

# The Transparency Imperative

Washington Coalition for Open Government  
U.S. General Services Administration

July 15, 2024

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**‘Sunlight is said  
to be the best of  
disinfectants’  
- Louis Brandeis**



















# Most Ferries Short Of Life Rafts -- Is It A Titanic Problem Or A Reasonable Cost-Control Measure?

Jan 11, 1998

Eric Nalder

*Seattle Times Staff Reporter*

There are far too few life rafts for the passengers, but the people in charge insist there's no need to worry: The vessel is virtually unsinkable.

The Titanic?

A Washington State Ferry.

The new film about the 1912 maritime disaster has some passengers wondering about safety measures aboard the state's fleet.

Others haven't thought to worry - until they learn the facts.

As Toni Booker talked to a reporter aboard a ferry bound for Bainbridge Island from Seattle last week, images from the film flowed freely - and frighteningly:

<https://archive.seattletimes.com/archive/?date=19980111&slug=2728093>

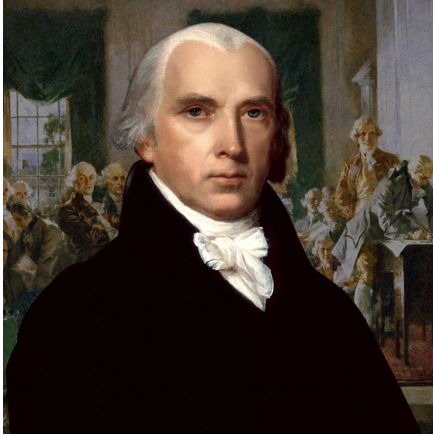












**‘Despotism can  
only exist in  
darkness’  
- James Madison**

# Clouds forming





# U.S. FOIA rank in the world

	Country data ▾	Methodology & Rating ▾	International and Subnational	Historical	News & Reports	Constitutional Guarantees				
70	Guinea	2021	4	18	20	18	18	2	5	85
71	Italy	1990	4	22	21	18	9	4	7	85
72	Romania	2001	5	29	17	13	6	6	9	85
73	Zambia	2023	3	21	13	15	17	5	11	85
74	Cyprus	2017	0	27	15	14	18	4	6	84
75	Honduras	2006	2	24	13	12	18	2	13	84
76	Hungary	1992	1	29	13	12	20	0	9	84
77	Kenya	1978	4	21	22	15	14	4	2	82
78	United States	1966	2	18	15	17	14	4	12	82
79	Kenya	1998	4	23	20	15	10	4	4	80

