



Legal Fights Waste Your Tax Money

Description

bga "You catch more flies with honey than vinegar."

An adage that's certainly true in some cases but not, unfortunately, in the watchdog business in Illinois.

Sometimes saying "pretty please" to government officials gets you zip.

So organizations like the Better Government Association have to brandish a swatter to get the accountability we're entitled to from the officials who spend our tax dollars.

And that's where the courts come in.

The BGA has been directly or indirectly involved in a dozen lawsuits and other legal actions in recent years in the fight for open, honest government.

Our court actions, handled by a stellar team of pro bono attorneys, usually succeed because the state's [Freedom of Information Act \(FOIA\)](#) supports most of our transparency requests.

Government officials know that, but sometimes they need to be hit with a writ before they comply.

The Chicago Police Department, for instance, quickly told us how much taxpayers are spending on bodyguards for one alderman, and how they're deploying tactical officers around the city, after we filed lawsuits.

The legal route [in this case filing an amicus brief](#) also contributed to the appointment of a special prosecutor to re-investigate the 2004 death of David Koschman following a punch thrown by a nephew of former Mayor Richard M. Daley. The initial investigation, as the Sun-Times reported on extensively, raised enough troubling questions to persuade a judge to order a fresh, independent review of the case after the victim's mother and the BGA filed petitions.

Given our history of aggressive advocacy, and our success rate in court, you'd think government agencies would stop stonewalling our requests, if only because they're fighting us with your tax dollars.

The situation is improving, but too slowly.

Last week, for instance, we filed a lawsuit against Pace, the suburban bus agency, for refusing our FOIA request to provide employee payroll data in Excel – a user-friendly format – instead of PDF, a format that's harder to use.

The law requires public agencies to turn over documents in the format they're kept in, and it appears Pace converted an Excel document to a bulkier, less-searchable PDF just to be difficult. So now we're in court.

[Click here to see a list of BGA Legal Action](#)

The BGA also sued Pace last year when they refused to turn over bus and driver safety records. They fought us for months, but then, a couple of weeks ago, did a 180 and gave us most of the information.

Hopefully, they'll do the right thing in the Excel case.

We're not targeting just transit groups – [we sued the Cook County Recorder of Deeds recently](#) for claiming the office can accept FOIA requests only via snail mail, not email.

That's an unnecessarily cumbersome way to handle the public's business, and also absurd in today's digital world.

Those objections apparently registered with Recorder Karen Yarbrough, because we just got the information without sending a letter, but we're not dropping the lawsuit until the policy is officially changed.

Don't get the wrong idea here. We don't enjoy filing lawsuits that force government to spend your tax dollars fighting us.

We'd rather see a sweet approach – a legitimate FOIA request – produce the public information we request.

But sometimes vinegar, or a swatter, is the only thing bureaucrats understand.

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