May 23, 2019

Via U.S. Mail and E-mail to statesattorney@wincoil.us
Ms. Marilyn Hite-Ross
Winnebago County State’s Attorney Office
400 W. State St., Ste 619
Rockford, IL 61101

Dear State's Attorney Hite-Ross:

I represent the Illinois Broadcasters' Association, the Illinois Press Association, the Illinois News' Broadcasters' Association, and the hundreds of members of those Associations across the state, including the press and broadcast members in Winnebago County. The Radio Television Digital News Association, a nationwide group dedicated to First Amendment issues joins us in this effort.

We are writing to express our concern about you and your office's refusal to answer questions about issues of high interest to Winnebago County residents.

Your silence has produced multiple Freedom of Information Act requests from multiple news organizations and multiple appeals by news organizations to the Illinois attorney general.

The moratorium imposed by you on discussion of the public safety tax threatens to stifle debate as the county begins the process of crafting a budget for fiscal 2020.

Your insistence that news organizations submit a written interview request, and especially the requirement to specifically identify potential questions and to provide the perspective of the story, makes your office an outlier among public institutions here and around the state.

Your refusal to answer what you consider "off topic" questions, culminating in the escorting of a longtime Rockford journalist from a press conference, borders on the ridiculous. We believe no question to a public official in a public setting is "off limits."

Congress shall make no law ... abridging the freedom of speech, or of the press.
—The First Amendment
The behaviors we describe are not those that citizens of a democracy expect from their public officials. We expect transparency, in the form of honest, thoughtful answers to questions. Such answers are especially important now, given the current state of county government.

Instead, by your silence, you have obscured Winnebago County government and made it difficult, if not impossible, for residents to obtain the information they need to engage in the act of self-government. Here is how James Madison, father of the First Amendment, framed the matter:

"A people who mean to be their own governors must arm themselves with power which knowledge gives."

We agree with Madison, and that's why we want to resolve the impasse with you and your office. We would gladly meet at a mutually convenient time to discuss the issues between us. Failing that, it's likely that the next 18 months will be consumed with FOIAs and FOIA appeals and recriminations on all sides.

The public deserves better.

If you are willing to meet, please let us know.

Sincerely,

Donald M. Craven

DMC:mdh
Cc: Mark Baldwin
    Josh Morgan
    Dan Shelly
    Dennis Lyle
    Sam Fisher