

OPENTHEGOVERNMENT.ORG

Americans for Less Secrecy, More Democracy



Steering Committee

Steven Aftergood
*Federation of
American Scientists*

Bill Allison
Sunlight Foundation

Mary Alice Baish
*American Association
of Law Libraries*

Gary Bass*
OMB Watch

Tom Blanton*
*National Security
Archive*

Beth Daley
*Project on Government
Oversight*

Lucy Dalglish
*Reporters Committee
for Freedom of the
Press*

Charles Davis
*National Freedom of
Information Coalition*

Leslie Harris
*Center for Democracy
& Technology*

Robert Leger
*Society of Professional
Journalists*

Conrad Martin
*Fund for Constitutional
Government
(Ex-officio member)*

Michael Ostrolenk
Liberty Coalition

Reece Rushing
*Center for
American Progress*

Peg Seminario
AFL-CIO

David Sobel
*Electronic Frontier
Foundation*

**co-chairs*

Patrice McDermott
Director

Amy Fuller
Program Associate

2008 YEAR-END REPORT

OpenTheGovernment.org

The partners in OpenTheGovernment.org believe that access to information, especially about our government and its activities, is part of our common heritage as Americans and is a human right. It is a right and heritage that we believe can be expanded and strengthened in the coming years.

Mission - The mission of OpenTheGovernment.org is to make government more open to achieve accountability, security, and safety.

Goals and Objectives

In January 2007, the Steering Committee of OpenTheGovernment.org met to develop a strategic-operational plan for the next three years to meet our mission and achieve our goals. We reaffirmed those goals as:

- o Broadening the base of national, state and local organizations active on right to know and anti-secrecy issues. The current constituency base of nonprofit organizations, media allies, prominent citizens and others willing to respond to crises and advocate for the right to know is inadequate to meet today's trend against openness.
- o Advancing the right-to-know at the federal and state levels through legislative and other vehicles. These vehicles may be useful as a tool or set of tools to organize around or as policy objectives in and of themselves.
- o Better publicizing secrecy efforts through the media using messages that resonate with the public and are framed in a way that is supportive of improving hometown safety.

We plan to revisit our strategic-operational goals during 2009 to ascertain whether these goals and objectives need revision in the new political environment.

www.openthegovernment.org

OpenTheGovernment.org, 1742 Connecticut Avenue N.W., 3rd Floor, Washington D.C. 20009
202-332-OPEN (6736)

A project of the Fund for Constitutional Government

All donations are tax-deductible to the maximum allowable by law.

In its five short years, OTG has already made considerable strides on all accounts, including stimulating legislative action and media attention. The strength of the coalition itself is a proxy for success. We measure our success by the degree to which we expand public awareness and interest in public access to information. We also track such indicators as website traffic; growth in email subscriber lists; participation in Sunshine Week activities; and the number of advocates who respond to our action alerts (e.g., by signing onto letters, submitting public comments, calling legislators) and engagement of partners in a variety of campaigns initiated not specifically by OpenTheGovernment.org but by other partners themselves.

Our Agenda for Openness

Specific Objectives

- o Promote digital access to government information – make information accessible and usable by any member of the public at no-fee, and ensure that permanent public access is maintained for permanently valuable information.
- o Make FOIA work/work better – undo some of the exemptions that have been created by other statutes, and ensure better oversight on FOIA implementation and on various abuses of FOIA exemptions.
- o Promote congressional transparency – make Congress more transparent – and through transparency, accountable – through use of technology.
- o More actively engage our partners with one another and as a coalition – create broader awareness of the coalition, a greater sense of ownership in the coalition, and enhance the role of our partners in promoting openness at all levels of government.
- o Promote executive branch openness and accountability – ensure government information is findable, accessible and usable on and across government websites, and that federal agencies provide all new government information (documents, data, etc.) in open, structured, machine-readable formats that will permit the public – nonprofits, companies, individuals – and other government entities to grab the information, reuse it, and combine it with other information.
- o Limit security restrictions on information – limit the use of markings such as “sensitive but unclassified;” and ensure that mandatory declassification of documents older than 25 years proceeds as expeditiously as possible.

