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Window on government still foggy The White House isn't keeping its vow of transparency, say groups Arkansas Democrat-Gazette (Little Rock) July 12, 2009 Sunday

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SECTION: FRONT SECTION**LENGTH:** 1390 words**HEADLINE:** Window on government still foggy The White House isn't keeping its vow of transparency, say groups**BYLINE:** BY ALEX DANIELS ARKANSAS DEMOCRAT-GAZETTE**BODY:**

WASHINGTON - Upon being elected, President Barack Obama promised a see-through administration with a clear line of sight into the operations of government. The view, according to some, has gotten a little murky.

"It seems as though the forces of secrecy within his administration are winning the battle," says Alex Abdo, a legal fellow at the American Civil Liberties Union's National Security Project.

"There seems to be a disconnect between policy and action," adds Anne Weismann, chief counsel for the Citizens for Responsibility and Ethics in Washington, a nonprofit group that promotes accountability in government.

Jim Harper, director of information-policy studies at the **Cato Institute**, a libertarian Washington research and advocacy group, calls Obama's pledge for a more open government a "promise broken." On his first full day as president, Obama acted on his campaign promise to peel back the layers of government secrecy.

"This administration is committed to creating an unprecedented level of openness in government," Obama said on Jan. 21 as he announced the creation of the "Open Government Initiative." Agency heads were to use computer technology to put government data on the Internet and to solicit public opinion on the crafting of policy in online "brainstorm" sessions. The White House would seek advice from the public on how to go about declassifying government documents.

Other directives followed.

After the economic-stimulus package passed in February, the Obama administration launched a Web site, www.recovery.gov, that was meant to track the huge outlay of federal spending, giving anyone with Internet access a window into how the money was being used.

In March, Attorney General Eric Holder announced new guidelines for agencies to use in responding to Freedom of Information Act requests. They must "apply a presumption of openness," when making a response, and the Justice Department would demand an elevated standard for an agency to turn down a request.

A month later, the administration released memos that George W. Bush's Justice Department had used to build a legal framework for the use of interrogation techniques that included slapping, cramped confinement and waterboarding.

The point of all this, according to some policy experts, went beyond simply letting people know what's going on behind Washington's marble facades. Such transparency was meant to turn the traditional policymaking process on its head.

The usual procedure, in which government representatives form policy and then ask for the electorate's input, is designed to bring about incremental, rather than transformational change, according to Lena Trudeau, vice president of the National Academy of Public Administration, which Obama asked to moderate the early phases of his Open Government Initiative.

ACCESSIBILITY ISSUES

But supporters of open government - from a range of political viewpoints - feel let down.

It is particularly galling for some groups, such as the ACLU and Citizens for Responsibility and Ethics, which battled what they saw as an accumulation of power in the executive branch during the Bush presidency.

"We've seen a fair amount of retrenchment on [Obama's] commitment," said the ACLU's Abdo. "It is disturbing." Last month, the ACLU petitioned the U.S. Circuit Court of Appeals in Manhattan, N.Y., for the release of photographs that the White House says show U.S. personnel abusing prisoners overseas - but doesn't want made public. The court blocked the photos' release pending a U.S. Supreme Court ruling.

Other cases that charge the Obama administration as being less than forthcoming are pending.

Citizens for Responsibility and Ethics, for instance, is locked in a dispute with the Justice Department over the release of an interview former Vice President Dick Cheney gave to FBI officials related to Valerie Plame, the CIA operative whose identity was leaked to the press. The Justice Department would rather keep secret such interviews involving high-level administration officials.

"If law enforcement interviews are routinely subject to public disclosure, there could be a significant risk of politicization of law enforcement files and investigations, which could undermine the integrity and effectiveness of, and public confidence in, those investigations," wrote Lanny Breuer, Assistant Attorney General of the U.S. Department of Justice's Criminal Division, in a declaration filed earlier this month at the U.S. District Court for the District of Columbia.

Another Citizens for Responsibility and Ethics lawsuit calls for Obama to release White House visitor logs to the public. Weismann, the group's chief counsel, argues that leading up to the debate on climate-change legislation, coal company executives visited Obama to discuss "clean coal" extraction.

Weismann says that Obama, as a senator, was critical of Bush's use of executive power.

"Once you get in office," she says, "it's very hard to give up that power." For Rep. John Boozman, RArk., questions on transparency start with the way Obama has set up his White House. Boozman sees a dangerous trend in the number of "czars" Obama has named. More than two dozen of these policy directors, who cover issues ranging from drugs to energy to health care, largely escape congressional oversight.

"These people are running the show, yet they're not confirmed," Boozman said. "They're named as advisers, so it's difficult to get them in here and ask questions. It's really a circumvention of the system." TANGLED WEB

Much of Obama's transparency plan revolves around the use of the Internet to allow people to get a peek into the workings of the federal government.

For instance, Obama said he would post bills passed by Congress on the White House Web site for five days before he signed them.

By the count of the **Cato Institute's** Harper, only one of the 39 bills Obama has signed into law - the one delaying the introduction of digital television - has been posted for a full five days.

Ellen Miller, the executive director of the Sunlight Foundation, a Washington group that advocates more transparency in government, allowed that the administration's online efforts aren't "perfect yet." Miller had high praise for a new Web site, www.data.gov, that provides raw government data in "machine readable" computer formats that are easy to search and don't require proprietary software to use.

But she said responses to her group's Freedom of Information Act requests aren't coming in any faster and that she was "disappointed" in the level of data provided by www.recovery.gov.

The Web site was to post contract information on the businesses receiving stimulus money so that the number of jobs created could be tracked, and the curious could see if certain contractors were being given political handouts.

"There's not much information there yet, but I'm willing to cut them the benefit of the doubt," Miller said.

On Wednesday, the Recovery Accountability and Transparency Board, a government panel set up to monitor stimulus spending, announced that Maryland's Smartonix Inc., had been awarded an \$18 million contract to redesign the site, with an aim to increase its transparency. The company was given until October to roll out "Recovery.gov Version 2.0."

DANCING IN THE DARK

Concerns over government transparency have risen as the federal government has taken a more assertive role in the economy, pumping about \$3 trillion into the banking system through the Troubled Asset Relief Program, or TARP.

Kevin Puvalowski, the chief of staff of the TARP inspector general's office, which is charged with overseeing the bank bailout, said it was "like changing a tire at 60 miles per hour." It's difficult to provide adequate transparency because the amount of money is so large - like "an entire shadow federal government," he said - and because banks that receive the taxpayer funds have limited reporting requirements.

"Treasury has no concrete idea about how TARP money is being used," Rep. Dennis Kucinich, DOhio, complains.

Kucinich, who is chairman of the House Oversight and Government Reform's domestic policy subcommittee, has introduced legislation that would allow the Government Accountability Office, Congress' research arm, to conduct audits of the Federal Reserve.

"Right now, were just dancing in the dark," he said.

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