

Was California's Public Records Act Founded On The Aventine Hill?

Article By:

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I've always been fascinated by the fact that the ancient Romans chose to explain their origins with tales of defeat, invasion, fratricide, communal rape and assassination. The city, which eventually occupied seven hills along the Tiber, started out on just two – the Aventine (nearer the river) and the Palatine (overlooking the Forum and the Circus Maximus). But the story of these two hills begins with a particularly infamous murder.

The famous twin founders of Rome, Romulus and Remus, couldn't agree on which hill would be the best to start a city. Romulus thought the Palatine was the best choice, Remus the Aventine. The two brothers quarreled and Romulus slew Remus. That wasn't the end of the Aventine, however. About 250 years after the founding of the city, the common people, known as the plebeians, were groaning under the yoke of the wealthy, known as the patricians. Anticipating *Atlas Shrugged* in reverse, the plebeians withdrew in 494 B.C.E. to the Aventine hill and threatened to start their own city there. Eventually, the patricians backed down and agreed to the creation of two new officers, known as tribunes of the people. These tribunes were assisted by two other plebeian officials known as aediles.

Not all of the disagreements between the patricians (who constituted the senators) and plebeians were resolved, however. It seems that the senators had a practice of keeping senatorial decrees secret. This allowed the senators, through the elected consuls, to rewrite or suppress laws with the plebeians being none the wiser. After another constitutional crisis in 449 B.C.E., the aediles were given the senatorial records which they stored at the Temple of Ceres on the Aventine:

institutum etiam ab iisdem consulibus, ut senatus consulta in aedem Cereris ad aediles plebis deferrentur, quae antea arbitrio consulum supprimebantur vitiabanturque. [It having been decided by these same consuls [*i.e.*, L. Valerius and M. Horatius] that the decrees of the senate, which previously had been suppressed and corrupted by the decisions of the consuls, be taken to the aediles in the sanctuary of Ceres.

Livy, *History of Rome* 3:55 (my translation). In this way, the principle of open government was established nearly two and half millennia ago. California's Public Records Act dates only to 1968

when Governor [Ronald Reagan](#) signed it into law. The purpose of the PRA is the same as it was in 449 B.C.E.:

In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

Cal. Gov. Code § 6250. As explained by the California Supreme Court:

Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process.

CBS, Inc. v. Block, 42 Cal.3d 646, 651 (1986).

[Postscriptum on word derivations. The word "palace" is derived from the name of the Palatine hill. Readers might also note that the Latin word for temple, >aedem in the above quote from Livy looks a lot like "aedile". That is no happenstance. Before aediles evolved into Roman magistrates, they were responsible for taking care of temples.]

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