

# Forty Years of Public Records Litigation Involving the University of Wisconsin: An Empirical Study

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Truth-seeking is so fundamental a value in American culture that the law provides a wide variety of mechanisms to promote the quest for knowledge. Many of the freedoms explicitly guaranteed by the First Amendment were designed to protect individuals' rights to search for truths of various kinds. Additional rights associated with truth-seeking such as freedom of association, academic freedom, and the right to know have developed in the broad shadow of the First Amendment. Indeed, constitutional law in the United States has been called "the law of penumbras and emanations." Beyond the constitutional realm, Congress and state legislatures have recognized the importance of truth-seeking in education by establishing a diverse network of public colleges and universities as well as by enacting statutes that grant rights of access to information controlled by governmental bodies. Although access-to-information laws are important means by which the press and public can scrutinize the performance of government institutions, higher education's culture of autonomy does not easily accommodate demands for transparency and public accountability. One scholar noted:

Universities have a special need to preserve academic freedom and independence in academic decision-making. ... Thus, a conflict exists between the laudable goal of open government and the special needs of universities to operate relatively free from public pressure.