

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."



THE CHEYENNE HERALD



the local advocacy journal

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Fecht tells Herald that there are only seven pages in the file concerning the Dwayne Sells death

by Dave FEATHERLY

I never expected Bob Fecht to provide me access to the files concerning the death of Dwayne Sells. So, when Sheriff Danny Glick told me that Fecht had told him they would be made available to me, I was surprised. Danny told me just to call Bob to make arrangement to review the files.

When I did, he pleasantly referred me to a records clerk. She and I agreed to a time of 9:00 am on Wednesday, November 9th. When I arrived, she told me she had faxed the files to city attorney Mike Basom and I should see him for the files.

I went directly to the city attorney's office and he was pulled out of a meeting and told me (I had already seen that pages were just then coming through from the police department) that he hadn't had a chance to review the contents yet and we set a later time of 2:30 pm for the review.

When I went back to the office, a clerk handed me a 9x12" manila envelope with just a few sheets of paper in it. When I asked where the files were, she said that was all the police department had sent.

In spite of an unambiguous state law on public records, this manner of handling a simple request is what I've come to expect of various levels of government.

In this case, I had not made a formal public records request. But, the police chief had offered them to me.

Could there have been an honest misunderstanding? Not likely.

This group (the mayor, council and many city department heads) has an attitude that laws do not apply to them. Nor ordinances. They believe, in all their religious fervor, that they are doing blessed work and no one has the right to question anything they decide or do. A basic tenet of this group is that if you don't like it, you can sue. And many have. Successfully.

The comical attempt to be "big city" law enforcement strained credulity.

More revealing information exists in the district court files and more disclosure was made at the coroner's inquest.

Why does a police department in the state's capital city try to block the public rights to know? Why would a city attorney not be aware enough of the state statute and case law in Wyoming to know that it cannot be done?

This is not investigative material which, in limited and specific examples, can be withheld from public scrutiny. The police department has concluded its investigation and came up empty-handed.

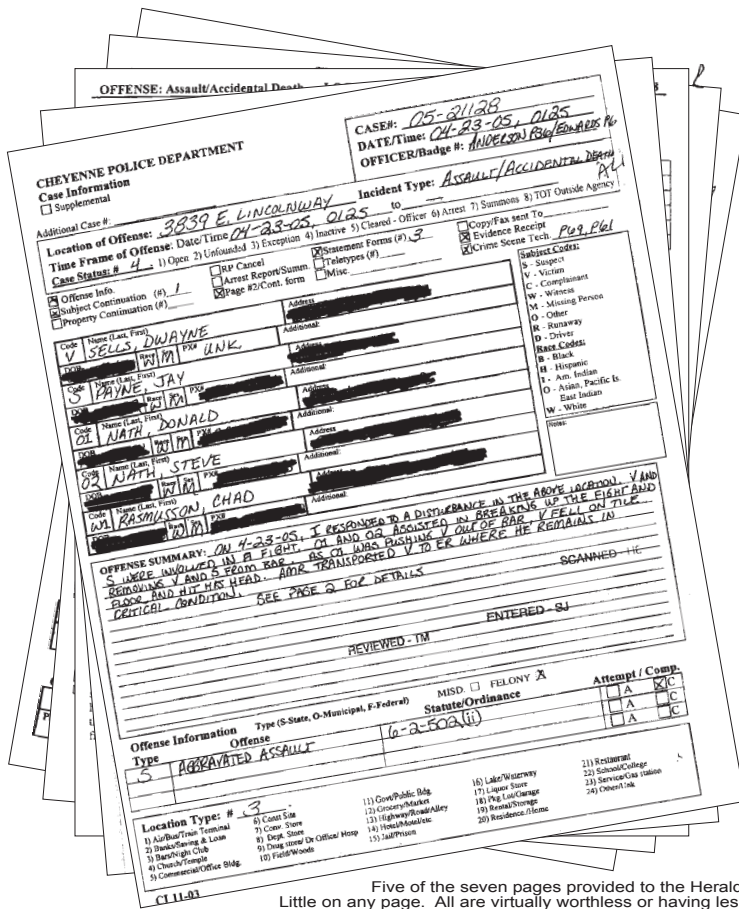
Even the Tribune-Eagle, in a lawsuit against county attorney Peter Froelicher, who gave poor legal advice to then-Sheriff Roger Allsop, prevailed. What was in question at that time is far more privileged than information which is, to a great extent, already in the public domain.

To defend withholding public records, the police department would have to prove that it would be against the public interest to release the data. They could not do that in this instance.

The public is in the dark - kept there intentionally by a police department which now appears to be acknowledging a poor investigation was done on the Dwayne Sells death. They can stall the release of these documents but they cannot prevent them from seeing the light of day.

Documents which have already been made public should be in these files. That bell has been rung, the police department cannot now claim any sort of exemption to the Public Records Act. Much of what should be in the file is the work product of third parties. Can they shield material which is not even their own? Hardly.

They rely on a complicit daily newspaper



Five of the seven pages provided to the Herald. Little on any page. All are virtually worthless or having less information than is in the Herald's files from its own investigation.

which traded its journalistic integrity and objectivity for coziness. An entity which once thought the Public Records Act important enough to sue for access, now sits on its hands - on the telephone with the mayor to determine what he wants them to do. In most cases, that is nothing.

Secrecy in this case serves no purpose. It is disgraceful. It is shameful. It is unnecessary. And it is illegal.

The information contained in the files being kept from review by the Cheyenne Herald WILL become public.

A master's degree from Lacrosse University in Bay St. Louis, Mississippi, is not sufficient to withhold public records from public scrutiny. Nor are the banker and divorce attorneys serving the mayor. This information will come forward. Sooner rather than later. Take that to the bank.

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