

Is administration more interested in transparency of Congress?

By [Aliya Sternstein](#) 08/17/09

The Obama administration has moved faster to create transparency for its rivals than for federal agencies under its management, some open government activists claim.

Critics point to unrealistic goals in creating a [directive for transparency posting bills online for comment](#) before the president signs them. Meanwhile, the administration is moving ahead to expand a database that tracks legislative earmarks, funds appropriated by members of Congress for pet projects.

"As a matter of political science, it's interesting that transparency is most favored by those out of power -- House Republicans today -- and where there is interbranch rivalry," said Jim Harper, director of information policy studies at the Cato Institute, a conservative think tank. "You don't see much progress on transparency where it's just the executive branch doing good on its own. . . . There are few political gains and lots of risks from getting your own transparency house in order."

The day after taking office, President Obama [proclaimed](#) that his administration was committed to creating an unprecedented level of openness in government and would work to establish a system of transparency, public participation and collaboration. He ordered agencies to deliver recommendations for a directive outlining such a system by May 21.

Since May, agencies have been [engaging the public](#) through various social media, including a blog, wiki and voting mechanisms, but the output "may be busy work and a distraction for the transparency community, rather than actual change," Harper said.

The problem is a "focus on cutting-edge online participation tools [that] will take a decade to make real and relevant," rather than providing basic online tools, such as an informative [Whitehouse.gov site](#), he said.

During the 2008 presidential campaign, Obama declared he would not sign any nonemergency bills without first posting the legislation for five days on the White House Web site, where the public can submit comments. That has not become routine practice. "They're trying to walk away from that promise," Harper said.

White House officials responded that the administration is dedicated to accountability, transparency and a return to fiscal discipline so the budget process inspires trust and confidence, rather than cynicism. So far, in the 2010 spending bills moving through Congress, earmarks are down more than 25 percent, they said.

"That's a good step forward, and we will continue to focus on fiscal responsibility and improve the effectiveness of federally funded programs," said Tom Gavin, a spokesman for the Office of Management and Budget.

OMB maintains an [online database](#) that tracks current and past statistics on the number and cost of earmarks, as well as dates indicating when each entry was last modified. At present, users can search through only the latest

fiscal 2009 estimates on earmarks. But the agency is working to expand the site to include fiscal 2011 earmark proposals, which show up in next year's bills.

Outside of government, citizens are attempting to collect and upload more comprehensive information on earmark requests, which are hard to quantify because they are dispersed throughout members' sites. Harper, who also runs a bill-tracking site called WashingtonWatch.com, has created an entry form for people to add this information to his database.

But other open government advocates dismiss the idea that the White House pays more attention to congressional spending than agency accountability. Gary Bass, executive director of OMB Watch, noted that on his first full day Obama commanded agencies to adopt a presumption in favor of disclosure in executing the Freedom of Information Act. The president, however, has not suggested the legislative or judicial branches follow the order.

"I think Obama is focused on executive branch disclosure," he said, listing a number of efforts under way such as scientific integrity and regulatory reform, meetings to inject transparency into drug approval at the Food and Drug Administration, and improvements to the Environmental Protection Agency's reporting of toxic chemical releases.

Even if the White House is bullying its sister branch into being more transparent, the resulting level of openness is the same, other transparency activists said. Obama still has to sign and carry out congressional proposals.

"The interest in Congress is: That's where the money is and that's where the taxpayer's most interested," said Clay Johnson, director of Sunlight Labs, which develops technologies to promote government transparency and accountability, and is part of the Sunlight Foundation, a transparency advocacy group.

The lines of responsibility over the purse strings blur, he added. Is the stimulus monitoring site Recovery.gov "keeping an eye on the legislative branch or the executive branch?" Johnson questioned. "I would love to see the executive branch and the legislative branch in a fight over who is more transparent . . . and if they want to drag in John Roberts," the chief justice of the United States. "The more the merrier."

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