

# **FOIA COMMUNITY CONFERENCE**

## **INFORMATION POLICY IN THE NEW ADMINISTRATION**

**Collaboration on Government Secrecy  
American University Washington College of Law**

January 29, 2009

### **Speaker Bios**

#### **GARY D. BASS**

Gary Bass is the Founder and Executive Director of OMB Watch. Since founding the advocacy organization in 1983, he has testified before Congress, appeared on national television, addressed groups across the country, and written extensively on federal budgetary, program management, regulatory and information policy issues. Dr. Bass is well known for assisting nonprofit organizations in better understanding federal rules and policies affecting their organizations and constituencies. He has been selected as one of the Nonprofit Times Power and Influence Top 50 each of the nine years of its existence. In 2006, the award noted, "Nobody is better at divining what legislative fine print means to the charitable sector, getting the translation out to leadership and rallying advocacy. Nothing slips by him. Nothing." In addition to his 20-year leadership in promoting policies that make government information more publicly accessible, he was a prominent voice after the 9/11 terrorist attacks in preserving the public's right to know. As a result of increased secrecy since 2001, Dr. Bass helped form the OpenTheGovernment.org coalition, which brings together the advocacy and journalism communities to defend against the growth of secrecy and to advance open government policies and priorities. Technology has played an important part in Dr. Bass' career. In 1989, prior to broad use of the Internet, he created RTK NET (the Right-to-Know Network at

www.rtknet.org), a free online computer service to provide community groups access to government data about toxic chemicals released by chemical companies. Today, more than 540,000 visitors a year use RTK NET to get environmental and health data. In 2006, Dr. Bass oversaw creation of FedSpending.org, a free online database for citizens to find out where over \$12 trillion in federal money goes and who gets it. He also chairs OpenTheGovernment.org, Citizens for Sensible Safeguards, and NonprofitAdvocacy.org. And he has served on many panels and advisory bodies, including as a member of the Advisory Board of the Collaboration on Government Secrecy.

Dr. Bass has served on the faculty of the Nonprofit Management Executive Certificate Program at the Center for Public & Nonprofit Leadership at the Georgetown University Public Policy Institute. He has taught classes at Johns Hopkins University, American University, Wayne State University, and the University of Michigan. Prior to founding OMB Watch, Dr. Bass was President of the Human Services Information Center, where he wrote a book and numerous articles on human services issues, and published the Human Services INSIDER, a bimonthly newsletter on the politics of federal human services program. He has also served as: Director of Liaison for the International Year of Disabled Persons; consultant on several projects in special education and the mental health of children, youth, most notably, the preparation of the first annual report to Congress on the implementation of the Education of All Handicapped Children Act (P.L. 94-142); Special Assistant to Wilbur Cohen, then chair of the Michigan Governor's Task Force on the Investigation and Prevention of Abuse in Residential Institutions; Program Assistant at the Institute for Behavioral Research; and research roles in juvenile justice and community corrections. He received a combined doctorate in psychology and education in 1979 from the University of Michigan, along with the University's highest award for graduate student teaching and several awards for academic excellence. He received a Masters (1978) and BA (1975) from the University of Michigan.

### **HANNAH BERGMAN**

Hannah Bergman is now a Jack Nelson Legal Fellow at the Reporters Committee of Freedom of the Press. She recently graduated from American University with a law degree from the Washington College

of Law and a master's degree in journalism from AU's School of Communication. Throughout law school she focused on media law, working as a law clerk at Levine, Sullivan, Koch, and Schulz, LLP, at the National Security Archive, and at the Freedom Forum's First Amendment Center. Additionally, during her third law school year, she worked as a senior research assistant for WCL's Collaboration on Government Secrecy. Prior to law school, she worked as a financial reporter in Washington and briefly for the Associated Press in London.

### **RICK BLUM**

Rick Blum coordinates OpenTheGovernment.org, a broad coalition of journalists, labor, and free-speech and environmental advocates that fights the expansion of government secrecy. For several years he promoted public access to government information to safeguard public health and protect the environment. As a policy analyst at OMB Watch from 1997 to 2001, he worked with environmental groups, librarians, freedom-of-information advocates, and others in the 1999 fight to maintain public access to chemical accident risk-management plans. He has worked on other environmental right-to-know issues and has experience in grassroots organizing as well. Rick has also testified before Congress on EPA's science program. Before returning to OMB Watch to coordinate efforts to fight government secrecy, he conducted research on the effects of the commercialization of science on environmental and public health protections. He holds a master's degree from Indiana University, where his studies focused on democratization efforts in Russia, and a bachelor's degree from the University of California, Berkeley.

