



**Presented by OpenTheGovernment.org**

Friday, March 19 – 12:00 – 2:00 pm

Center for American Progress

1333 H Street NW, 10th Floor

On his first full day in office, President Obama committed his Administration "to creating an unprecedented level of openness in Government." To help meet that goal, the Administration issued an *Open Government Directive* and a new *Memorandum on Freedom of Information Act and Attorney General Guidelines*. The Administration has also launched an expansive effort to open up data to developers, advocates, and the public via Data.gov. During this program, our 5<sup>th</sup> annual Sunshine Week webcast, leading experts on transparency issues from inside and outside government will discuss if and how these initiatives have made the federal government more open, and what remains to be done.

12:00 **Opening Remarks** – *Reece Rushing*, Director of Government Reform, Center for American Progress  
-- *Patrice McDermott*, Director, OpenTheGovernment.org

12:05 **Panel One: *The Open Government Directive – Creating Lasting Government Openness?***

*Norm Eisen*, Special Counsel to the President for Ethics and Government Reform; *Jim Harper*, Director of Information Policy Studies, Cato Institute; *John Wonderlich*, Policy Director, Sunlight Foundation; and *Patrice McDermott*, Director, OpenTheGovernment.org (moderator)

12:50 **Panel Two: *FOIA – New Changes to the Oldest Public Access Law***

*Miriam Nisbet*, Director, Office of Government Information Services (OGIS); *Melanie Pustay*, Director, Department of Justice (DOJ) Office of Information Policy (OIP); *Melanie Sloan*, Executive Director, Citizens for Responsibility and Ethics in Washington (CREW), *Kevin Goldberg*, American Society of News Editors (ASNE) counsel ; and *Patrice McDermott*, Director, OpenTheGovernment.org (moderator)

1:35 **Panel Three –*Data.gov – What can do it for me?***

*Laura Beavers*, National KIDS COUNT Coordinator, Annie E. Casey Foundation; *Eric Gundersen*, President and co-founder, Development Seed; and *Sean Moulton*, Director of Federal Information Policy, OMB Watch (moderator)

2:05 **Wrap-Up**

## Speaker Biographies (in panel order)

**Norm Eisen** was named Special Counsel for Ethics and Government Reform by the President on January 20, 2009. Mr. Eisen serves as the Designated Agency Ethics Official for the White House. He is the first White House chief ethics officer also to have the government reform portfolio, and in that capacity has worked on such issues as lobbying regulation, financial regulatory reform, whistleblower protection and government transparency and openness. Immediately before joining the Administration, Mr. Eisen served as the Deputy General Counsel of the Obama-Biden Presidential Transition Team, where he also was lead ethics advisor.

Mr. Eisen was previously a partner in the Washington, D.C. law firm of Zuckerman Spaeder LLP, where he served as the co-chair of Zuckerman's Public Client Practice. He also had an active white collar defense practice, including handling Congressional investigations. He in 2001 co-founded Citizens for Responsibility and Ethics in Washington (CREW), a not-for-profit government watchdog group.

Mr. Eisen received his J.D. from Harvard Law School in 1991 and his B.A. from Brown University in 1985. He is admitted to the bars of D.C., Maryland, and the United States Supreme Court.

**Jim Harper** focuses on the many unique problems in adapting law and policy to the information age as director of information policy studies at the Cato Institute. His areas of focus include privacy, government transparency, intellectual property, and telecommunications.

Jim is a member of the Department of Homeland Security's Data Privacy and Integrity Advisory Committee. His work has been cited by *USA Today*, the Associated Press, and Reuters. He has appeared on Fox News Channel, CBS, and MSNBC, and other media. His scholarly articles have appeared in the *Administrative Law Review*, the *Minnesota Law Review*, and the *Hastings Constitutional Law Quarterly*.

Harper is the editor of *Privacilla.org*, a Web-based think tank devoted exclusively to privacy, and he maintains online federal spending resource *WashingtonWatch.com*. He holds a J.D. from UC Hastings College of Law.

