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## ACLU to aid Plainfield man's information hunt

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A city man seeking to review municipal documents to which he said he was denied access, has acquired the help of a national civil-rights power.

The American Civil Liberties Union of New Jersey's Open Governance Project appealed to the New Jersey Government Records Council Thursday on behalf of Robert F. Edwards, whom the group claims was improperly denied information about a proposal to raze the city's Elmwood Gardens housing complex. The case partially hinges on a July 2008 Planning Board meeting, during which the Housing Authority of Plainfield presented preliminary plans to demolish the West Second Street complex and build a cluster of town homes at the site.

### **A QUESTION OF SEMANTICS?**

According to a news release, Edwards twice on his own submitted unsuccessful access requests before enlisting the help of the union, or ACLU, which said it recently filed a third request that received no response or even acknowledgment from the authority. The group's complaint includes exhibits such as a Courier News article on last year's meeting and correspondence between Edwards and the authority, one piece of which informs the applicant that the request "is not applicable due to the fact that there was no proposal to the Plainfield Planning Board."

"Your information was incorrect," the attached memo from authority official Lewis Hurd reads. "At this time there has been no decision with Elmwood Garden (sic). There are a number of approvals that are needed."

That assertion, the complaint states, represents a denial due to semantics.

"It appears that the Housing Authority attempted to avoid its OPRA (Open Public Records Act) obligation to turn over the requested documents by parsing words and invoking an improperly cramped reading of the term 'proposal,' " it reads. "Government agencies cannot ignore their responsibilities under the law by parsing words or claiming that records widely known to be real do not exist," said Bobby Conner, staff attorney for the Open Governance Project. "If it looks like the same proposal and acts like the same proposal, it is the same proposal, no matter what the Housing Authority calls it internally."

### **PUBLIC ACCESS**

The complaint goes on to suggest that the authority denied the request "simply because it did not want to disclose the government records."

"The Housing Authority presented plans publicly that were even covered in the news — they didn't just vanish," Edwards said. "I have no doubt these records exist, but the Housing Authority just doesn't want the public to have them."

Authority Executive Director Randall Wood did not immediately return a phone call, but a copy of a signed affidavit attached to the complaint quotes him as stating "as part of the discussion, there

weren't any documents presented at the (July 2008) meeting or provided subsequent to the meeting. The discussion regarding the process was purely informational."

Page 90 of the city's newly created master plan, organized by the Planning Board, references the authority's plans for the complex.

"Encouraged also is continued assistance to the Authority's concept involving the demolition and reconstruction of the Elmwood Gardens Apartments," it reads.

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