### **DANIELLE BRIAN**

Since 1993, Danielle Brian has been the Executive Director of the Project on Government Oversight (POGO), a nonprofit government watchdog. She frequently testifies before Congress and appears in major national news outlets, including ABC, NBC, CBS, Fox News, *Washington Post*, *New York Times*, *Los Angeles Times*, *Chicago Tribune*, *USA TODAY*, and National Public Radio. Brian has led numerous investigations that have exposed wasteful government spending and helped precipitate policy reforms improving government

programs. Under her watch, POGO prevailed in a lawsuit against then-Attorney General John Ashcroft for retroactively classifying FBI documents; forced the government to apply environmental standards to the super-secret Area 51 facility; forced the Nuclear Regulatory Commission to back down on its excessive secrecy regarding lax security at the Indian Point Nuclear Power Plant outside New York City; and has advocated for the rights of whistleblowers and other dissenters to have their voices heard.

Before becoming executive director of POGO, Brian worked as a producer for television documentaries, as a policy analyst at the Arms Control and Foreign Policy Congressional Caucus, and as a research associate at POGO. Brian earned a master's degree in International Relations from the School of Advanced International Studies at Johns Hopkins University in 1990.

### **WENDELL COCHRAN**

Wendell Cochran has served for many years as head of the Journalism Division of American University's School of Communication (SOC), where he oversees the graduate admissions process and frequently meets with the journalism faculty to discuss the curriculum. An SOC faculty member since 1992, Professor Cochran has spent more than 40 years practicing and teaching journalism. Along the way he has covered everything from local government to Congress to presidential campaigns. He has bylines from nearly 40 of the 50 states, working as a business reporter, special projects editor, and project director for leading news organizations, including the Kansas City Star, Des Moines Register and Gannett News Service. He has also worked as a contributing editor to *Top Producer*, a leading agriculture magazine. He spent most of his journalism career as a business reporter and editor, specializing in topics such as agricultural policy, international trade, and banking and finance. His stories have won or shared four national reporting awards, including the Amos Tuck Award for Economic Understanding, the John Hancock Award for Business Reporting, and the National Headliners Award.

Professor Cochran also is the senior editor of American University's new Investigative Reporting Workshop, working with Charles Lewis,

who is serving as its Executive Editor. He has written extensively on the role that nonprofit institutions can play in the emerging media landscape in such venues as *Columbia Journalism Review* and *Nieman Reports*. He also has continued his work in journalism as a Freedom Forum Journalist-in-Residence (in 2000) and as a contributor to several professional publications including: *American Journalism Review*; *Quill*; *The Journal of Mass Media Ethics*; *The Electronic Journal of Communication*, *American Editor*, and the *IRE Journal*. He also is the co-author of *Inside the Beltway: A Guide to Washington Reporting* (Second Edition).

Professor Cochran teaches advanced-level journalism courses including: Advanced Reporting, Seminar in Journalism and Journalism Ethics. Students in his undergraduate Advanced Reporting class frequently have been able to produce stories published by professional news organizations. Graduate students in his Seminar in Journalism have served as research assistants for books, including *Inside the Beltway* and *Buying of the President 2004*, a best-selling book by Charles Lewis, founder of the Center for Public Integrity and now a Distinguished Journalist-in-Residence on the SOC faculty. Atop all of that, moreover, Professor Cochran's primary area of academic research interest is the administration of the federal Freedom of Information Act.

### **LUCY A. DALGLISH**

Lucy Dalglish is the Executive Director of the Reporters Committee for Freedom of the Press, a position she has held for since 2000. Prior to that, she was an attorney with a Minneapolis law firm from 1995 to 2000 and worked from 1980-93 as a reporter and editor at the *St. Paul Pioneer Press*. As an expert on the effect of government secrecy in the post-Sept. 11 world, she has testified before both state legislatures and congressional committees about access to government information and government secrecy. She has spoken throughout the United States on FOIA issues and serves on the board of directors of the National Freedom of Information Coalition and the Virginia Coalition for Open Government.

From 1996 to 2000, Dalglish was legal counsel to the Minnesota Library Association. She served three years as national chair of the

Society of Professional Journalists Freedom of Information Committee in the early 1990s. She was awarded the Wells Memorial Key, the highest honor bestowed by the SPJ, in 1995 for her work as chair of the FOI Committee and for service as a national board member.