Out of 140 nations: <https://www.rti-rating.org/country-data/>

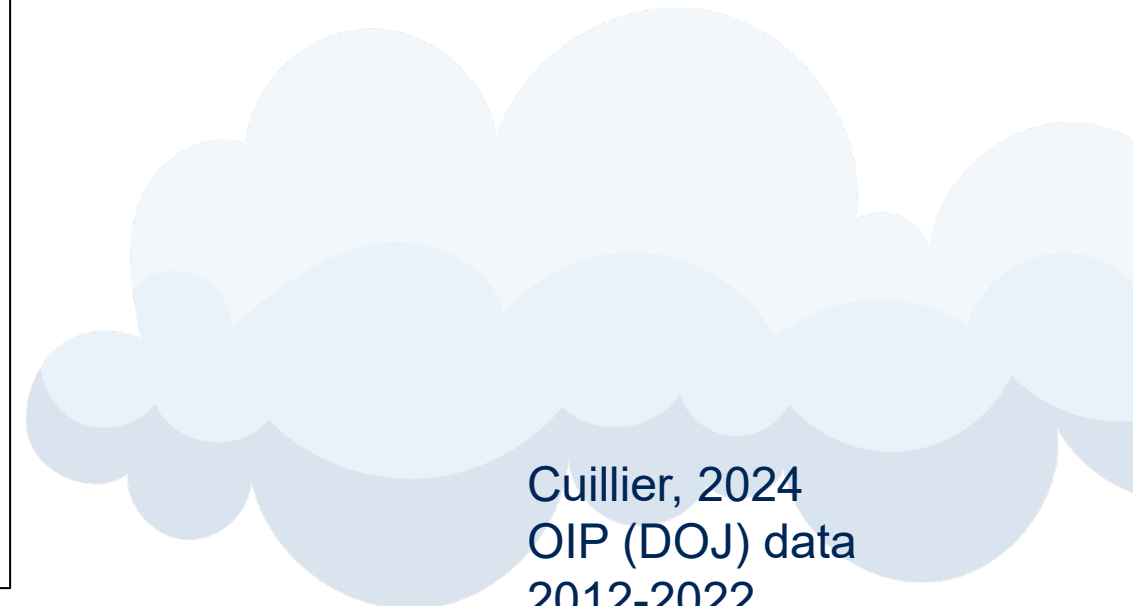
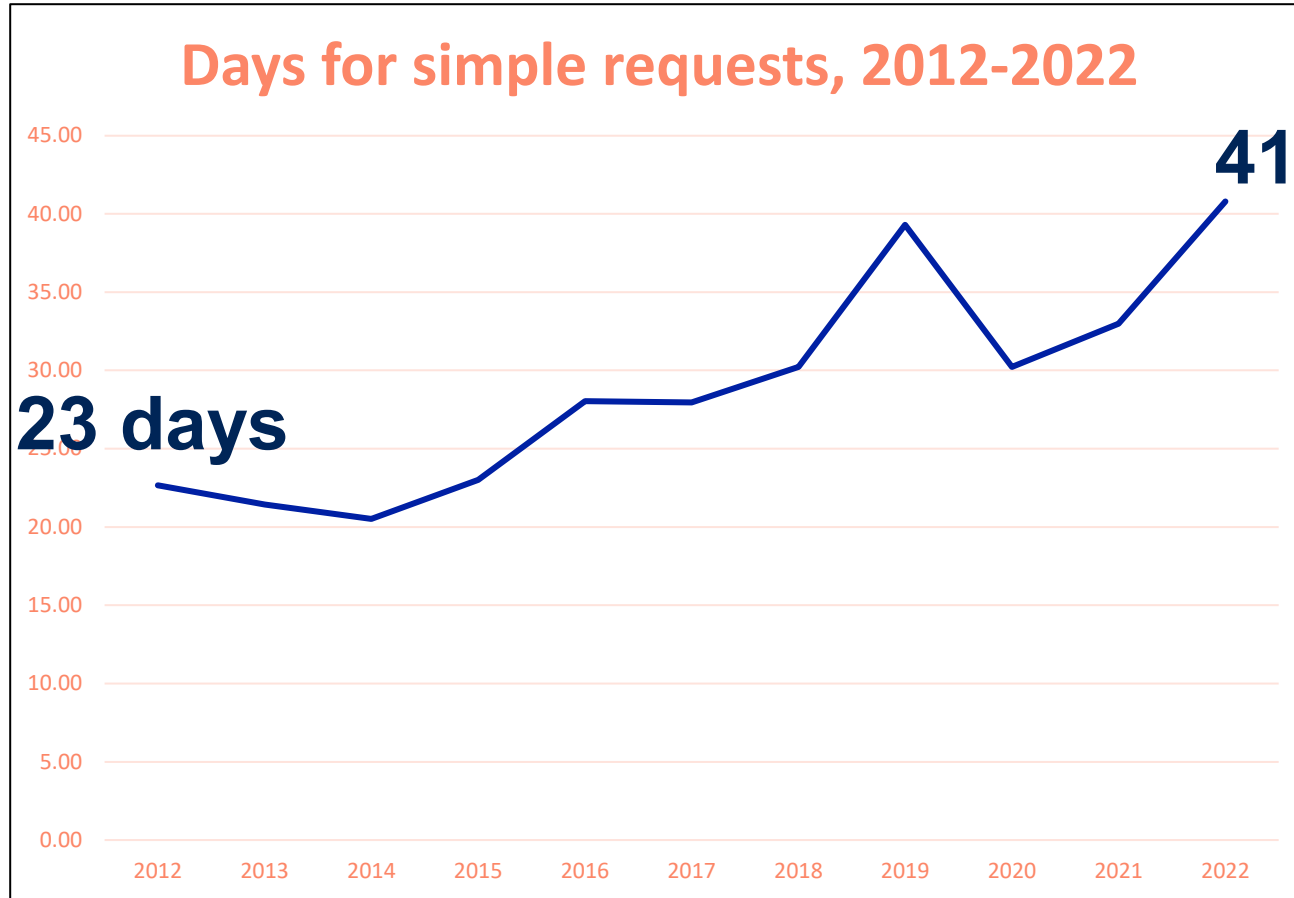
# Best in the world

Ranking ▲	Country ▲	Date ▲	Right of Access ▲	Scope ▲	Requesting Procedure ▲	Exceptions & Refusals ▲	Appeals ▲	Sanctions & Protections ▲	Promotional Measures ▲
1	Afghanistan	2014	5	30	28	30	26	6	14
2	Mexico	2002	6	30	28	28	26	4	14
3	Serbia	2003	5	30	22	26	29	7	16
4	Sri Lanka	2016	5	28	26	23	29	4	16
5	Gambia	2021	2	30	24	23	28	7	14
6	Slovenia	2003	2	30	26	25	28	4	13
7	Albania	1999	6	29	26	27	23	6	10

