



Statement of

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On behalf of the

D.C. Open Government Coalition and
The Society of Professional Journalists

D.C. Professional Chapter

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Before the D.C. Board of Ethics and Government Accountability

Members of the Board, thank you for giving me the opportunity to address you on behalf of the D.C. Open Government Coalition, of which I am government relations chairman, and the D.C. Professional Chapter of the Society of Professional Journalists, of which I am First Amendment/FOI chair.

At this, BEGA's first symposium on government ethics and transparency, I would like to begin by commending you for, at long last, standing up the D.C. Open Government Office and selecting Traci Hughes to be its first director. Before taking that position Ms. Hughes was a member of the Coalition's board, and since April we have been working with her to formulate a plan of action for improving transparency of the D.C. government.

But I would be remiss if I did not point out the challenges the Open Government Office faces and the need for this Board to provide Ms. Hughes adequate resources to fulfill the Office's mission. To understand how big that task is, you need look no further than the D.C. Council, which this week placed on the agenda two bills to curtail public access to government information.

A proposed emergency bill would have created an overly broad, unneeded Freedom of Information Act exemption allowing the government and its contractors to withhold "critical infrastructure information" from disclosure. That bill did not become publicly available until last Friday, when the Council posted its legislative session agenda on its website.

A second bill, a temporary amendment to this board's enabling statute would exempt ANC commissioners from financial reporting requirements applicable to Council members and, in the future, to the elected Attorney General. The justification for this bill is the questionable premise that because ANC commissioners merely make recommendations on which the Council and other public bodies act, their financial dealings cannot corrupt the decision-making process. That bill, introduced in mid-September, immediately before the previous legislative session, got its second reading Tuesday.

We were pleased that Councilmember McDuffie withdrew the emergency FOIA bill, stating that his Government Operations Committee will hold a hearing later this month. But the ANC disclosure bill passed without public scrutiny or debate, and takes effect immediately.

For the Open Government Office to make a significant difference will require resources including, in addition to Ms. Hughes, a staff attorney experienced with transparency issues. The office needs legislative action to strengthen its authority over FOIA, and to address deficiencies in the FOI and Open Meetings acts that have come to light in recent years. The Open Government Office needs greater visibility inside and outside the D.C. government. And, finally, the District needs a government-wide system for tracking FOIA requests and Open Meetings Act complaints, and the Open Government Office should be involved in the design and operation of that system.

We understand that BEGA's main focus is government ethics, and events of the past few years make that focus imperative. But transparency is essential to the fight against government corruption. BEGA has several attorneys and investigators devoted to ethics. A director, however talented, and an IT professional are not sufficient to do the Open Government Office's job.

When I visited the BEGA website a few days ago, the only evidence on the homepage that the Open Government Office exists was in the About BEGA summary. Until you elevate the Office's stature very significantly, we all can expect the Council to act as it did earlier this week, we can expect the Attorney General's office to act as though it has exclusive authority over FOIA, and we can expect the Mayor's office to act as though it has a monopoly on the evaluation of government progress toward transparency.

The Open Government Coalition is working to develop legislation to clarify the Open Government Office's authority and powers, and to improve transparency laws. For these efforts to succeed, we need not just the collaboration of the Open Government Office, but the engagement, backing and assistance of this Board.

We look forward to working with you to reach the point where the Open Government Office can have a real, significant impact on D.C. residents' access to their government.

Thank you.

Formed in March 2009, the D.C. Open Government Coalition seeks to enhance public access to government information and transparency of government operations of the District. We believe transparency promotes civic engagement and is critical to a responsive and accountable government. We strive to improve the processes by which the public gains access to government records and proceedings, and to educate the public and government officials about the principles and benefits of open government.

The Society of Professional Journalists is the nation's largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ also promotes the free flow of information vital to a well-informed citizenry; works to inspire and educate the next

generation of journalists; and protects First Amendment guarantees of freedom of speech and press. The D.C. Professional Chapter, with members representing local and national news media, is one of its largest chapter with nearly 300 members.

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