### **THOMAS M. DEVINE**

Tom Devine is the Legal Director of the Government Accountability Project (GAP), where he has worked since January 1979. GAP is a nonprofit, nonpartisan public-interest organization that champions the rights of whistleblowers, employees who exercise freedom of speech to challenge abuses of power that betray the public trust. During his three decades at GAP, he has represented or informally helped more than 4000 whistleblowers to make a difference, such as by stopping nuclear power plants that were accidents waiting to happen and blocking deregulation of meat inspection. He has been a leader in the campaigns to pass or defend nearly all major national or international whistleblower laws, from the breakthrough right to jury trials for corporate whistleblowers in the Sarbanes-Oxley law, to the December 2005 U.N. policy legalizing public freedom of expression for its own whistleblowers. He also has authored or co-authored numerous law review articles and books, including his lessons-learned manual, *Courage Without Martyrdom: The Whistleblower's Survival Guide*.

### **SHARON BRADFORD FRANKLIN**

Sharon Bradford Franklin serves as Senior Counsel at The Constitution Project, an independent think tank that promotes and defends constitutional safeguards. She works principally with the Project's bipartisan Liberty and Security Committee, seeking to protect Americans' civil liberties as well as our nation's security post-September 11th. Previously, Ms. Franklin served as a Trial Attorney in the Civil Rights Division of the U.S. Justice Department; as a Special Counsel in the Office of General Counsel at the Federal Communications Commission; and as Executive Director of the Washington Council of Lawyers. She graduated from Harvard College and Yale Law School

## **MEREDITH FUCHS**

Meredith Fuchs serves as the General Counsel to the nongovernmental National Security Archive, housed at George Washington University. At the Archive, she oversees Freedom of Information Act and anti-secrecy litigation, advocates for open government, and frequently lectures on access to government information. She has supervised six government-wide audits of federal agency FOIA performance, including two released in 2007: "40 Years of FOIA, 20 Years of Delay: Oldest Pending FOIA Requests Date Back to the 1980s" and "File Not Found: Ten Years After E-FOIA, Most Agencies are Delinquent." She is the author of "Judging Secrets: The Role Courts Should Play in Preventing Unnecessary Secrecy," 58 Admin. L. Rev. 131 (2006), and co-author of "Greasing the Wheels of Justice: Independent Experts in National Security Cases," 28 Nat'l Sec. L. Rep. 1 (2006). Previously she was a partner at the Washington, D.C. law firm of Wiley Rein & Fielding LLP. Ms. Fuchs served as a law clerk to the Honorable Patricia M. Wald, U.S. Court of Appeals for the District of Columbia Circuit, and to the Honorable Paul L. Friedman, U.S. District Court for the District of Columbia. She received her J.D. from the New York University School of Law and her B.Sc. from the London School of Economics and Political Science.

## **MIKE GERMAN**

Mike German holds the position of National Security Policy Counsel at the American Civil Liberties Union. Prior to that, he served for 16 years as a Special Agent of the Federal Bureau of Investigation, where he specialized in domestic terrorism and covert operations and twice infiltrated right-wing extremist groups, resulting in important criminal convictions in anti-terrorism cases. He left the FBI in 2004, subsequently testifying before Congress that he had been retaliated against for reporting the intentional falsification of records in a counterterrorism investigation. He also has served as a senior fellow at GlobalSecurity.org and as an adjunct professor at the National Defense University. A philosophy graduate of Wake Forest University, he has a law degree from Northwestern University Law School.

## **LYDIA KAY GRIGGSBY**

Lydia Griggsby is the Chief Counsel for Privacy and Information Policy for the Senate Judiciary Committee. This unique position calls for Ms. Griggsby to provide legal and policy advice to Senate Judiciary Committee Chairman Patrick Leahy on a wide range of issues at the intersection of privacy, the Freedom of Information Act, freedom of the press, and civil liberties. Ms. Griggsby was the chief Senate counsel to negotiate the first reforms to FOIA in more than a decade -- the OPEN Government Act of 2007 -- signed into law on December 31, 2007. She has also provided legal advice on issues such as journalist shield legislation, data privacy and security, health information privacy, and cyber crime.

Ms. Griggsby has been a government attorney throughout most of her legal career, serving six years as an Assistant United States Attorney with the United States Attorney's Office for the District of Columbia and three years with the Civil Division of the United States Department of Justice. Prior to her appointment to the Department of Justice, Ms. Griggsby was an associate with the law firm of DLA Piper. Ms. Griggsby is a graduate of the Georgetown University Law Center and the University of Pennsylvania.

