Cases must involve Wisconsin’s public records or open meetings laws, and the requester must be represented by an attorney with a valid license to practice law in the state. Expenses eligible for grant funding include fees for filing, process service, depositions and expert witnesses. At present, attorney’s fees are not covered, and in cases where the plaintiff prevails and wins recovery of litigation costs, the money contributed by the Council must be returned.

Down the line, the Council hopes the fund can be substantial enough to cover at least some attorney fees in cases that do not lead to successful outcomes or for actions in which no financial restitution is possible, such as letters from attorneys contesting denials. We’re not there yet.

The Legal Fund is a new dimension to the Council’s existing efforts to advocate for access to government information. In addition to public education and legislative engagement, we have long been a voice for the public’s right to know in Wisconsin courts by filing friend-of-the-court briefs.

This year, the Council joined the Milwaukee Journal Sentinel and Wisconsin Institute for Law & Liberty in a [brief](https://acefiling.wicourts.gov/document/eFiled/2023AP000036/814420) in *Wisconsin Voter Alliance v. Secord* at the Wisconsin Supreme Court involving the public records law. The Council also joined the Wisconsin Newspaper Association, Wisconsin Broadcasters Association, and the Society of Professional Journalists in a [brief](https://acefiling.wicourts.gov/document/eFiled/2024AP000051/808014) to the Wisconsin Court of Appeals in *Oitzinger v. City of Marinette* involving the open meetings law.

If you are interested in applying for a grant, visit [wisfoic.org/legalfund](https://wisfoic.org/legalfund/). To contribute to the fund, visit [wisfoic.org/donate](https://wisfoic.org/donate/).

*Your Right to Know is a monthly column distributed by the Wisconsin Freedom of Information Council (wisfoic.org), a group dedicated to open government. Council Treasurer Jonathan Anderson is a former Wisconsin journalist and current Ph.D. candidate at the University of Minnesota.*



Jonathan Anderson, provided photo.