Steps to Achieve Our Agenda

We identified the following areas as those in which OpenTheGovernment.org can best leverage the work of the coalition as a whole and of our partners to achieve our goal of making government more open to achieve accountability, security, and safety.

- o Policy work: legislative, executive branch/regulatory, judicial;
- o Engaging the public through outreach and action with national, state and local organizations, or with the public more directly;
- o Raising the visibility of a secrecy/openness message with legislators through work with Congress;
- o Raising the visibility of a secrecy/openness message through work with the media, through our website, and through coordination with our partners;
- o Research: Analysis & Reports – on developing and ongoing issues, to be shared with our partners and others;
- o Raising the visibility of secrecy/openness issues with funders.

POLICY WORK

Our legislative agenda for 2007 – 2009 focuses on the following initiatives. In each of these initiatives, OpenTheGovernment.org continues to work with and through its partners, with staff taking the lead where needed.

Transition

21st Century Right-to-Know Agenda

OpenTheGovernment.org worked with our partners, OMB Watch and others, to develop and promote a *21st Century Right-to-Know Agenda*. The Agenda recommends changes in our public access infrastructure to the new President and Congress.

Other Transition Documents

OTG participated in [initiatives](#) to craft a model Attorney General’s Memorandum on FOIA, presidential records policies, and a model directive to agencies with original classification authority for work toward a new E.O. on classification. These will be handed over to the presidential transition team.

We organized open government organizations and worked with federal records managers and former government officials to develop a report, [Managing the Public's Records for Accountability and History](#), and set of recommendations to the new President and Congress on records management, with a focus on electronic records.

OpenTheGovernment.org’s Director wrote a chapter, “*Open the Government, A New Information Policy*”, for [Mandate for Change: Policies and Leadership for 2009 and Beyond](#), forthcoming (late January 2009) from the Institute for Policy Studies.

We also worked with an array of organizations to pull together a [catalog](#) of transition recommendations from organizations interested in [government secrecy](#) and a variety of issues related to national security and human rights.

Promoting Digital Access to Government Information

Ensuring that the promise of digital technology is utilized by all branches of the federal government to make information created, collected, or maintained by or for the government accessible and usable by any member of the public at no-fee, and to ensure that permanent public access is maintained for permanently valuable information.

Executive Branch

Electronic Record Preservation

In addition to the recommendations work noted above, OpenTheGovernment.org's Director [spoke to the Public Interest Declassification Board \(PIDB\)](#) about the need to improve processes for organizing, preserving, and declassifying electronic records [3.17.08]. Additionally, OpenTheGovernment.org assisted our partner, Citizens for Responsibility and Ethics in Washington (CREW) with [Record Chaos: The Deplorable State of Electronic Record Keeping in the Federal Government](#), by working with the federal records managers community and with an academic with survey construction experience. The report received coverage in several magazines and in the Washington Post and OpenTheGovernment.org's Director presented [Congressional testimony](#) about the reports findings [6.11.08]. OTG also organized a [letter](#) in support of legislation to establish standards for the capture, management, and preservation of electronic records, including Presidential records [7.10.08].

Preservation of "Snapshots" of Federal Websites

OpenTheGovernment.org circulated [a letter to the Archivist of the United States](#) protesting his decision to not take "snapshots" of all federal websites at the end of the current Administration. Nineteen organizations joined OTG on the letter [4.29.08].

E-Government Act

The 110th Congress ended without passing a bill to reauthorize the E-Government Act. The statute, which was intended to streamline government information and improve communication between agencies and citizens but has never been fully and faithfully implemented, expired last year. Before the bill is re-introduced in the 111th Congress, we will urge Congress to look at the implementation of the Act and its impact on access to and use of government information.

