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Obama's transparency record not so clear

Open-government vow falls short

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With President [Obama](#) blaming his party's midterm losses, at least in part, on his failure to change the way Washington works, transparency advocates say now is the time for him to follow through on a slew of unfulfilled pledges he made during the 2008 campaign.

Transparency was a cornerstone of [Mr. Obama](#)'s campaign. He impressed observers during his first year in office by issuing an open-government directive to executive agencies and publicizing logs of visitors to the [White House](#), albeit as part of a legal settlement with a watchdog group. The administration also has started posting [Mr. Obama](#)'s public schedule online and stepped up compliance with his promise to post bills online and wait five days before signing them.

At the same time, analysts say [Mr. Obama](#) has failed to deliver on the full letter, if not the spirit, of many of these initiatives, such as Attorney General [Eric H. Holder Jr.](#)'s instructions that the executive branch approach freedom-of-information requests with a presumption toward disclosure. Critics praise the aim of the open-government directive, but argue that the administration must do a better job to ensure that the data made available to the public by participating agencies is truly meaningful.

"The good intentions have been there all along, but change is hard, and so the talk of change has started to ring fairly empty here at the midpoint," said [Jim Harper](#), director of information-policy studies at the [Cato Institute](#), a libertarian think tank.

[Mr. Harper](#) and other observers preface their criticisms by noting that many of the challenges are institutional and not inherent to [Mr. Obama](#), and give him credit for taking the first steps by issuing directives and executive orders. It's the follow-through where his administration is coming up short, they say.

The president laid out the problem in his postelection soul-searching news conference.

"When I won election in 2008, one of the reasons I think that people were excited about the campaign was the prospect that we would change how business is done in Washington," [Mr. Obama](#) told reporters Nov. 3, the day after elections in which his party lost more than 60 seats and control of the House. "We were in such a hurry to get things done that we didn't change how things got done. And I think that frustrated people."

[Mr. Obama](#) noted that he had signed "a bunch of bills that had earmarks in them, which was contrary to what I had talked about." During his presidential campaign, he pushed for limiting the practice by which lawmakers circumvent the normal appropriations process and insert pet projects into legislation.

In January, during his first State of the Union address to [Congress](#), the president called for the creation of an online database that would list the billions of dollars in earmark requests submitted each year by lawmakers - far more information than is currently kept in the Earmarks.gov database, which tracks only final, approved spending. He said he plans to work with congressional Republicans, who have adopted temporary earmark bans, in the future.

[Mr. Obama](#) likewise conceded that the legislative process surrounding the health care overhaul was an "ugly mess" a reference to the special deals, derided by critics as the "Louisiana Purchase" and the "Cornhusker Kickback," that Democratic leaders struck to secure the votes of key senators. But pressed on whether he regrets allowing those sweeteners to stand, the president argued that the ends justified the means, saying the "outcome was a good one."

An Office of Management and Budget official, who wouldn't speak on the record, said the agency is making headway on making information more available online at [Data.gov](#), which compiles statistics submitted by agencies under the open-government directive. For example, the website now includes more than 300,000 data sets and has given rise to independent applications such as [FlyOnTime.us](#), which culls government statistics and combines them with weather forecasts and even tweets to produce real-time estimates of travel times.

In addition, the official cited the stimulus-tracking website [Recovery.gov](#) and said the administration is expanding [USASpending.gov](#) so that for fiscal 2011, the public can see federal agencies' payments to primary recipients as well as payments made by those recipients to other entities. Earlier this summer, the administration unveiled [PaymentAccuracy.gov](#), which lists each agency's improper payments, and it is working on a website called [Performance.gov](#), which will let users track progress on "high-priority goals" when it is rolled out to the public in the coming weeks.

[Mr. Harper](#), though, said a flood of data is not a substitute for real transparency about how decisions are made. "Those are fun play toys," he said, arguing that meaningful data inform an agency's "deliberations, its management or its results."

As an example, he cited the Defense Department's posting of military voting numbers - "That's important to someone somewhere, but it's not the kind of stuff we're looking for."

Asked to evaluate the administration's track record on transparency, [Melanie Sloan](#), executive director of Citizens for Responsibility and Ethics in Washington, took aim at the Justice Department, which her group has accused of stonewalling a series of Freedom of Information Act requests on topics ranging from e-mails belonging to Bush-era officials to records of the investigation into the PMA Group lobbying scandal.

"They still have a presumption against disclosure," said [Ms. Sloan](#), whose group's lawsuit over visitor logs eventually led the Obama administration to make them public more than a year ago. "At least with the [Bush administration](#), they told you there was a presumption of secrecy. The Obama administration is claiming a presumption of openness and yet everything [the Justice Department] does is in opposition to that."

CREW also has kept the heat on the [White House](#) over its adherence to federal rules governing the preservation of electronic records - a source of controversy during the [Bush administration](#). After the New York Times reported that administration officials were using personal e-mail accounts to communicate with lobbyists and circumventing visitor logs by meeting with them outside the [White House](#), the watchdog group this summer asked a House oversight committee to open an investigation.

Still, [Ms. Sloan](#) said she gives the [White House](#) a good deal of credit for being "way more responsive" to watchdog groups than the [Bush administration](#) was, even if they don't always see eye to eye: "At least they listen to what you're saying; they return your phone calls."

Going forward, John Wonderlich, policy director at the Sunlight Foundation, said the onus will be on the president and his advisers to ensure that various agencies execute on the transparency plans they were required to submit earlier this year under the open-government directive.

"Moving beyond the easy wins, it's going to take continuing effort from the [White House](#). They're going to have to continue making it a priority," he said.

Cato's [Mr. Harper](#) said he would like to see full compliance from the [administration](#) on the president's so-called "sunlight before signing" pledge, which got off to a "lousy start" in 2009 when the [White House](#) posted only six out

of 124 bills on its website for the requisite five days before [Mr. Obama](#) signed them. As of Nov. 8, [Mr. Obama](#) had adhered to his pledge 103 out of 159 times this year, with one exception for an "emergency" bill.

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