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Man needs month, judge's help, to get a detailed copy of budget

By Judi Tull
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SURRY - All McKinley Bailey Jr. wanted was a detailed copy of the Surry County budget for the 1994-95 fiscal year.

It took the better part of a month, and the power of a district court judge, to get it.

Bailey, 66, wanted to see more about the budget than the general categories that had been made public. He didn't think the discussion of the budget that had taken place in an open session of the Board of Supervisors was adequate to explain the money the supervisors planned to spend. He wanted an itemized breakdown.

He said he had no special interest in the budget items beyond what any taxpayer would have.

"I like to follow my dollar," said Bailey, who said he goes to almost all the supervisors' and School Board meetings in the county where he's lived since 1992.

When he asked for a copy of the detailed budget, County Administrator Terry Lewis refused. He told Bailey he could come to the administration office to look it over.

That's not good enough, Bailey said.

Researching state laws wasn't foreign to him, and neither was taking on a system that didn't seem to be working fairly.

Bailey is a retired engineer. He graduated from Howard University in Washington, thanks, in part, to the GI Bill after his service in the Korean War and to the commonwealth of Virginia, which paid his tuition. Blacks couldn't go to an accredited engineering school in Virginia in those days, Bailey said, so the state paid his tuition elsewhere.

In the socially turbulent 1960s and early 1970s, he played a role in the civil rights movement in Huntsville, Ala. He was the president of the NAACP there and led or marched in several protest marches.

By the time he was confronting Surry officials, he had plenty of experience going up against the system.

"You just have to have fortitude," he said. "My philosophy is: Don't expect to be heard the first three times, but the fourth time, they usually have an answer for me. It's a fact. It's an experience. Persistence pays off. And you have to be right."

Bailey went to a law library to find out how to file a lawsuit under the Virginia Freedom of Information Act. He already knew the law existed; he

just needed to know how to use it.

He discovered he could file a lawsuit on his own in a general district court.

"I was amazed at how simple it would be," he said.

And the speed the law calls for impressed him, too.

"The other thing I liked was that it required the court to hear the case within seven days. Otherwise, I believe it would have been bogged down. I'm sure the county attorney would have figured out some way to delay it."

It wasn't the first time Bailey had requested and been refused a look at a county document in Surry.

"I had had several confrontations before," he said. "My request was always preempted by a whole bunch of questions like, 'What do you want it for?' I anticipated the stone wall."

Surry General District Judge John Baker ruled in Bailey's favor. County officials turned over a copy of the detailed budget on the spot. And they've continued to do so.

"I've asked for a budget every year since then," Bailey said. "And I get it. I don't have that problem any more."

Judi Tull can be reached at (757) 247-4793 or at jtull@dailypress.com

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