OMB online spending database – USASpending.gov

In June 2008, Senators Coburn and Obama introduced a bill, S. 3077, the Strengthening Transparency and Accountability in Federal Spending Act of 2008, to expand the information available on USASpending.gov and to improve the quality of the data on the site. The legislation died at the end of the 110th Congress, but we expect it will be reintroduced during the next session of Congress.

E-Rulemaking

In October 2008, OpenTheGovernment.org endorsed a report coordinated under the auspices of the Section on Administrative Law & Regulatory Practice of the American Bar Association, [Achieving the Potential: The Future of Federal e-Rulemaking](#). The report makes specific recommendations for reforming the e-regulatory process to make public participation in federal government rulemaking effective and efficient.

Making FOIA work/work better

Throughout 2008, OpenTheGovernment.org worked with our partners to respond to the new law's implementation and continued to raise other issues that would improve public disclosure under FOIA. OpenTheGovernment.org had coordinated the strategic efforts of over 20 organizations, including many coalition partners such as the National Security Archive and the Liberty Coalition to pass the '[Openness Promotes Effectiveness in our National \(OPEN\) Government Act of 2007](#),' signed on 31 December 2007.

Implementation of OPEN Government Act

OpenTheGovernment.org, along with forty-two other organizations, sent a [letter](#) [2.6.08] to congressional appropriators (same text sent to House, Senate) urging them to keep the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA), where Congress put it. President Bush's proposed 2008 budget attempted to shift the Office to the Department of Justice and to repeal the section of the OPEN Government Act that created the office. OTG's Director also provided [Congressional testimony](#) at a hearing on "Implementation of OGIS" on the need for OGIS to have the authority to *ensure* compliance with the Freedom of Information Act (FOIA) and the need for a clear and transparent mechanism for public input on agency compliance.

Ensuring the transparency of (b)(3) Exemptions to FOIA

With our partner, the National Security Archive, OpenTheGovenment.org organized a [letter](#) [7.7.08] to Chair and Ranking Member of the Senate Committee on the Judiciary endorsing S. 2746, the OPEN FOIA Act, a bill which would ensure transparency by requiring that every statutory carve-out to the Freedom of Information Act (FOIA) expressly reference section 552(b)(3) of that Act. Twenty-nine organizations joined OTG on the letter. We will work to ensure this legislation is re-introduced and passed in the 111th Congress. We will also work with the new Administration to encourage limitations on the proposals of such exemptions and strict criteria for those that are proposed.

Other Work

We will work in 2009 on other legislative action components, to include:

- Codifying of the foreseeable harm of not disclosing information balancing test and the exemption for defensible discretionary withholding
- Creating an independent review board
- Instituting independent appeal within agencies
- Shifting the burden of proof to agencies in denying public interest fee waiver applications
- Revoking the operational file exemption for FOIA
- Setting up a commission to make recommendations to Congress and the President on steps to reduce delays in processing FOIA requests

Promoting Congressional Transparency

Although the 110th Congress made some progress in this area, there is much left to be accomplished.

Ensuring the transparency of the flow of funds to and from Members of Congress

During the 110th Congress, OpenTheGovernment.org aided the work of our partner, the Sunlight Foundation, to get a bill passed that would require Senators to file their campaign finance contribution reports electronically, thus allowing that information to be more readily available before elections than it is now. Passage of the bill was blocked, particularly by Sen. John Ensign (R-NV).

OpenTheGovernment.org sent multiple action alerts to our mailing list asking members to visit [Pass S.233](#), a website set up by the Sunlight Foundation to help the public lobby their Senators in support of the bill and to gather information about Congressional supporters and opponents. The 110th Congress ended without the bill's passage. We will continue to work to pass the bill when it is introduced during the 111th Congress. We also will continue to seek to have all required disclosures accessible to the public in searchable, integrated databases.

We support efforts to require Members of Congress post their "statements of expenditure" online in a searchable format for public scrutiny. Currently these reports, which are published quarterly by the House and semi-annually by the Senate, are available at the House and Senate document rooms and they can be viewed at Federal Depository Libraries, meaning access is extremely limited for citizens wondering how their representatives spend the taxpayer funds they receive to run their offices.

