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# Agencies must be the engines behind sustained transparency push

BY ALIYA STERNSTEIN 03/19/2010

A top administration official on Friday said federal agencies and the public, more than the White House, are accountable for sustaining open government.

The day after taking office, President Obama committed himself to an open government agenda that would improve transparency, citizen participation and public-private interaction, in part by applying new technologies to agency operations.

"This initial push is really wonderful, but what's going to be done to sustain the culture change that we want to occur? It's very easy for the agencies to drift back if the White House isn't paying attention," said Patrice McDermott, director of OpenTheGovernment.org, a coalition of transparency advocates. She moderated a talk on Friday hosted by the Center for American Progress, a Washington research group with close ties to the White House.

At the event, transparency specialists from inside and outside government debated the impact of Obama's initiative with most agreeing it has enhanced transparency, public participation and collaboration with the corporate sector.

The next big task under the program is an open government plan -- an agency-specific navigational chart for embedding transparency into daily operations.

The plans "are kind of a contract that agencies are making with themselves -- a set of measureable objectives," said Norm Eisen, special counsel to the president for ethics and government reform. "They will keep themselves honest and all of you will help in a participatory way to keep us on track."

The plans are due April 7 and must include an account of how an agency intends to measure improved transparency, participation and collaboration through a key initiative.

The cornerstone of Obama's transparency movement is an [open government directive](#) released in December 2009, which guides agencies step-by-step on how to adhere to the three principles. The plans are one component of the process.

The same day Obama announced his open government initiative he issued a memo instructing agencies to favor disclosure when considering requests under the Freedom of Information Act. Eisen said new analysis the administration conducted shows a decrease in FOIA requests this year because "we affirmatively are releasing vast amounts of data." For example, the Office of Pesticide Programs at the Environmental Protection Agency made available tens of thousands of materials on the Web without waiting for FOIA requests. Eisen also noted Data.gov, a warehouse of downloadable agency statistics, has grown from 47 data sets when it launched in May 2009 to 118,000 sets today.

Eisen's decision to highlight FOIA follows an [audit](#) the National Security Archive released on Monday that found the majority of agencies have not established concrete changes in their FOIA practices in accordance with the memo. "There has been a healthy debate on FOIA," Eisen acknowledged, but he also pointed out that the New York Times [retracted a headline](#) from Monday that initially blasted the administration on FOIA.

Jim Harper, director of information policy studies at the Cato Institute, a

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libertarian think tank in Washington, said much of the content available on Data.gov does not represent transparency. He would prefer agencies post the results of managerial deliberations. "There's nothing wrong with putting out nutrition and toxics data, but the essence of transparent data is transparent workings of government," said Harper, who also maintains the legislative-tracking site [WashingtonWatch.com](http://WashingtonWatch.com).

Harper chided Obama for not following through on a campaign promise to withhold his signature from any nonemergency bill that has not been posted for five days on the White House Web site, where the public can submit comments.

"I think the Obama administration deserves credit for symbolically and substantively moving forward on transparency," he said. "The area where I would have to characterize the administration as not so good is sunlight before signing."

By Harper's calculation, seven of 143 bills have been open for comment for five days, the equivalent of a .049 batting average, he noted.

Eisen took exception to Harper's math. The White House does not post minor bills, such as those that name post offices after famous people, he said. "If you subtract that out, the vast majority have been posted" in line with the president's pledge, Eisen said. In addition, "There are going to be bills that are exigent -- and that accounts for part of the difference."

Hudson T. Hollister, minority counsel for the House Committee on Oversight and Government Reform who attended the event, asked Eisen where the open government directive might need [legislative support](#). As early as next week, some members of the panel, including Hollister's boss, committee ranking member Darrell Issa, R-Calif., plan to announce the creation of a bipartisan congressional transparency caucus that will pursue legislation to make government information more easily accessible online. The open government directive is a nonbinding policy, subject to revision or rescission by any future president.

Eisen did not have an immediate response because the White House has been focused on writing the directive since the beginning of the administration, he said. "I appreciate the invitation and will give that matter some thought," he added.

Another nongovernment panelist, John Wonderlich, policy director at the Sunlight Foundation, which advocates open government, also expressed concern about transparency going the way of break dancing. "I am confident that transparency will not be a passing fad," Eisen replied. Even though technology is important to the cause, "the project that the president is taking on is really a 17th century project that dates back to the founding of our democracy, which is a government for and by the people."

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