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Bredesen may try to close harassment records

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He says sexual misconduct is problem in state government

By TRENT SEIBERT

Staff Writer

Gov. Phil Bredesen said yesterday that he was considering proposing changes to Tennessee's open public records laws so that the identity of state employees who file sexual harassment complaints can be kept secret.

Bredesen's push to change the law comes after events surrounding the demotion of his top lobbyist, Robert "Mack" Cooper, 46, who was accused of workplace harassment. But Bredesen also said in the interview with The Associated Press, "We have got a problem with sexual harassment in state government."

It is unclear how big a problem it is. The Tennessean last week asked to see recent sexual harassment cases investigated by the state personnel office. As of yesterday, state officials had not made those files available to the newspaper.

Bredesen said it was important for employees to feel comfortable in coming forward with a harassment complaint. "People are not going to come forward if it's going to be on the front page of the newspaper," he told the AP.

Bredesen said he talked to the victim in the Cooper case and described her as desperately concerned that her name would become public. He said he asked the investigator, Personnel Department general counsel Kae Carpenter, to try to keep the victim's identity confidential.

Carpenter shredded the half-page of notes she took during the investigation.

It is also unclear how a potential new law might have affected the Cooper case. Because Carpenter shredded the only known document associated with the investigation, there technically were no records to make public.

The woman's name still is not public and Bredesen's office has consistently refused to provide any details about the circumstance surrounding the harassment. Cooper, who was demoted May 9, has not returned calls for comment since then.

Groups who push for openness in state government expressed concern about eroding any part of the state's open records law. In general, the law says that all documents in the state government's possession are public unless another law closes that specific type of record, such as personal medical information of state workers and people in the state's jails and hospitals.

Everett J. Mitchell II, vice president of news and editor of The Tennessean, said that the paper had treated with respect the victims of sexual harassment and crime, and would continue to do so.

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"I don't see the need for any more exceptions to the state's open records law," Mitchell said. "We have acted responsibly in reporting on victims of abuse, and to characterize our actions as anything but responsible is misleading."

The newspaper often encounters the names of victims of sexual assault in police reports and public court documents and does not publish those names.

The Tennessean has attempted to report on the circumstances surrounding the harassment, in part because "the shredding of documents raises the specter that there was more to it and that there was something to hide," Mitchell said.

Bredesen, in the AP interview, said that he believed the shredding was legal. "There's nothing to be covered up here," he said. He also acknowledged, "I don't have any way of proving that to you."

Bredesen said his idea on an open records law change was preliminary, and he said his staff members were looking at other states' policies. The governor said he would talk to the news media before submitting a measure to the next session of the legislature.

"If you ask me today, I would come down on the side that there needs to be broad protections for the victims and witnesses, but the fact that it exists and what the disposition has been should be part of the record," he said.

Cooper has agreed to undergo alcohol abuse and harassment counseling, the governor's office said at the time of his demotion. According to the terms of his demotion, he may return to a state job, but he can't work on the governor's staff. He also took a pay cut.

To Mitchell, the key concern is with government decisions going on behind closed doors.

"How is the public to be assured that the problem has been appropriately and adequately addressed if the public business is done in secrecy?" he said.

The Associated Press contributed to this report.

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