

"If we don't protect the free-speech rights of students to express themselves freely ... we will stifle the minds of the future."

— Diana Ayton-Shenker

Director, Freedom-to-Write Committee
PEN American Center, 2001

FORUM

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Our Forum

Adding teeth to FOIA

Delegate Rick Morris believes it ought to be a crime to intentionally deny Virginians access to documents and meetings that should be public.

That was the gist of a bill Morris introduced this year — to make it a misdemeanor to willfully and knowingly violate the provisions of the Virginia Freedom of Information Act.

The forces that would keep much of government's activities in the closet quite understandably opposed Morris' bill, but amazingly, he ended up getting a version of it approved overwhelmingly by the House of Delegates.

By the time the bill got to the floor for that vote, it had been watered down in the House Courts of Justice Committee to the point that it is unlikely anyone will ever be convicted of violating FOIA.

Those who would keep government secrets can breathe a bit easier because Morris' bill, as passed, reads that a public official would have to violate FOIA "without legal excuse or justification, deliberately, willfully, and knowingly." By the time county and town attorneys argue that, judges will have pretty much all they need to find that there was, if nothing else, a "legal excuse or justification" for violating the law, and thus negating any criminal intent.

That's about as watered down as you can get without simply killing the bill. But however thin the prospects of ever getting a conviction, Morris' bill would open the door to declaring governmental secrecy, in some circumstances, a crime.

Morris' bill has now gone to the Senate and may be referred to the Virginia Freedom of Information Advisory Council for inclusion in a study of FOIA now being conducted. Local government hates Morris' bill and will attempt to get it killed — or at least shelved. But no matter what happens to it at this point, the man has made an important statement on behalf of open government.

The real solution to unwarranted secrecy, of course, is to elect officials who will not succumb to staff members at any level of government who want to operate in the shadows. If elected officials insist that government will be open, it will be.

Meanwhile, kudos to Delegate Morris for the effort he has made, no matter what happens to his bill.

The right direction

In the aftermath of former Governor Bob McDonnell's conviction for selling influence, ethics became a subject that the Virginia General Assembly could no longer ignore.

Both the Senate and House of Delegates, despite grumbling by some members that they were overreacting to last year's trial of McDonnell, overwhelmingly adopted legislation that dramatically tightens the cap on gifts that public officials can receive.

The language eventually approved by both bodies reduces from \$250 to \$100 the cap on acceptable gifts, but far more important, it swept into that definition the "intangible" gifts of meals, travel and entertainment, which have, heretofore, been permitted.

The legislators choked at creating an independent ethics panel that would have the authority to investigate alleged violations and refer them for prosecution. Instead, they voted to create a panel that will have little power.

Nevertheless, this is the first significant progress the Assembly has made toward regulating the flow of gifts from lobbyists to legislators.

House of Delegates Republicans appear unwilling to budge on a separate matter that also speaks to political ethics. It was recommended by a panel appointed by Governor Terry McAuliffe that a bipartisan approach be enacted to handle redistricting. Not going to happen, said House Republicans, who have maintained dramatic control of that body, at least partially because of carefully drawn election districts.

Well, some progress is better than none, and the ethic legislation is clearly progress.



Under arrest

Sallie Belle Gwaltney and Vernon Eberwine played the roles of "jailers" in this 1984 Heart Association "Cardiac Arrest" project to raise funds for the association. "Jailed" were Smithfield Mayor R. L. Thompson and county farmers Jack Ramsey and Dwight Doggett. (Smithfield Times file photo)

Reader Forum

Water, water everywhere

Editor, Smithfield Times

I've witnessed a recent explosion in public interest on the subject of IOW county growth. This is a both a good thing and for good reason. I have personally engaged in growth-related conversation with both town and county officials, and although more informed than yesterday, today I contemplate more questions than answers. In that regard, I am a member of a growing fraternity.

I challenge the IOW planners and supervisors to reply to this letter and answer a fundamental question shared by far too many county residents: Rather than grow explosively to use the water you bought, what specific actions have you taken to renegotiate the contract and procure only the water you need? Are we to believe there is zero U.S. precedence for counties to renegotiate service contracts?

When Gatling Pointe residents attempted to serve up this question to IOW planners at Monday's IOW 2040 briefing, their

NOTE: The Smithfield Times welcomes letters from our readers and asks only that they be a maximum of 300 words. Please avoid personal attacks on individuals. Letters must be signed and an address and phone number included for verification of authorship. The Smithfield Times will edit letters as needed. Please limit letters to one per month. Mail letters to The Smithfield Times, P.O. Box 366, Smithfield, VA 23431, or email to editor@smithfieldtimes.com. Letter deadline is noon each Monday.

answer was quick and terse (paraphrased): "That horse has left the barn. A contract is a contract. Next question." With all due respect, that answer not only served as a disservice to your constituents; it also created a negative bias on your subject brief before you even got started.

Again, to IOW county officials, I submit that before your citizenry can set aside water-related emotion and begin to constructively participate and assist you in the growth planning process, you must answer the aforementioned question. Had the English Poet Samuel Taylor Coleridge attended Monday's meeting, he might have phrased the question more delicately and possibly got an answer: "Why do we have water, water everywhere and WAY too much to drink?"

Mark R. D'Etcheverry
Smithfield

Paying for a better life

Editor, Smithfield Times

Seems to me that the surest way to both slow our population growth while we stay out of debt would be for me and my neighbors to raise our property taxes to be comparable to other Hampton Roads communities, like Virginia Beach, for example.

We could use the additional revenue to provide better schools, pay teachers more, have smaller classes, improve our parks, build a bike path through the county and quit worrying so much about the water bill.

These improvements would surely result in increasing the value of our

homes. This would make it even more difficult to decide to move here. Probably the only people who would consider it would be those who consider education and quality of life more important than money. And who needs them?

John Wandling
Carrollton

Keeping us in the dark

Editor, Smithfield Times

I find myself both shocked and astonished to learn that Isle of Wight requested statewide legislation to reduce public notification requirements. Our commonwealth is comprised of 97 counties and 38 independent cities. Little Isle of Wight, which ranks 47th in population, actually took the lead on promoting legislation to reduce public notifications to the electorate of the entire commonwealth. Didn't every one of our current supervisors run on 'open government' platforms? Didn't they all publicly repudiate the previous board's secretive actions such as the Water

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Pigs in the kitchen

The past few days should have been a sufficient reminder that winter doesn't end in early February, even in generally pleasant Southeast Virginia.

I find little joy in wintry weather and never have. Mostly, it reminds me of long, cold nights spent either in the kitchen near a tin heater or the living room close to a kerosene stove.

When we were growing up on the farm, the one thing that

IN THE
**SHORT
ROWS**
By John Edwards

could be depended upon, or so it seemed, was that if the weather turned nasty, sows would have a litter of pigs. And in our very low tech, woodlot hog operation, that frequently meant they would find their way into a corner of a woods, push together some leaves for a bed and have pigs in the bitter cold.

We kept several pieces of tin roofing nailed to frames handy for such occasions and would try

to provide some shelter for errant sows and their offspring. Convincing a sow that you were trying to help her by building a lean-to over her and her pigs could be a dicey matter.

And there were often one or two smaller-than-average pigs — runts of the litter, they were called. They would be pushed aside by their stronger siblings and, left unaided, die.

My father brought more than one of those runts from new litters into the kitchen, put them

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