Out of 140 nations: <https://www.rti-rating.org/country-data/>

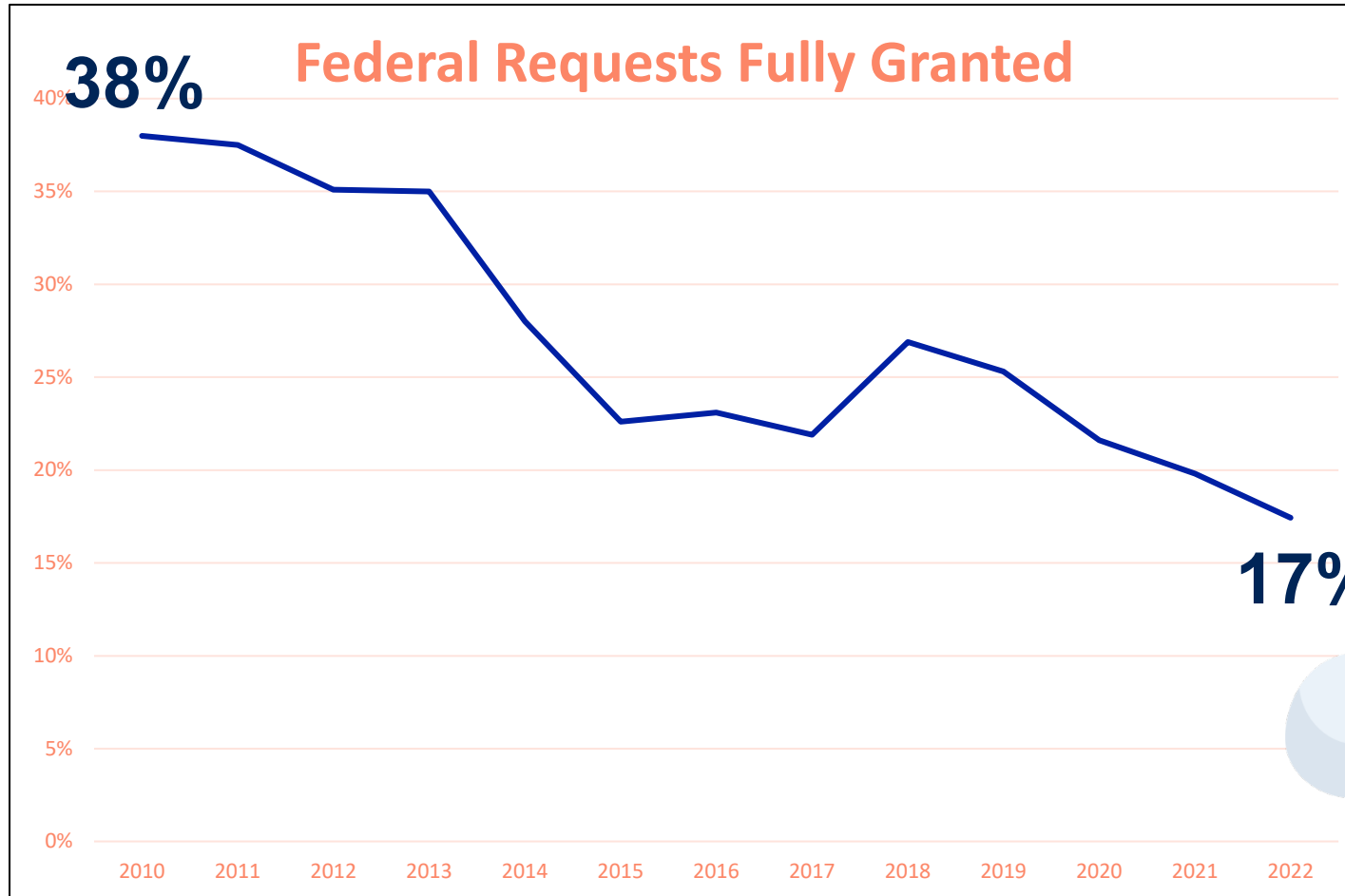


# Increasing delays in U.S. FOIA



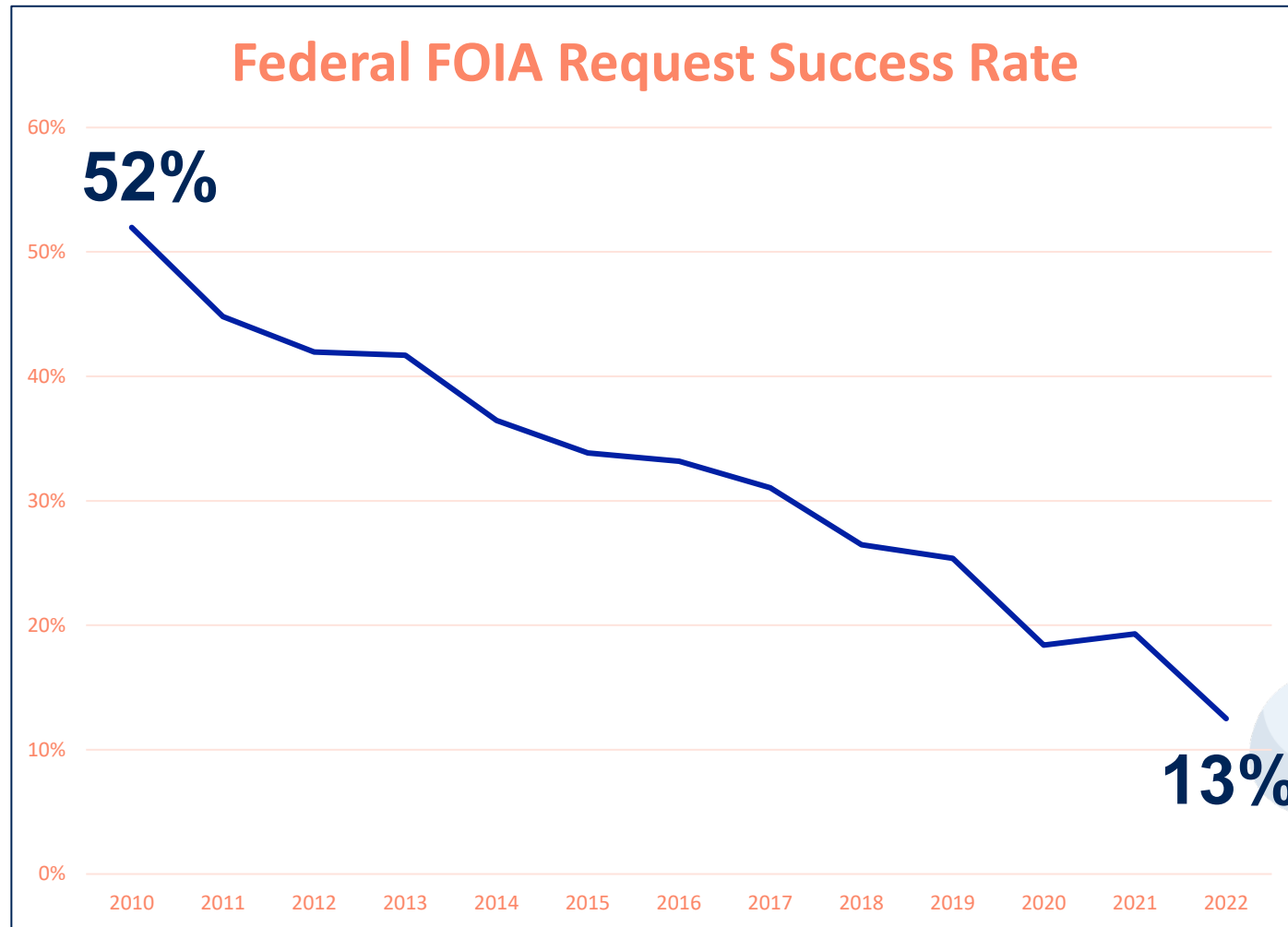
Cuillier, 2024  
OIP (DOJ) data  
2012-2022

