

## Washington Brief (February 2009 Spectrum, Vol. 13, No. 4)

### Change in Washington

Following the election of Senator Barack Obama as the 44th president of the United States, many government transparency advocates have become optimistic that the next four years will bring a new commitment to improved access to federal government information. President Obama was outspoken in his belief in government transparency and accountability during his presidential campaign and his years in the U.S. Senate. His legislative record demonstrates strong support for open government.

As an original co-sponsor of the *Federal Funding Accountability and Transparency Act* (P.L. 109-282), Obama helped to put federal spending online by directing the Office of Management and Budget to create USA Spending.gov, a searchable database of grants and contracts. He co-sponsored the *Presidential Records Act Amendments of 2007* (S.886) to reverse President Bush's Executive Order 13233 and restore meaningful standards for the timely release of presidential records. In addition, he co-sponsored the *Internet Freedom Preservation Act* (S. 215) to ensure network neutrality so that telecommunications companies would not be able to create different "tiers" of Internet access, possibly putting law libraries and others who couldn't afford the higher fees in the "slow lane" of the information superhighway. AALL strongly supported all three bills.

During his presidential campaign, Obama often articulated his support for government transparency. That support was developed further during his transition to the White House. On his transition Web site, Change.gov, Obama articulated a technology agenda for his administration that includes his intention to appoint the first federal chief technology officer to ensure that agencies use Web 2.0 technologies and share best practices to promote greater government openness. We applaud these efforts and, in fact, have been involved in making them become a reality.

### 21st Century Right to Know Project

More than a year ago, AALL joined other open government organizations to begin a discussion on transparency recommendations for the next president and Congress in order to provide a new roadmap for open government. Right after our July 2007 Annual Conference, I joined a diverse group representing approximately 30 organizations at a meeting in Pocantico, New York, which was organized by OMB Watch and OpenTheGovernment.org (OTG.org). Emily Feldman, then on the staff of OTG.org, helped plan and host the meeting. It brought together journalists, good government advocates, bloggers, technology experts, and representatives from organizations all across the political spectrum to kick off what became known as the 21st Century Right to Know Project.

After this initial brainstorming session, OMB Watch set out on a broad-scale information-gathering mission, interviewing experts and conducting listening sessions across the country to distill the most important government openness issues. Law librarians and other government information users shared their thoughts and opinions, which were then incorporated into the growing list of ideas and goals.

In September 2008, OMB Watch invited a larger group of experts that included several AALL members to gather at the Maritime Institute and Conference Center near Baltimore. During this second meeting we further developed all the ideas into concrete recommendations and spent a great deal of time prioritizing them. OMB Watch then produced a report based on the more than one year's worth of information gathering.

Titled "Moving Toward a 21st Century Right-to-Know Agenda: Recommendations to President-elect Obama and Congress," the report was delivered to Obama's transition team the day after the election. It includes more than 70 recommendations on issues relating to national security and secrecy usability of government information, and how to create an environment for transparency. Organizations and individuals were invited to endorse the report.

Since the recommendations reflect AALL's positions on open government, we were among the first groups to sign onto the report. We are very pleased that at the time of this writing, nine AALL chapters and more than 75 individual law librarians have also endorsed it.

The recommendations reflect our concern with the last eight years of increased government secrecy during the Bush Administration. As data from OpenTheGovernment.org's fifth annual Secrecy Report Card suggests, government secrecy has grown substantially during the last eight years across a wide array of indicators. Among many markers, the "Secrecy Report Card 2008" (available at [www.openthegovernment.org/otg/SecrecyReportCard08.pdf](http://www.openthegovernment.org/otg/SecrecyReportCard08.pdf)) highlights the growing delays in response times for *Freedom of Information Act (FOIA)* requests, the substantial increase in the use of classification markings, the suppression of whistleblowers, and the assertions of executive privilege.

The recommendations in the 21st Century Right to Know report include many suggestions for addressing these problems. For example, to improve the *FOIA* system, the report proposes that the new president instruct his attorney general to rescind the "Ashcroft memorandum," which encouraged agencies to withhold public information under *FOIA*, and replace it with guidance that encourages agency disclosure unless there is a foreseeable harm to an interest protected by a specified exemption. To reduce national security secrecy, the report also recommends revising the framework for designating information that requires classification in the interest of national security. The goal of the new framework is to reduce national security secrecy to the essential minimum, declassify all information that has been classified without a valid national security justification, and consider the public interest in the disclosure of information.

As President Obama begins his term in office, we are encouraged with what we've seen so far and are very hopeful about the future. We'll continue to monitor developments and keep you updated on the latest news from the new administration and Congress. In the meantime, if you haven't already done so, I encourage you to take a look at this important report, which you'll find online at [www.ombwatch.org/21strtkreccs.pdf](http://www.ombwatch.org/21strtkreccs.pdf).

#### **Side bar:**

##### **AALL's Government Relations Office**

At its October meeting, the AALL Executive Board voted to change the name of AALL's Washington Affairs Office to the AALL Government Relations Office. The new name better reflects our involvement in state, national, and international information policy. Mary Alice Baish was also named director of the Government Relations Office. Visit [www.aallnet.org/aallwash](http://www.aallnet.org/aallwash) to get the latest information about AALL's government relations work.

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