



January 22, 2021

The Honorable Thomas Wheeler
Madera County Board of Supervisors
District 5
Tom.Wheeler@MaderaCounty.com

Via Email

Re: Your e-mail to Fresno Bee Reporter Yesenia Amaro in response to her request for public records

Dear Supervisor Wheeler,

We are writing to express our concern and dismay over your response to a journalist's request for public records submitted to the Madera Board of Supervisors on Jan. 21. Your unwarranted and unprofessional insult, directed at Fresno Bee reporter Yesenia Amaro and shared with the entire Madera County Board of Supervisors, was bad enough on the merits. What concerns us even more is the contempt your email expresses for not only a free press but for the fundamental right of Californians to understand what their government is doing.

Your email suggests that because you have a disfavorable view of Ms. Amaro's work as a journalist, the county should not respond to her valid request for records under the California Public Records Act and, if it does, it should charge her "our regular fees," suggesting the county should wield fees as a cudgel, punishing a reporter and her publication for the mere act of asking for records, which is their right (and the right of all people) under California law.

This right is articulated in the California Public Records Act and in the California Constitution, which at Article I, Section 3(b) enunciates that "the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."

While this right has constitutional stature in California, and is further supported by the Public Records Act's mandate that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state," it is through the good faith of public officials that these rights are most frequently made real. The public and press rely on elected leaders like you to support these fundamental rights in both letter and spirit.

Attacks like yours on Jan. 21 erode not just the trust the public has in its elected leaders but the foundation upon which that trust is built: access to information about the government. To further underscore our concern about your remark about fees, we note that while government entities can exercise the option of charging what should be nominal fees for production, the way you invoked it as part of an insult raises serious concerns that this is a shameful tactic to keep information inaccessible.

Therefore, we call on you to issue a public apology to Ms. Amaro that goes beyond your expression of regret via email that you "sent ... out" the insulting email.

As an elected leader with many years of service, you have the obligation to affirm the crucial role the press plays in the healthy functioning of our democracy, and the equally important role of transparency in government. We urge you to affirm these values and to set the record straight.

A handwritten signature in black ink, appearing to read "David Snyder". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Snyder
Executive Director
First Amendment Coalition

A handwritten signature in black ink, appearing to read "Jim Boren". The signature is cursive and somewhat stylized.

Jim Boren
Executive Director
Institute for Media and Public Trust
California State University, Fresno

CC: BOS@maderacounty.com