Ensuring the transparency of the legislative drafting process

We supported the work of our partner, the Sunlight Foundation, to make sure legislation is available to the public before it is voted on by the Congress.

Ensuring the transparency of the legislative vote process

Work remains to be done on:

- Amendments available online a specified number of hours (e.g., 72) before any vote;
- Conference reports available online a specified number of hours before any vote;
- Every vote of all Members searchable by Member or by bill

Congressional Research Service Reports

Limitations on public access to CRS reports are one example of the “secrecy fetishes” that we seek to end. Despite the fact American taxpayers spend over \$100 million a year to fund the CRS, the organization’s reports are not made easily available at no cost to the public. Our partner the Center for Democracy and Technology (CDT) runs OpenCRS, a site where members of the public post reports they have obtained through their Member of Congress. Once Congress has granted the public open access to CRS reports, OpenCRS will be maintained as an educational site and serve as an archive for old reports.

During the 110th Congress, Senator Joseph Lieberman (I-CT) and 5 bipartisan co-sponsors introduced S. Res. 401, which would direct the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, to make available through a centralized, public access and retrieval electronic system these CRS documents: Issue Briefs; Reports that are available to Members of Congress through the CRS website; and Authorization of Appropriations Products and Appropriations Products. Representative Christopher Shays (R-CT) and two democratic members sponsored similar legislation in the House, H.R. 2545. Neither the Senate nor House bill was taken up by the Committees of jurisdiction.

Limiting Security Restrictions on Information

Sensitive But Unclassified (SBU)

OpenTheGovernment.org continues to play an influential role in raising awareness about the government’s use of control markings to inappropriately withhold unclassified information from the public, and in developing legislation to rein in their use.

In May 2008, the White House issued a [Memorandum](#) creating a Framework for “Designation and Sharing of Controlled Unclassified Information.” OTG’s Director met with staff of the House Homeland Security Committee and the Senate Homeland Security and Government Affairs Committee to urge their oversight of the process and has had ongoing discussions with staff and, on 11 June 2008, [testified](#) on Controlled Unclassified Information (CUI)—more commonly know as Sensitive But Unclassified (SBU)—and a bill to direct the implementation of a new CUI Framework in the Department of Homeland Security. OTG’s Director also worked

with staff from the House Committee on Oversight and Government Reform to improve legislation to reduce the use of CUI across the federal government. OTG released [analysis](#) of both bills on our website and featured OTG's analysis of the legislation in the *2008 Secrecy Report Card*.

OTG's Director also moderated a panel on SBU that included experts from the executive branch, Congress and advocacy organizations for the American Society of Access Professionals (ASAP) annual symposium. OTG's Director continues to work with Congressional staff to modify and improve the proposals for introduction in the 111th Congress.

We will work with the new Administration to revise the CUI Framework and with Congress to develop legislation that enhances the fullest sharing of information, including with the public, and establishes a statutory framework for the limitation on the creation and use of safeguarding markings, for accountability and for training.

Other Work

Work still remains on the following components:

- Pushing for adequate funding for declassification (see also Research and Analysis below);
- Supporting the establishment of a statutory National Declassification Initiative that would apply a more open standard for releasing historical records, and ending agencies' unitary control over their own records;
- Supporting a Historical Records Act that would alter the standard for review and withholding of records older than 25 years.

Ending "Secrecy Fetishes"

Many types of information are withheld routinely for no legitimate reason, other than the agency controlling the information treats it as "an object, idea, etc., eliciting unquestioning reverence, respect, or devotion." These include the "black" budgets, and Congressional Research Service (CRS) reports. The concerns in this agenda item are folded into others (Executive Branch Accountability and Congressional Transparency).

Intelligence Budgets

In accordance with recommendations from the September 11th Commission and a Congressional mandate, the Director of National Intelligence (DNI) released the FY 2008 national intelligence program figures on October 28, 2008.