**John Wonderlich** is the Sunlight Foundation's Policy Director. John heads collaborative examinations of government, and also works with Congress and public communities, developing and implementing government reform policy for the Sunlight Foundation. He has a bachelor's degree in philosophy from Penn State University.

**Miriam Nisbet** is the first Director of the Office of Government Information Services (OGIS) at the National Archives and Records Administration. OGIS is the new FOIA ombudsman and policy office created by the 2007 FOIA Amendments; the office will provide mediation services to resolve disputes between FOIA requesters and administrative agencies.

Miriam previously served for two years at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris as Director of the Information Society Division, in the Communication and Information Sector. Among the Division's responsibilities are the Information for All Programme and support for libraries and archives; promoting the use of information and communication technologies for education, science, culture and development; and facilitation of the follow-up to the World Summit on the Information Society, including Internet governance issues.

From 1999 to 2007, Miriam served as Legislative Counsel for the American Library Association in ALA's Washington Office. She worked primarily on copyright and other intellectual property issues raised by the digital information environment. She also provided advice on law and policy concerning access to government information and privacy. She represented the library community as a member of the U.S. delegation to The Hague Convention on Jurisdiction and Enforcement of Judgments.

From 1994 to 1999, Miriam was Special Counsel for Information Policy, National Archives and Records Administration. Prior to joining the National Archives in 1994, Miriam had served since 1982 as the

Deputy Director of the Office of Information and Privacy, U.S. Department of Justice. An active member of the American Society of Access Professionals (ASAP), Miriam served as 1995 President of ASAP and as a member of its Board of Directors from 1993-96 and from 2000-02.

Miriam received a BA degree from the University of North Carolina at Chapel Hill and a JD degree from the University's School of Law. She is a member of the Bars of the District of Columbia and North Carolina. Miriam was elected in 2005 as a member of the American Law Institute.

**Melanie Pustay** is the Director of the Office of Information Policy (OIP) of the Department of Justice. OIP has statutory responsibility for encouraging agency compliance with the Freedom of Information Act (FOIA). As the Director of OIP, Ms. Pustay is responsible for developing policy guidance for agency personnel on all issues related to implementation of the FOIA, including guidance on President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines. She is the editor-in-chief of the Department of Justice Guide to the Freedom of Information Act, which is a comprehensive legal treatise addressing the FOIA that is published every two years. She oversees OIP's FOIA Counselor Service as well as OIP's extensive training program and regularly provides lectures on current issues pertaining to the FOIA. Ms. Pustay also provides advice to the litigating divisions of the Department of Justice in connection with FOIA cases that have become the subject of litigation, manages the Initial Request and Administrative Appeals staffs of OIP, and supervises the defense of FOIA litigation cases handled directly by OIP.

Before becoming Director, Ms. Pustay served for eight years as Deputy Director of OIP, where she was responsible for the Department's responses to access requests made to the Department's Senior Leadership Offices. Beginning in 2003 and continuing today, she has worked extensively with government officials in China, Argentina, and Chile, as well as with numerous other countries, and the Organization of American States, to assist those officials in implementing openness-in-government initiatives.

Ms. Pustay has extensive FOIA litigation experience and has argued cases before the District Court for the District of Columbia and the Court of Appeals for the D.C. Circuit, including handling a case involving access to former FBI Director J. Edgar Hoover's official and confidential files. She was responsible for the Department's senior leadership compliance with the President John F. Kennedy Assassination Records Collection Act, which required the federal government to make records of President Kennedy's assassination publicly available.

Ms. Pustay was given primary responsibility for drafting Executive Order 12,600, which established procedures to provide notice to businesses when their information is sought under the FOIA.

Ms. Pustay has received the Attorney General's Distinguished Service Award for her role in providing legal advice, guidance, and assistance on records disclosure issues. She graduated from American University's Washington College of Law where she served on Law Review.

