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### **STATE OF CORRUPTION**

## **Chicago City Hall, Mayor Richard Daley's administration routinely deny requests for public documents**

### **Daley administration routinely denies requests for documents that could shed light on how the mayor really runs the city**

By Dan Mihalopoulos, Todd Lighty and David Kidwell Tribune reporters May 4, 2009

Mayor Richard Daley portrays himself as the most transparent big-city mayor in the country, yet he presides over an administration that routinely denies requests for records that show how Daley really runs Chicago.

With a nod from the mayor, Chicago's police chief defied federal judges who demanded a list of officers repeatedly accused of misconduct.

Daley's schools superintendent, now the nation's top education official, refused parents' requests for the documents behind a controversial decision to relocate their children's gifted program.

And the mayor scoffed at reporters and aldermen who demanded records detailing how he wanted to spend hundreds of millions of dollars he was seeking as part of the national economic stimulus plan. He was alone among big-city mayors in not revealing his wish list.

"We did not put that out publicly because once you start putting it out publicly, you know, the newspapers, the media is going to be ripping it apart," Daley said in February, before he learned Chicago was in line for nearly \$1 billion.

The mayor's office continues to resist efforts to see all the documents behind the decisions his administration made on stimulus projects, just one of the latest examples of how Daley officials aggressively cite exemptions in the state's public records law to avoid releasing information and frequently drag out for weeks or even months efforts to get records.

Controversial plans to lease city parking meters to a private firm and redraw the struggling blue-bag recycling program were likewise cloaked in secrecy while journalists and others battled city officials to obtain records that ultimately told a different story from the mayor's official version of events.

The Tribune once sued the Daley administration over what it contended were routine violations of the state's open records law, and the case was settled in 2003 with the city promising to "abide by the mandates" of the law -- including answering requests on time.

The newspaper on Sunday documented hundreds of complaints from citizens about how state and local governments -- including Chicago's -- sometimes ignore and often deny requests for public records. The newspaper's examination of requests made to the state attorney general's office was accompanied by the launch of an online help desk at [chicagotribune.com/secretcy](http://chicagotribune.com/secretcy) to assist the public in efforts to pierce a culture of secrecy pervading government.

Glenn Krell of Chicago was among taxpayers who sought the help of the attorney general's Public Access Bureau to get answers when Chicago Public Schools officials were making changes to his son's gifted program that now require him to be bused about 45 minutes from home.

When Krell and other parents questioned the decision to close Edison Regional Gifted Center, school officials said the move was necessary to ease overcrowding at other Northwest Side schools. But officials rejected Krell's request for records supporting the decision, including consultant reports and memos.

Five months after Krell formally sought the documents, he received a letter from Daley's then-schools boss, Arne Duncan, telling him staff recommendations and reports justifying the gifted program's move were secret.

Duncan, who since moved to Washington as President Barack Obama's education secretary, relied on an exemption in the records law for preliminary drafts and opinions. Even after the decision to move the school, the city wouldn't release some of the underlying records.

"This exemption protects the decision-making process by allowing the free flow of information among the decision-makers and the individuals who advise them," Duncan explained to Krell in a letter in September, after the move.

Atty. Gen. Lisa Madigan's public access counselor referred the case to the Cook County state's attorney, but the Chicago schools' general counsel said that matter went no further because there was no violation of the records law. Many of the records have never been released.

"They use these exemptions to keep us in the dark because they simply don't want the hassle," Krell said recently. "They want us to know what they want to tell us, and that's it."

The city's Environment Department employed the same exemption when the Tribune sought reports produced by consultants who were paid hundreds of thousands of taxpayer dollars to analyze city recycling policies and recommend alternatives to the mayor's favored blue-bag program, which was underused and ineffective.

Daley aides would not give the newspaper the findings the consultants gave them in 2005. Without those reports, it is impossible to know how the new curbside recycling system eventually adopted by the city compares to other possibilities the administration considered.

The city cited another often-used exemption -- for privacy -- when lawyers for alleged victims of police abuse sought city records.

In February the mayor backed Police Supt. Jody Weis' defiance of two federal judges who ordered him to turn over a list of officers accused multiple times of misconduct. Daley argued that the officers did not deserve to have their names made public because the department determined that many of the complaints were "unfounded and meritless."

"Those [officers] should not come under scrutiny of any lawyer," he said. "These are public servants."

Weis ultimately relented. But disciplinary files of public employees are not open records under Illinois law, a policy that puzzles officials in other states where such documents are public.

Without seeing the files, "how else can the public evaluate whether a public agency is adequately investigating those claims?" said Laurie Beyer-Kropuenske, Minnesota's top public records official. "Doesn't the public have a right to know why the Police Department found all 100 complaints against Officer Friendly to be completely without merit?"

Likewise, citizens have little chance to evaluate how the city decided to spend the federal stimulus money because the city didn't release its catalog of projects until they were already approved and the nearly \$1 billion was on the way from Washington. In response to Tribune records requests for e-mails and other documents about potential stimulus projects, the city last month provided hundreds of e-mails -- many with the contents blacked out or with details of projects left out.

Daley has also refused to release records detailing his official travel expenses, in some cases saying private groups paid for his trips and in others claiming under records law that it would be too hard to itemize the expenses. Asked for copies of his official appointment calendar -- released by many other public officials -- Daley press secretary Jacquelyn Heard said the chances "are very slim."

"Some of the people who he meets with don't want it known that he has met with them," Heard said.

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