



Frankfort's secret society sucks the life out of liberty

By Jim Waters

What you have a right to do, and what's right to do often don't have much in common. Secret budget meetings attended by big-spending politicians may be legal. But that doesn't make them right.

Why should decisions get made during closed meetings about how hard-earned money of Kentuckians will turn into tax revenue?

Once again, Frankfort's politicians are up to no good. When I was a little kid, "being up to no good" meant getting caught with my hand in the cookie jar. For politicians, it means getting caught planning ways to heap more taxes on Kentuckians.

House Speaker Jody Richards and his secret-handshake conspirator, Rep. Harry Moberly from Richmond, House budget chairman, met with other Democratic cronies to plot how to convince the governor to raise taxes on smokers (cigarettes) and the poor (casinos).

They met in secret – no members of the public or media – or even most of their fellow lawmakers – allowed. This way, really tough "public" issues become playthings for elected officials who start horse-trading.

"I'll give you this if you give me that" banter exchanged in secret always leads to the Gentleman's Club shouting in unison "The taxpayers will give us this!"

Unfortunately, the "horses" traded don't belong to the politicians. They belong to Kentucky residents, who don't stand a chance against Moberly & Co., who never saw a spending cut they liked or a tax increase they didn't adore.

Robert Sherman, director of the Legislative Research Commission, wrote in his foreword to the Kentucky Open Meetings Law passed by the General Assembly in 1974 that the law served this purpose: "to provide the people with greater access to government."

The letter of the law – KRS 61.810 – allows but doesn't require "committees of the General Assembly other than standing committees" to meet in secret.

But let's look this another way: What about the spirit of the law? It demands they should meet openly.

However, Kentucky's politicians amended the law to wiggle free of sticky situations in order to dodge public debate. The legislative penchant for creating exemptions to openness drives the commonwealth's governing body to secrecy.

- Prison parole boards hold closed meetings to discuss whether the “Willie Hortons” in Kentucky should stay locked up.
- Collective-bargaining negotiations between public employers and employees don’t get public scrutiny.
- Many of the records containing deals cut by manufacturers with the state’s economic-development bureaucracy come with big padlocks.
- And the most important decisions about spending the money raised on the back of hard-working Kentuckians – budget debates – become the purview politicians playing invitation-only parlor games.

I hope Kentucky’s media will turn up the pressure on the Cloak and Dagger Club. Reporters remain the best link between events in Frankfort and taxpayers who have a right to know how their money gets spent.

That’s a Kentucky Constitution-backed right, and the preamble to this contract with the citizenry makes that clear:

- “. . . applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.” (This is tough to do when “the power of government” won’t let you know what they are doing.)
- “Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.” (Someone needs to remind Team Jody about this.)

Indiana U.S. Rep. Mike Pence recently stated: “Our Founders did not enshrine freedom of the press and the First Amendment because they got good press. They understood that the only check on government power in real time is a free and independent press.”

As long as a few politicians can secretly debate and discuss the budget – the most important issue for which all legislators meet in Frankfort – to paraphrase Pence’s words, no “check” on government spending exists.

And Kentuckians will keep writing “checks” until they go broke.

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