# Decline in providing records



Cuillier, 2024  
OIP (DOJ) data  
2010-2022

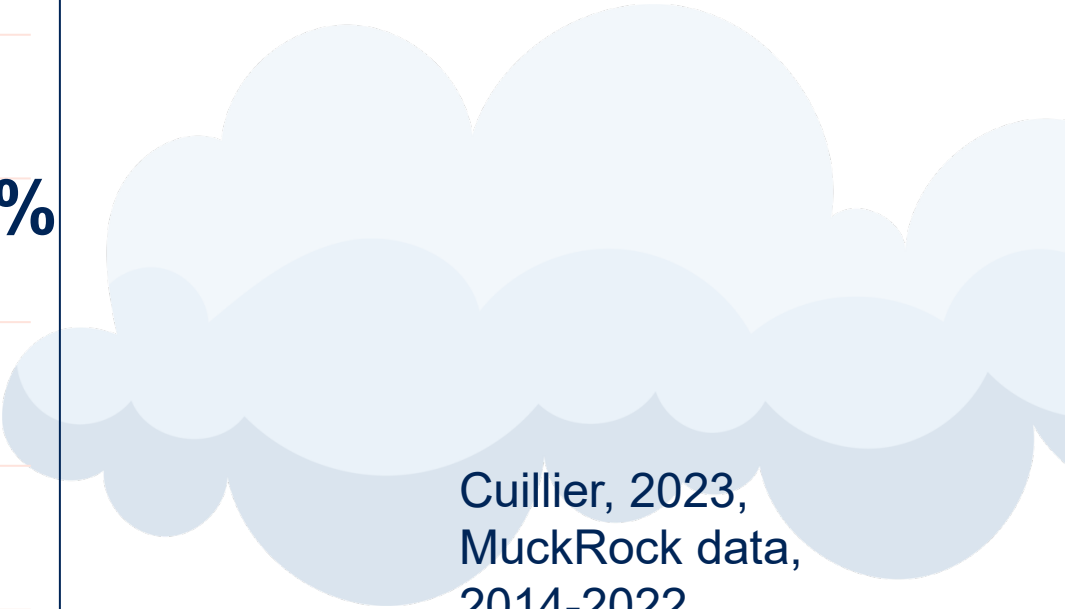
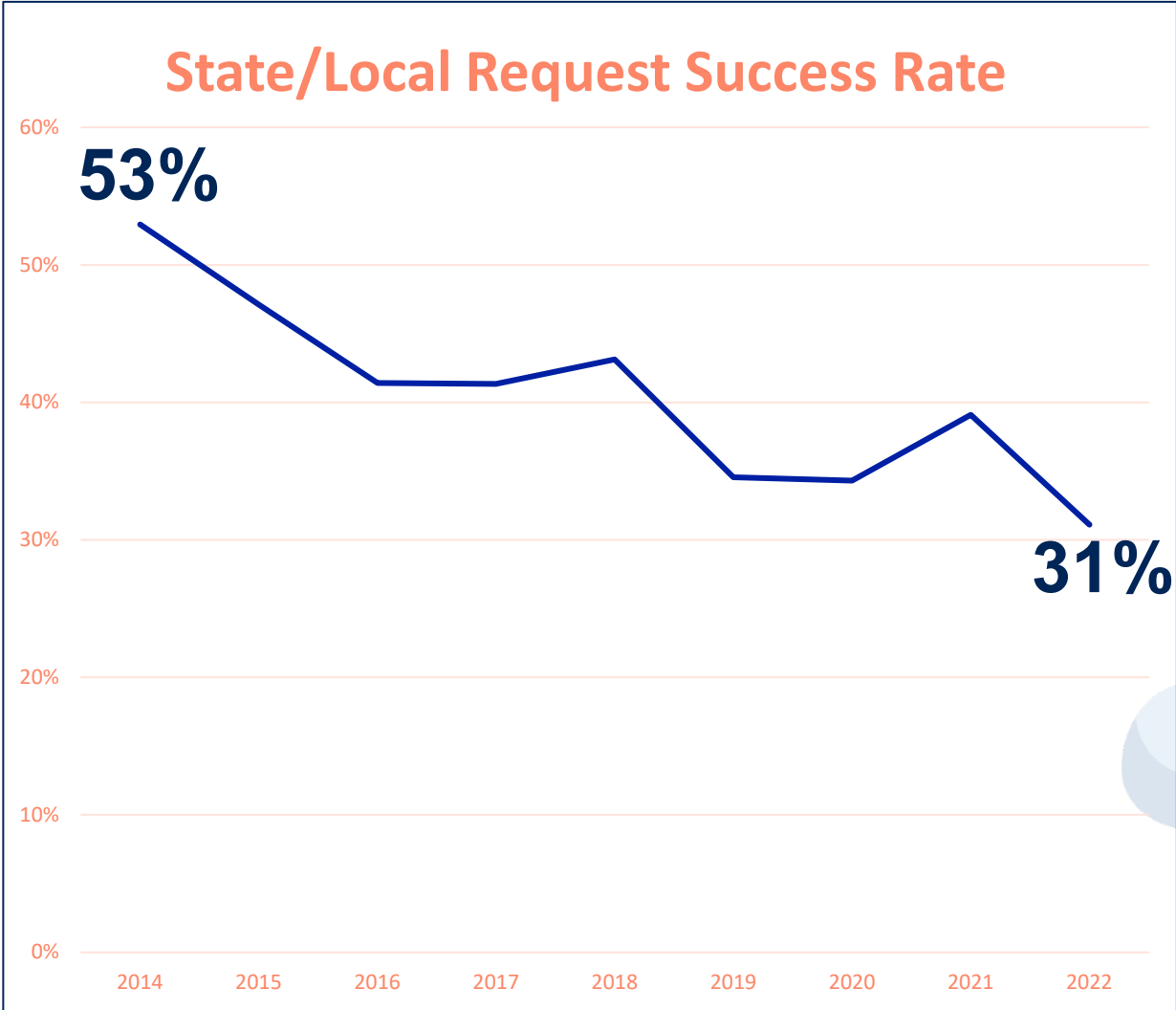
# Public interest requests stymied