**Melanie Sloan** serves as Citizens for Responsibility and Ethics in Washington's (CREW) Executive Director and is a nationally recognized expert on congressional ethics. Prior to starting CREW, she served as an Assistant United States Attorney in the District of Columbia where, from 1998-2003, she successfully tried cases before dozens of judges and juries. Before becoming a prosecutor, Ms. Sloan served as Minority Counsel for the House Judiciary Committee, working on criminal justice issues for then-Ranking Member John Conyers (D-MI). Ms. Sloan also served as Counsel for the Crime Subcommittee of the House Judiciary Committee, chaired by then-Representative Charles Schumer (D-NY). There, she drafted portions of the 1994 Crime Bill, including the Violence Against Women Act. In 1993, Ms. Sloan served as Nominations Counsel to the Senate Judiciary Committee, under then-Chairman Joseph Biden (D-DE). Prior to working for the Congress, she was an associate at Howrey and Simon in Washington D.C.

Ms. Sloan received her B.A. and J.D. from the University of Chicago and has published in the *Yale Law and Policy Review*, and numerous other publications. Frequently called upon by national news programs to provide analysis, Ms. Sloan has appeared on shows including: *NPR's All Things Considered*, *CNN's The*

*Situation Room, Larry King Live and Lou Dobbs, MSNBC's Hardball and Countdown with Keith Olbermann, NBC Nightly News, CBS Evening News, and ABC World News Tonight.* Ms. Sloan also regularly provides insight to newspapers and magazines across the country including: *The New York Times, The Washington Post, The Los Angeles Times, Newsweek Magazine, Harper's Magazine, and Rolling Stone*, which named her One of the Year's Greatest Mavericks in 2006. She has been profiled in a number of publications including: *Ms. Magazine, Time Magazine* and *Mother Jones*. Ms. Sloan has also been named one of Washington, DC's Top Grassroots Lobbyists by *The Hill* for three years running and was profiled in the September 2009 issue of *O Magazine* as part of the *O Power List*.

**Kevin Goldberg** is a Special Counsel to Fletcher, Heald & Hildreth, P.L.C. His expertise is in First Amendment issues, especially those relating to newspaper and Internet publishing. He regularly advocates issues involving freedom of speech on behalf of press organizations, including lobbying against a proposed constitutional amendment that would allow criminalization of flag desecration, lobbying in favor of increased access to government records and proceedings, and protecting the rights and privileges of reporters. Kevin also consults regularly with these organizations concerning the continued freedom of speech on the Internet, focusing on issues such as regulation and voluntary implementation of blocking software. He assists newspapers and television and radio stations in prepublication review of stories for possible legal problems.

Kevin graduated from James Madison University Magna Cum Laude in 1992. He attended law school at George Washington University, where he graduated with high honors in 1995 and was named to the Order of the Coif. Kevin received the 1995 Imogene Williford Constitutional Law Award for his exemplary achievements in that academic area during his three years of law school.

In addition to his law practice, he is an adjunct professor at George Mason University, where he teaches Journalism Law. He is a member of Board of Directors of the District of Columbia's Public Access Television Corporation and the First Amendment Advisory Council of the nonprofit organization The Media Institute, as well as the Federal Communications Bar Association, and the Virginia Coalition for Open Government. He has also written several articles on First Amendment Law. He co-wrote, with Richard M. Schmidt, Jr., chapters dealing with libel law in the 1997, 1998, and 1999 versions of *The First Amendment and The Media*, a publication of The Media Institute. Kevin and Dick Schmidt also co-wrote an article entitled "The Reardon Report" for the Winter 1998 edition of the *Media Studies Journal* and an article for the Winter 1999 edition of *Communications Lawyer* about their experiences in Cuba, entitled "Castro -- Alive and Well -- Continues 40 Years of Controlling Cubans' Speech."