## **LINDA KOONTZ**

Linda Koontz recently joined the MITRE Corporation as its Principal Information Systems Engineer for Privacy at its Center for Enterprise Modernization. In this role, she assists federal agencies in building strong privacy programs and is currently working on health care issues. Prior to joining MITRE, Linda worked for the United States Government Accountability Office (GAO) as Director, Information Management Issues, on GAO's Information Technology team, a Senior Executive Service-level position. In this role, she directed audits and studies for Congress on matters including the Freedom of Information Act, privacy, records management, and information access and dissemination. She developed numerous reports on these subjects and testified frequently as an expert witness before congressional committees. Linda earned a Bachelors of Arts degree in accounting from Michigan State University. She is a Certified

Information Privacy Professional/Government and a Certified Government Financial Manager.

### **WILLIAM H. LEARY**

Bill Leary serves as Special Adviser to the Assistant to the President for National Security Affairs and Senior Director, Records and Access Management, for the National Security Council (NSC), with responsibility for maintenance, retrieval, disposition, declassification, and controlling access for all NSC records. He also holds the positions of Chair of the Policy Coordinating Committee on Records Access and Information Security and Chair of the Information Security Classification Appeals Panel, the latter of which is a presidential appointment.

Mr. Leary holds B.A., M.A., and A.B.D. degrees in history from the University of Virginia, and during the late 1960s and early 1970s he taught history there, as well as at the College of William & Mary and the University of South Alabama. The author of several publications, he also is a former member (1987-1993) of the City Council of Tacoma Park.

### **J. WILLIAM LEONARD**

Bill Leonard recently retired after 34 years of federal government service. In his last position, as the Director of the Information Security Oversight Office, he was responsible for policy oversight of the executive branch's national security information classification system. Before that appointment, he served in the Department of Defense as the deputy assistant secretary of defense (security and information operations). In 2002, the president conferred upon him the rank of meritorious executive. Bill holds a Bachelor of Arts degree in history from St. John's University in New York City and a Master of Arts degree in international relations from Boston University. He is currently the principal of his own consulting firm.

### **PATRICE McDERMOTT**

Patrice McDermott, Director of OpenTheGovernment.org, is a committed advocate for open access to federal government information. In Washington, she has worked both in the federal

government, at the National Archives and Records Administration, and in the nonprofit field. While at OMB Watch during the 1990s, she co-authored two studies of the implementation of the E-FOIA Amendments of 1996, finding many failures and inadequacies both real and perceived, and also was intensely involved in stopping the enactment of what would have been the equivalent of an official secrets act in the U.S. At the American Library Association, she was deeply involved in ensuring that the move to electronic government would result in more, rather than less, public access to government information, particularly in the post-Sept. 11 environment. Additionally, she plays an informational role in keeping those concerned with public access apprised of developments in and threats to government information, including the FOIA, privacy, and records issues.

### **DANIEL J. METCALFE**

Dan Metcalfe joined the faculty of the Washington College of Law in 2007 as a Faculty Fellow in Law and Government upon retiring from a career in government service that began at the Department of Justice in 1971 -- and he now is an adjunct professor as well as Executive Director of the school's Collaboration on Government Secrecy. After a judicial clerkship and serving as a Justice Department trial attorney, he was appointed as a founding director of the Department's Office of Information and Privacy in 1981. For more than a quarter-century, he guided all federal agencies on the governmentwide administration of the Freedom of Information Act, directly supervised the defense of more than 500 FOIA and Privacy Act lawsuits in district and appellate courts, and met with representatives of nearly 100 nations and international governing bodies as they considered the development and implementation of their own government transparency laws. He became a career member of the Senior Executive Service in 1984, the youngest Justice Department attorney then and since to hold such a position, and also has been appointed as an Honorary Senior Research Fellow at University College London

## **CELISSE A. PINKNEY**

Celisse Pinkney is a senior research assistant for the Collaboration on Government Secrecy. A third-year student at the Washington College of Law, she now is in her fourth academic semester of being a vital part of CGS. She holds an undergraduate degree in politics and history from Occidental College, where she also gained the experience in conducting political and public policy surveys that she applied to development of both the on-site and electronic versions of the survey used for this program. She plans to take the California bar exam and to practice law in the public sector upon graduation in May.