Cuillier, 2023,  
MuckRock data,  
2010-2022



# And drop in the states, as well



Cuillier, 2023,  
MuckRock data,  
2014-2022

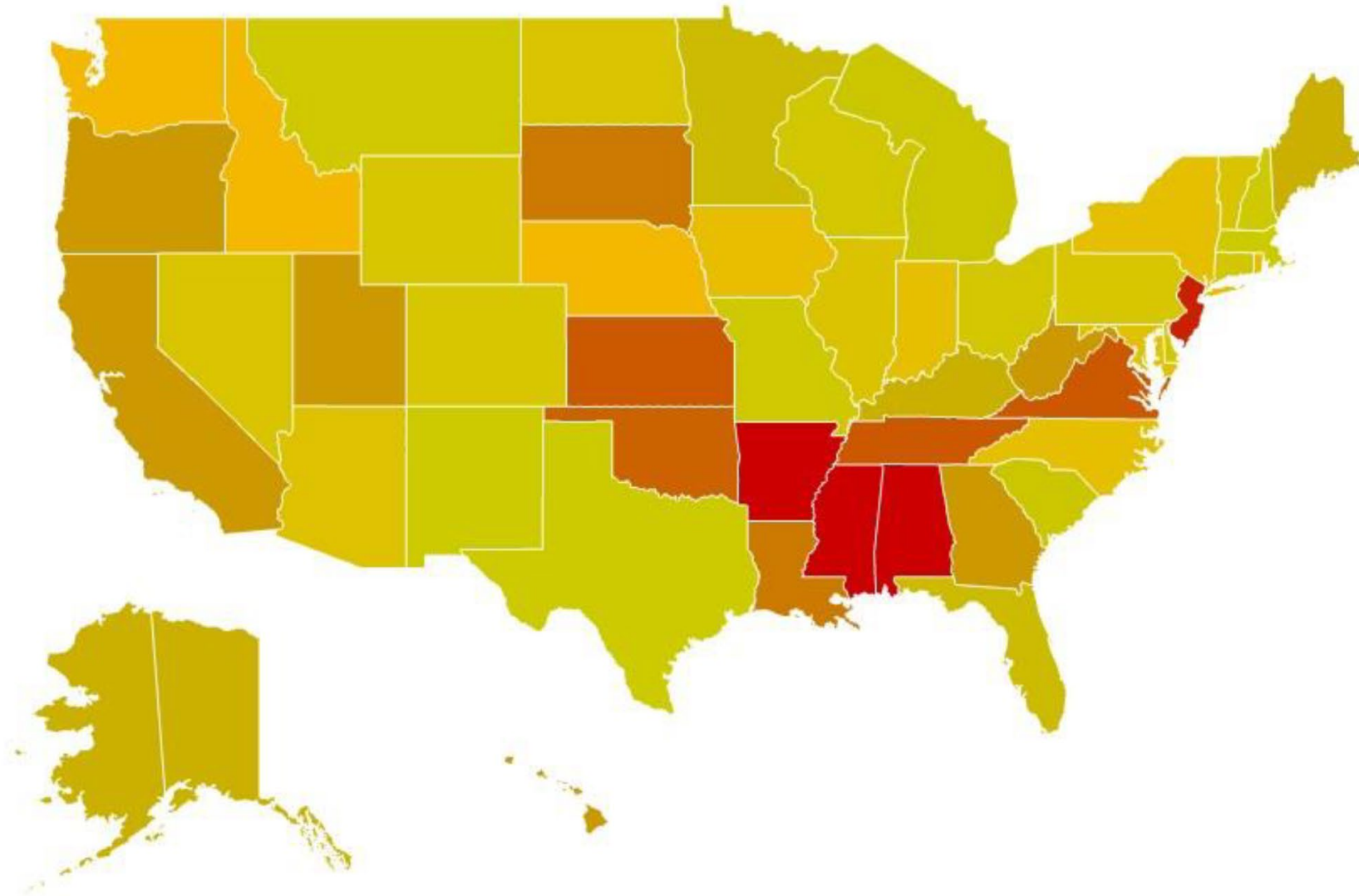
# Varies by state

Rank	State	Success Rate	Rank	State	Success Rate	Rank	State	Success Rate
1	Washington state	70%	18	Wisconsin	56%	35	Utah	43%
2	Connecticut	65%	19	New Jersey	55%	36	Alaska	43%
3	Illinois	63%	20	Colorado	55%	37	Minnesota	42%
4	New Hampshire	63%	21	New Mexico	54%	38	Kentucky	42%
5	Wyoming	63%	22	Nevada	54%	39	Hawaii	41%
6	Ohio	62%	23	Georgia	53%	40	Oregon	41%
7	Florida	61%	24	Michigan	53%	41	Louisiana	40%
8	Idaho	60%	25	Virginia	53%	42	Pennsylvania	39%
9	Rhode Island	59%	26	Maine	51%	43	New York	39%
10	Arizona	59%	27	Indiana	51%	44	West Virginia	36%
11	Massachusetts	59%	28	Missouri	51%	45	Mississippi	33%
12	Nebraska	59%	29	North Dakota	50%	46	Tennessee	33%
13	Iowa	59%	30	Maryland	47%	47	Arkansas	31%
14	Vermont	59%	31	Oklahoma	46%	48	South Dakota	31%
15	California	59%	32	Kansas	45%	49	Delaware	26%
16	North Carolina	58%	33	South Carolina	44%	50	Alabama	13%
17	Texas	57%	34	Montana	43%			

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# Evergreen State varies in national studies

- 1<sup>st</sup> Ballotpedia legislative transparency, 2013 (tied with two other states)
- 10<sup>th</sup> Sunshine Week, 2009 (government website proactivity)
- 13<sup>th</sup> Brechner, 2008 (strength of statute)
- 18<sup>th</sup> Better Government Association/NFOIC, 2007 (strength of law)
- 23<sup>rd</sup> Good Jobs First, 2007 (online transparency)
- 23<sup>rd</sup> Center for Public Integrity, 2007 (financial transparency)
- 32<sup>nd</sup> Center for Public Integrity, 2015 (strength of law, expert assessment)
- 32<sup>nd</sup> USPIRG, 2018 (spending transparency)