**Patrice McDermott** joined OpenTheGovernment.org as Director after more than 4 years as the Deputy Director of the Office of Government Relations at the American Library Association Washington Office. At ALA, she had lead responsibility for government information and privacy policy, and e-government policy issues. She joined ALA in December 2001, after having served for 8 years as the senior information policy analyst for OMB Watch. She previously worked at the National Archives and Records Administration.

Dr. McDermott is a frequent speaker on public access and e-government issues and is the author of *Who Needs to Know? The State of Public Access to Federal Government Information* (Bernan 2007). She was inducted into the National Freedom of Information Act Hall of Fame in 2001.

**Laura Beavers** is Senior Associate and Coordinator for the National KIDS COUNT Project at the Annie E Casey Foundation and has primary responsibility for the Annual KIDS COUNT Data Book and the Online KIDS COUNT Data Center. Having spent a number of years doing state level child advocacy work at the Rhode Island KIDS COUNT grantee, Laura began her work at the Foundation in September of 2003. She serves as a key liaison and resource person for staff in the KIDS COUNT network of state grantees facilitating their access to technical assistance, information, and peer support as well as with the growing number of child advocates in Latin America interested in Data Based advocacy. Laura has a BA in Economics from the University of Massachusetts at Amherst and a Masters in Public Administration from New York University.

**Eric Gundersen** is President and co-founder of Development Seed. Over the past six years, Eric has developed communications strategies and tools for some of the largest international development organizations operating around the world, in addition to working with national public health and education focused NGOs. Eric is especially interested in improving information flows and efficiency within large organizations, alongside their on the ground operations.

Eric is a recognized expert on online technologies and communications whose work has been featured in large national and online publications. He is frequently consulted and invited to speak on topics including government open data projects, open source software, web-based mapping tools, and knowledge management for geographically dispersed teams.

Eric earned his master's degree in International Development from American University in Washington, DC, and has dual bachelor's degrees in Economics and International Relations. He co-founded Development Seed while researching technology access and microfinance in Peru. Before starting Development Seed, Eric was a journalist in Washington, DC writing on the environment and national security.

**Sean Moulton** has served OMB Watch since early 2002, as Director of Federal Information Policy with special attention on environmental information and right-to-know issues. Interestingly, one of Sean's first jobs was as Environmental Researcher and Data Manager for the Council on Economic Priorities (CEP), manipulating and analyzing the information that is disseminated under the policies he now advocates. Sean's work at CEP focused on evaluating and reporting on individual corporate environmental policies and performance.

Prior to joining OMB Watch Sean developed his lobbying and policy analysis skills as the Tax Policy Analyst at [Friends of the Earth \(FoE\)](#), a national nonprofit environmental advocacy group. At FoE Sean analyzed and attempted to influence a broad spectrum of legislation and policies at both the federal and state level. Sean's work experience also includes several years as a research fellow and contract employee with the U.S. Environmental Protection Agency in their Industry Sector Policy Division.

Sean received a Masters of Public Policy degree from the [University of Maryland](#) and has a BA in Economics and English.

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## **About OpenTheGovernment.org**

**OpenTheGovernment.org is a coalition of good government and consumer groups, journalists, environmentalists, library groups, labor and others united to make the federal government a more open place in order to make us safer, strengthen public trust in government, and support our democratic principles.**

### **OpenTheGovernment.org Statement of Values**

To protect the safety and well-being of our families, homes, and communities; to hold our government accountable; and to defend the freedoms upon which our democracy depends; we, the undersigned individuals and organizations, believe the public has a right to information held by our government.

The American way of life demands that government operate in the open to be responsive to the public, to foster trust and confidence in government, and to encourage public participation in civic and government institutions.

The public's right to know promotes equal and equitable access to government, encourages integrity in official conduct, and prevents undisclosed and undue influence from special interests.

OpenTheGovernment.org seeks to advance the public's right to know and to reduce secrecy in government.

To find out more about us please visit our website at [www.openthegovernment.org](http://www.openthegovernment.org)

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