OpenTheGovernment.org's Steering Committee member, Steve Aftergood, was one of the primary proponents pushing for this disclosure. Like the number released in FY2007, the figure includes the budgets of the CIA, the Defense Intelligence Agency, the FBI's intelligence programs, the State Department's Bureau of Intelligence and Research and the major Defense Department intelligence collection agencies (including the National Security Agency, the National Reconnaissance Office, and the

National Geospatial-Intelligence Agency – accounting for a major part of the \$47.5 billion-plus national intelligence budget).

Promoting Executive Branch Accountability

Some of the aspects of this effort are addressed under “Digital Access to Government Information” above.

National Security Letters reform

OpenTheGovernment.org joined 28 other organizations in a [letter to the Senate Judiciary Committee](#) expressing support for legislation to issue minimization procedures for information obtained through National Security Letters (NSLs), and to create a system to track their use [4.22.08].

Disclosure Policy at the Smithsonian Institution

OpenTheGovernment.org, along with 30 organizations, [wrote to the Board of Directors at the Smithsonian Institution](#) urging that they rescind a policy that would permit the Smithsonian to withhold public information about the Smithsonian’s finances and activities [1.17.08]. OTG’s Director has also worked extensively with Smithsonian staff and Congressional supporters to help the Smithsonian improve the policy.

Secrecy in the Financial Bailout

OpenTheGovernment.org worked with our partners to gather over 50 signatures on a [letter to Congress](#) opposing the extreme secrecy provisions the Secretary of the Treasury asked be included in legislation granting him the authority to take a variety of actions to bail out the financial industry at taxpayer expense [9.23.08] and with the National Taxpayers Union collected 78 signatures on a [letter](#) urging Congress to improve transparency and oversight of the bailout [12.8.08].

OTG has also set up a [financial bailout secrecy clearinghouse](#) where users can find out about the latest actions by OpenTheGovernment.org and our partners to highlight the issue, link to relevant resources—including government reports, and track the latest news. The site will be expanded and improved as part of the Bailout Watch project, a joint project intended to provide the public with analysis and commentary on the financial bailout.

Budget Transparency

The amounts of and processes for arriving at agency budgets should be transparent and should allow for public review and opportunity for comment. This information is provided to Congress and subsequently shared with the public, but generally not before budget bills are introduced.

Other Work

We will continue to work on requiring that agency budget justifications (made to Congress) be made public in a searchable database or a format similar to US budget document – with time for public review and comment.

We continue to pursue the items on our legislative agenda, in collaboration and coordination with our partners and others.

ENGAGING THE PUBLIC THROUGH OUTREACH AND ACTION WITH NATIONAL, STATE AND LOCAL ORGANIZATIONS, OR WITH THE PUBLIC MORE DIRECTLY

The legislative agenda will not succeed if we are not able to generate support from the public.

5th annual edition of the Secrecy Report Card. The 2008 edition was released on September 9th. The 2008 edition was covered by the AP, mentioned in articles and editorials by 16 newspapers and magazines, and commented on by 14 blogs. Patrice McDermott also gave numerous radio interviews about it and the work of the coalition. We will produce the sixth edition in September 2009.

Third national conference, “Government Secrecy: Censoring Your Right to Know.” On March 19, 2008, OpenTheGovernment.org and 13 co-sponsoring groups held a lively panel discussion on “[Government Secrecy: Censoring Your Right to Know.](#)” The program was webcast from the National Press Club in Washington, DC to 22 registered host sites (including 3 who received it as a satellite downlink for broadcast and re-broadcast) around the country, which then held their own discussions of local, state, and national access concerns. Over 700 people logged in from around the country to view it. We had close to 100 people at the DC event. The webcast is now available for free to view from our website; we have had over 500 unique visits to the site and to an indexed version since March. We are selling DVDs for \$20 through the Special Libraries Association, especially aimed at libraries that would like to add the DVD to their collections. This is part of a broader plan to create a national dialogue on secrecy and openness.