# Our recent experience: 1 out of 7

Requested seven different types of records from state agencies  
(November-February):

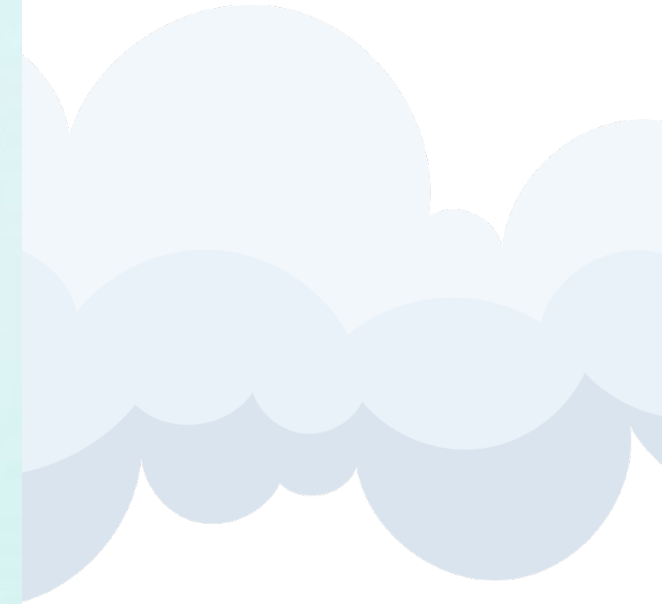
- |                                  |                           |
|----------------------------------|---------------------------|
| • Educator suspended licenses    | No response               |
| • Fishing and hunting licenses   | No response               |
| • Suspended medical licenses     | No response               |
| • Police complaints              | No response               |
| • Contractors blacklisted by DOT | “No responsive documents” |
| • Prisoners who died in custody  | Partial compliance        |
| • Suspended voter registration   | Complete                  |



