

Mr. PARKER. Has anyone said that we are going to issue a verbatim report?

Mr. RICH. But I say, if an individual can come in, if any member of the public can come in and look at the record, which includes the verbatim record of the meeting, as opposed to notes, simple notes about what has transpired at a meeting, it is quite a different thing.

Mr. PARKER. We take the position that any taxpayer in this county has a constitutional right to come in and examine any records in the office of the Superintendent of Education or the official records of this Board.

Mr. RICH. We haven't run into a problem whereby the Board has had someone who has taken exact transcript of what transpired in the meeting. And, so, we haven't run into a situation like this before. It is the same thing as holding a meeting in public, if any member of the public can come in and read an exact transcript, whereas, notes would be a summary of what transpired.

Mr. OWEN. Mr. Rich, I don't believe the Chairman had in mind calling the press in tomorrow and saying, "We want to release this to the newspaper". I don't think that is the intent of this at all.

Mr. RICH. No, sir.

Mr. OWEN. But here, I mean, to take minutes down at meetings, and if some member of the public asks about a specific point to come back and refer to the record on this specific point that had transpired, I don't believe we could refuse them the transcript of the minutes of the public record in this office under the Georgia law.

Mr. RICH. When it conflicts with the orders we have, I am sure you could, yeah.

Mr. OWEN. Well, I mean, we don't know of any law it conflicts with.

Mr. RICH. I am telling you, we have instructions not to meet with members of the public, including a record which would be made available to the public.

Mr. OWEN. Well, suppose we do this, Mr. Chairman. If it's all right with Mr. Rich, suppose we go ahead and take these and transcribe them at the meeting, and then maybe we can thrash out the point as to whether we can refuse or not after we conduct the meeting.

Mr. RICH. Well, no, the problem with that is, if you decided you would make it available, then what could we do at that point except say that you were acting in bad faith.

Mr. OWEN. No, I mean, if it is in compliance with the law that we can not refuse people to see these, then, of course, we would have to let them see them. But if it is in compliance with some law or instructions you refer to—

Mr. RICH. It is not a Federal law, sir, it is our authorization. If we must bring it down, the alternative would be us not meeting with you, or a meeting with you where no exact transcript be made available to the public.

Mr. OWEN. I know the Board wants to meet with you, and would have the benefit of what you have to tell them. But as far as making it public, I can't tell the Board that it is not my opinion—I will say this: I can only say that it is my opinion that a meeting of this sort must be made public. I don't believe we can have a meeting that is not public and take any official action. Now, I think you can have executive sessions where you don't take official action, but any meeting where you take official action, it would have to be public. Then, if we have a meeting and have minutes of this meeting, in my opinion, I think these minutes would be public records, and if they asked me "Can I,—can they refuse to show these records I would have to tell them "No" they could not refuse. They would have to show the records.

Mr. RICH. We would not anticipate that the Board would take any official action at this meeting, anyway, so, that perhaps the meeting would be an executive session at which no official action was taken.

Mr. OWEN. Well, I don't know whether the Board would want to take official action or not. If they did, certainly, that part would have to be for the public. Now, perhaps you could have the executive session, Mr. Chairman, transcribe your notes, where no official action is taken. Now, perhaps these notes that you take here would not be minutes in the sense that official action was taken to go in your minute book. Is that the point, Mr. Rich?

Mr. RICH. Yes, sir.

Mr. OWEN. In other words, what these gentlemen have to report to you, if you are in executive session and receive that report from them verbatim and transcribe it, for your information and your use, at a session where no official actions were taken, perhaps these gentlemen are correct that you could refuse to allow that to be seen by an inquisitor or some member of the public coming