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The Long Haul Toward Open Government

"On January 21, 2009, President Obama signed the Memorandum for Heads of Executive Departments and Agencies on Transparency and Open Government—the first memorandum of his presidency. In it, he announced his administration's commitment to achieving an "unprecedented level of openness in Government. ... The Memorandum charges the Chief Technology Officer, together with the Office of Management and Budget and the General Services Administration, with creating recommendations for an OMB directive on open government within 120 days."[1]

This first memorandum requires that government and citizens "work together to ensure the public trust and establish a system of transparency, public participation, and collaboration"; and distinguishes the administrative philosophy of the Obama administration from that of the Bush administration, with the goal that "openness will strengthen our democracy and promote efficiency and effectiveness in Government."[2] "[President] Obama told all federal agencies to adopt a presumption of disclosure -- reversing the Bush administration policy of defending any legitimate excuse to withhold information."[3] 308 days later, the Open Government Directive has yet to be released. Obviously behind schedule, and with no official policy delivered, Federal agencies are nonetheless attempting to provide a more open and transparent government using information technologies (IT).

By focusing on transparency and the "presumption of disclosure," the memorandum is meant to increase citizen trust in their government, a trust that decreased dramatically during the previous Bush administration. This policy is a self-regulatory in

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[1] http://www.whitehouse.gov/open/about

[2] http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment

[3] http://www.gopusa.com/news/2009/march/0317_foia_requests1.shtml

nature, dictating a change in the internal functioning of the federal government. This will fulfill the democratic values expressed in the original memorandum and make government more efficient by enabling citizens to help themselves to the information provided.

One of the first opportunities to implement this strategy was an outgrowth of the 2008 economic crisis. The American Recovery and Reinvestment Act (ARRA) required all stimulus funding to participate in rigorous reporting. The level of transparency stipulated by ARRA resulted in Recovery.gov, a website that allows anyone to track funding from federal, state and the local level, and report waste, abuse or fraud. In a similar vein, Data.gov provides catalogs of government-collected data that citizens and other third parties can download and view. Groups like the Sunlight Foundation, through their Apps for America projects, have utilized this data to make it easier for citizens to search the Federal Register, aggregate information about Congressional representatives, or discover what information the government has about their zip code.

The initial stage of the policy asked for citizen participation through the submission of ideas, discussion, and voting through a website. Through June and July 2009, the Office of Science and Technology Policy (OSTP) "saw 375 participants write 305 different drafts across 16 topics, and vote 2256 times on those drafts."[4] On September 9, 2009 Aneesh Chopra, the man President Obama appointed to oversee the project, "pointed out at [the] Gov 2.0 Summit, [that] his confirmation as federal CTO took 120

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[4] http://blog.ostp.gov/2009/07/08/conclusion-of-phase-three-of-drafting-recommendations-for-the-open-government-directive/

days,"[5] the same amount of time the Obama administration set aside for development of the policy. This early impetus to implement transparent, collaborative, and participatory government, even without an official policy, is likely because the executive branch generated the policy itself, instead of the OSTP.

If successful, the Open Government Directive will create an unprecedented level of citizen-access to government information. The impact on the agencies required to provide the data will vary, but will likely be significant in terms of initial preparation and investment. Although the dissemination of the policy will be in conjunction with the OSTP, the fundamental functions of the agencies carrying out the policy will not change. Although individual citizens will not be directly affected by this change, the possibilities for third-party applications and "mash-ups" of multiple government datasets will provide a wide array of new analysis tools for a variety of businesses, non-profits and political campaigns.

Apart from the delay, the main criticism to be leveled about this process is that the later stages have not been as transparent and participatory as the beginning. "Some advocates in the open government community say they are frustrated and disappointed, knowing there's something ready to be seen and knowing that it's not out."[6] The pace of IT innovation in the federal government appears to be held back by the complexities of policy development. While initiatives like Recovery.gov and Data.gov make headlines and benefit from presidential input and the expertise of the OSTP; bringing transparency, collaboration, and participation to the rest of the federal bureaucracy is both unglamorous

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[6] http://techinsider.nextgov.com/2009/11/remember_the_open_government_directive.php

and not necessarily the most important task on the plate of agencies like the FDA or HUD.

The continued delay in releasing an official policy might make those who are interested in the open government initiative lose faith in the Obama administration's commitment to the project. At this point, the delay, coupled with the lack news of news about the status of the policy acts in direct opposition to the three goals of the initial memorandum. Although there are probably hosts of legitimate reasons regarding the delay, at this point it feels like those in charge have not kept their eyes on the prize by keeping a commitment to transparency, collaboration, and participation. The goals of the memorandum are good, but they do not take into account the digital divide, thereby excluding from the process any citizens without Internet access. Despite this, the process of developing the open government policy could have been made public throughout, with rough drafts posted and changes marked as they occur using information technologies. In this manner, public input could have continued and those responsible for implementing the final policy would be able to observe the general trends of the policy and plan on their implementation. Changing the habits of government requires constant attention, and the battle to implement the good intentions of this policy is proof that - in government - old habits die hardest.