# What is going on?

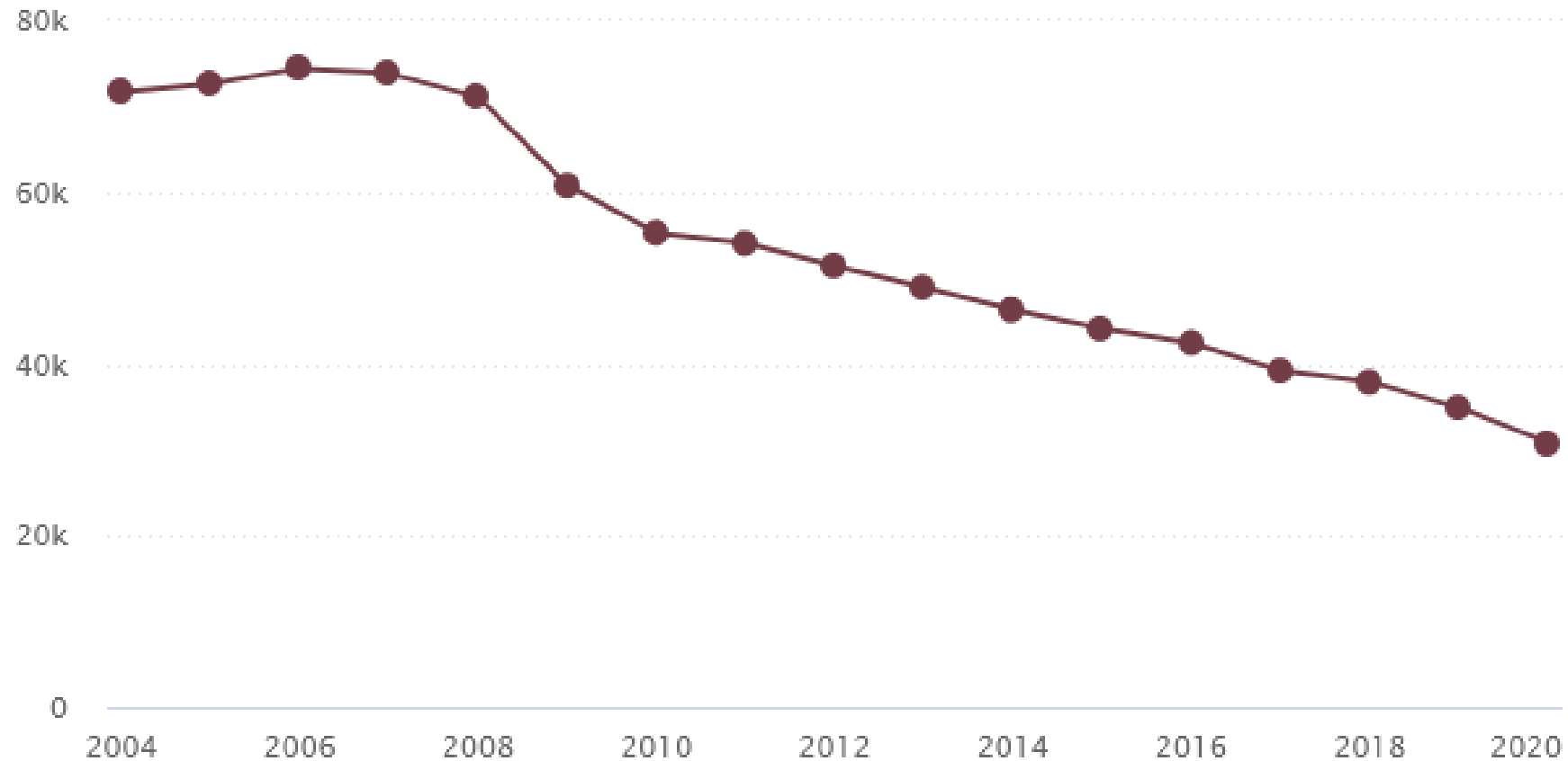


# Digital overload



# Fewer journalists

*Total number of newsroom employees in the newspaper sector*



Knight Foundation (2018). In defense of the First Amendment: U.S. news leaders feel less able to confront issues in court in the digital age. <https://knightfoundation.org/reports/defense-first-amendment/>

Pew Research Center, 2021



# Fewer advocates

National  
Freedom  
Of  
Information  
Coalition

Funding decline



Funding decline

**OPEN  
THE  
GOVERNMENT**

RIP-ish 2003-2022

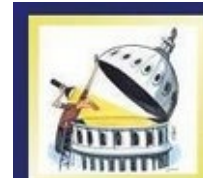


RIP 1922-2024



**SUNLIGHT  
FOUNDATION**

RIP 2006-2020



The Sunshine in Government Initiative

*Public oversight is the ultimate safeguard of democracy.*

RIP 2006-2019

# Statutory erosion



# All is not lost!





# Better tech and records management



Stern, A. (2018). Cities can save time on records requests by doing open data right. *Sunlight Foundation*, <https://sunlightfoundation.com/2018/10/09/research-cities-save-time-on-records-requests-by-doing-open-data-right/>

Hall, C., Perez, K., Azarmi, P. D., & Manriquez, R. (2024). Open by default: A best practices analysis for meaningful transparency in the City of Oakland. Berkeley Public Policy.

# Strong coalitions



## Washington Coalition for Open Government

WashCOG advocates for the people's right to access government information

Wagner, A.J. (2021). Inherent frictions and deliberate frustrations: Examining the legal variables of state FOI law administration *Journal of Civic Information*, 32), 29-49.



# Strong journalism



Posner-Ferdman, B., & Cuillier, D. (2024, May 15). Dark deserts: Newspaper decline and its relation to subnational compliance with public record laws. Presented at the Global Conference on Transparency Research, Brussels, Belgium.

# Strong laws

**The Front** Search The Front [social icons] NEWSLETTER

WESTERN WHATCOM SPORTS + RECREATION OPINION LETTERS TO THE EDITOR ABOUT + CONTACT SUBMIT A TIP

Campus

## Western alumni awarded \$111K in lawsuit against the university

*Former journalism students sued Western for redacting the names of students found responsible for sexual misconduct and harassment*