## **FRANKLIN S. REEDER**

Frank Reeder most recently was a senior member of the Obama/Biden Transition Team, for which he served as an expert on the operations of the Office of Management and Budget (OMB) and worked on the presidential Transparency and Open Government Memorandum. He served at OMB for two stints totaling more than 20 years between 1970 and 1995 where he was Chief of Information Policy, Deputy Associate Director for Veterans Affairs and Personnel, and Assistant Director for General Management. Among his accomplishments while a member of the information policy staff and later as its chief, he represented the Administration in negotiating and securing enactment of the Privacy Act of 1974 and the Computer Security Act of 1987 and wrote OMB's 1975 guidelines for the governmentwide implementation of the Privacy Act. While at OMB, he also was the U.S. Delegate to the Organization for Economic Cooperation and Development's Public Management Committee (OECD/PUMA) from 1992-1995 and he chaired that committee from 1993-1995. From 1977-1980, he was Deputy Director of House Information Systems, the computers and telecommunications support arm of the U.S. House of Representatives. From 1995-1997, he served as Director of the Office of Administration of the Executive Office of the President, the White House office responsible for maintenance of its e-mail system.

## **DAVID SOHN**

David Sohn joined the Center for Democracy and Technology (CDT) in 2005. He is Senior Policy Counsel and Director of CDT's Project on Intellectual Property and Technology, which promotes reasonable pro-

consumer approaches to copyright and related policy issues raised by the emergence of the Internet, new digital media, and digital rights management (DRM) technology. Prior to joining the Center for Democracy and Technology, he worked for nearly five years as Commerce Counsel for Senator Ron Wyden, where he advised the Senator on technology and telecommunications issues coming before the Senate Commerce Committee. In that capacity, he worked on legislation relating to such matters as spyware, digital copyright, and online privacy, and he played a major role in the enactment of the first federal anti-spam law. Before joining Senator Wyden's office, he practiced law in Washington, D.C., at Wilmer, Cutler & Pickering, with a focus on telecommunications law and regulation. Mr. Sohn received his B.A. degree from Amherst College (magna cum laude, Phi Beta Kappa) and his J.D. from Stanford Law School. He also holds an M.Sc. degree from the London School of Economics

### **GARY M. STERN**

Gary M. Stern has been the General Counsel of the National Archives and Records Administration (NARA) since 1998, and he is a career member of the Senior Executive Service. He earned his law degree in 1987 from Yale Law School, where he served as editor-in-chief of the Yale Journal of International Law, and he graduated Phi Beta Kappa from Vassar College in 1983, where he majored in Ancient Greek.

For the three years before becoming NARA's General Counsel, Mr. Stern worked for the U.S. Department of Energy, where he was a senior advisor to the Secretary of Energy, a special assistant to the General Counsel, and assistant general counsel for contractor litigation. In 1994-95, Mr. Stern worked as a senior policy and research analyst for the U.S. Federal Advisory Committee on Human Radiation Experiments. Before then, Mr. Stern worked as a staff attorney for the Washington Office of the American Civil Liberties Union, where he specialized in national security, classification, and information law issues. There, he participated as a plaintiff in *Armstrong, et al. v. Executive Office of the President*, involving White House e-mail recordkeeping practices, and also served as legal consultant to the National Academy of Science's Committee on Declassification of Information for the Environmental Remediation and Related Programs of the Department of Energy.

## **THOMAS M. SUSMAN**

Tom Susman is Director of Government Affairs at the American Bar Association, where he holds responsibility for a wide range of ABA activities here in Washington, D.C. Before accepting that position upon his “retirement” last year, he was a longtime senior partner in the Washington Office of Ropes & Gray, where his work included counseling, litigation, and lobbying on access to government information and privacy, in addition to his general legislative and regulatory practice. Tom has testified frequently on FOIA reform before the U.S. Congress and authored a number of works on information and privacy. He advised Shanghai on open government information, wrote a chapter on Access to Documents in the European Union for an ABA publication, co-authored a BNA portfolio on business information, and taught classes and courses on the FOIA to government lawyers, government access professionals, and law students. He has also been involved in a number of freedom of information cases at the state and federal levels and before foreign tribunals. Currently also serving in the House of Delegates of the American Bar Association, he is also a member of the American Law Institute, Chairman of the National Judicial College, and President of the District of Columbia Public Library Foundation.

Before joining Ropes & Gray, Tom served on Capitol Hill as chief counsel to the Senate Judiciary Committee; prior to that he was in the Office of Legal Counsel of the U.S. Department of Justice. He graduated from Yale University and received his J.D. from the University of Texas Law School. Among his many honors and distinctions, perhaps foremost among them is his receipt of the Collaboration on Government Secrecy’s inaugural “Robert Vaughn FOIA Legend Award” at CGS’s First Annual Freedom of Information Day Celebration in March 2008.