

Viewpoint

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Sunlight: The best disinfectant

The work of democracy, ostensibly government in the name of the people, cannot be carried out behind the closed doors of proverbial smoke-filled rooms for it to be done properly. Without accountability and transparency, democracy rapidly devolves into either the tyranny of the majority or, perhaps worse, the tyranny of the minority. That is why Justice Louis D. Brandeis believed that "publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."

Government in Puerto Rico, however, has traditionally worked without either accountability or transparency. A disturbing development that was prophesied over 50 years ago by Friedrich A. von Hayek, when he wrote in "The Road to Serfdom" that in certain regimes "everything which might cause doubt about the wisdom of the government or create discontent will be kept from the people. The basis of unfavorable comparisons with conditions elsewhere, the knowledge of possible alternatives to the course actually taken, information which might suggest failure on the part of the government to live up to its promises or to take advantage of opportunities to improve conditions — all will be suppressed."

The inclination to suppress and withhold information from the public occurs in at least two modalities: (1) the suppression of information regarding the performance of the government and (2) the failure to timely disclose the design and implementation of new policies.

The first modality should be familiar to any person who has requested information from any government agency. The person in charge usually asks: What do you want this information for? Now, that is none of their business. What we do with public government information is our own affair. The government, however, does its best to withhold it.

The next reaction from the government usually is to ask for a written request. The purpose of this requirement has never been properly explained. Some believe this is a way of keeping track and intimidating all those who dare ask for information.



Sergio
Marxuach
Commentary

In my view, however, the purpose of the written request is less sinister; it just appears to be an effective way of dissuading people. The thinking seems to be "if we make them jump through enough hoops, they will eventually give up and go away."

This attitude is rather difficult to explain because there is really very little government information that should be secret or confidential by its nature. The problem seems to be that the default mode of operation is to hide and withhold information from the public. The principal reason for hiding public information, then, appears to be nothing more than bureaucratic inertia induced by a severe case of intellectual sloth.

The second modality of withholding information is more harmful. Our government seems to have a knack for planning new policies behind closed doors and then presenting them as a fait accompli to an unwary public. This practice violates what philosopher John Rawls, in his Theory of Justice (1971), called the publicity principle. In its simplest formulation, the publicity principle bans government from selecting a policy it is either unwilling or unable to defend publicly to its citizens. The standard operating procedure in Puerto Rico appears to be the opposite: our government officials want to do as much as they can covertly, with little or no accountability.

However, recent experience with secret working groups in the United States demonstrates that this is not a good way to

formulate public policy. For example, the notorious Cheney Energy Task Force, which produced nothing more than a Christmas wish list for the oil industry. The irony here is that if the process had been more open, transparent, and participatory the policy end-product would have been better and easier to sell to the general public. Violating the publicity principle however, destined these efforts to abject failure.

University of Chicago professors Richard Thaler and Cass Sunstein, in a recently published book, advocate for greater transparency to allow citizens to effectively monitor their governments. Among other things, they would "require government officials to put all their votes, earmarks, and contributions from lobbyists on their Web sites. Require those determining the future of energy policy (to cite a random example) to reveal which profit-maximizing firms were invited to lend their all-too-invisible hands to the process of designing the rules. Require those determining the future of educational policy to reveal which interest groups, and which unions, gave them money in the recent campaign. Require government agencies, not merely the private sector, to disclose their contributions to air and water pollution, and their greenhouse gas emissions." We should require the same from our politicians and government officials in Puerto Rico.

In addition we propose, first, that it should be the policy of the Commonwealth of Puerto Rico that any study financed by the government with public funds be made accessible to any interested citizen. Second, government economic and financial data should be required to be disclosed monthly by law, not only when the numbers favor the administration then in power. Third, the announcement of a public policy decision by any government agency should be accompanied with the disclosure of the analysis supporting such policy and by a list of all those who lobbied in favor and against the final policy. In that way we will end the era of secrets in Puerto Rico.

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