By **Seddie LeBlanc** and **Jemma Alexander**  
May 20, 2024 | 12:20pm PDT

Thursday, April 4  
Judge Freeman

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**10% OFF**

Cuillier, D. (2019). Bigger stick, better compliance? Testing strength of public record statutes on agency transparency in the United States. Presented at the Global Conference on Transparency Research, Rio de Janeiro, Brazil.



# Mandatory training



The screenshot shows the website for the Washington State Office of the Attorney General. The header includes the state seal and the name of the Attorney General, Bob Ferguson. A navigation menu lists various sections, with 'Initiatives' highlighted. The main content area is titled 'Open Government Training' and includes a welcome message, a section for 'General Information & Instructions' with a brief guide on how to use the training resources, and two expandable sections: 'State Laws' and 'Training is Required by the Open Government Trainings Act - Q & A'. A small image of a stack of papers is visible on the right side of the page.

**Washington State**  
*Office of the Attorney General*

Attorney General  
**Bob Ferguson**

Home News Office Information Serve The People **Initiatives** Resources AG Opinions Employment

Home | Initiatives | Open Government | **Open Government Training**

## Open Government Training

Welcome to the Open Government Training web page of the Office of the Attorney General.

### General Information & Instructions

Click on the dropdown boxes below for "General Information and Instructions." To take online training, scroll down to "[Open Government Training Curriculum & Resources](#)." For sample documentation, scroll down to "[Last Step: Training Documentation](#)."



**State Laws** [click to expand/contract]

**Training is Required by the Open Government Trainings Act - Q & A** [click to expand/contract]

Kimball, M. B. (2011). Mandated state-level open government training programs, *Government Information Quarterly*, 28, 474; Michener, G., & Nichter, S. (2022). Local compliance with national transparency legislation. *Government Information Quarterly*, 39, 1.

**Working together,  
from Washington to Washington,  
to improve government transparency  
toward a better world!**