Assisted our partner, Citizens for Responsibility and Ethics in Washington (CREW) with [Record Chaos: The Deplorable State of Electronic Record Keeping in the Federal Government](#), by working with the federal records managers community and with an academic with survey construction experience. The report received coverage in several magazines and in the Washington Post. It was presented by Patrice McDermott in testimony to the Congress.

Editorial published by several papers on enhancing transparency. The editorial, [Obama Should Move Government into 21st Century Transparency](#), was co-authored by Jason Mercier of the Center for Government Reform.

Published biweekly [“Policy & News Updates.”](#) Each edition provided updates on the status of legislation, news about the work of coalition partners, and highlights of media coverage of open government issues.

Membership

- o **Signatories to Statement of Values: 202**
- o **Total members of OpenTheGov mailing list as of 12/31/08: 3,109**

OPENTHEGOV is our main email list for Updates, alerts, announcements, etc.

New members in 2008 by month:

| | | | |
|---------------|----|----------------|----|
| January 2008 | 20 | July 2008 | 51 |
| February 2008 | 26 | August 2008 | 38 |
| March 2008 | 66 | September 2008 | 62 |
| April 2008 | 18 | October 2008 | 13 |
| May 2008 | 35 | November 2008 | 16 |
| June 2008 | 58 | December 2008 | 10 |

Action Alerts: Number of users who "took action" through our online action alerts: 524

We continue to use our action center to create timely alerts and send messages to our members and partners. Action alerts can be sent to our whole list or targeted to specific members in specific districts or states. We also highlight action alerts from our coalition partners on our website.

| Selected Campaigns | Date Launched | Total # of Participants who sent letters to Congress |
|---|----------------------|---|
| Last Chance to Demand Whistleblower Protections | 24-Sept | 165 |
| Tell Congress to Protect Whistleblowers! | 16-Sept | 153 |
| Call on the Senate to Make Campaign Contribution Info Available Online Before the Election [Target: Senate] | 4-Aug | 68 |
| Protect government whistleblowers! | 13-Aug | 213 |
| Help Pass the OPEN Government Act | 6-June | 150 |

Web Site

We are working with a web designer and information architecture specialist to make our web site more informative, usable, and lively.

The staff of OpenTheGovernment.org continues to pursue opportunities to work with new media and to learn how to convey our message to and through them.

Web Statistics: # of Unique Visitors by Month

| | | | |
|------------|------|----------------|-------|
| Jan 2008 | 4622 | July 2008 | 3542 |
| Feb 2008 | 4990 | August 2008 | 2974 |
| March 2008 | 6557 | September 2008 | 5249 |
| April 2008 | 4118 | October 2008 | 3493 |
| May 2008 | 3829 | November 2008 | 3444 |
| June 2008 | 3929 | December 2008 | 2,907 |

Total: 49,699

**RAISING THE VISIBILITY OF A SECRECY/OPENNESS MESSAGE WITH
LEGISLATORS THROUGH WORK WITH CONGRESS**

We continue to follow the issues various groups are working on and take action where there is a common threat cutting across all constituencies in the coalition. This has included circulating sign-on letters and policy updates, coordinating meetings, submitting comments on proposed regulations, advising Congressional staff, and contacting policymakers.

- o Sent a [letter to congressional appropriators](#), along with forty-two other organizations, to urge them to keep the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA). President Bush's proposed budget attempts to shift the Office to DOJ and repeal part of the OPEN Government Act [2.6.08].
- o Helped, with our partner, the Center for National Security Studies, and others, to coordinate a [letter to Congress](#) with 42 signatories about the need to protect government accountability, civil liberties, and privacy in the rewrite of the FISA [2.26.08].
- o Signed on to [a letter](#) supporting whistleblower protections in the Consumer Protection and Safety Commission (CPSC) reform bill [2.28.08] and encouraged individual coalition members to ask their Members of Congress to support strong whistleblower protections.
- o Signed a [letter to Congress](#) with over 50 other organizations urging Senators to preserve language from the House version of whistleblower protection legislation defending federal scientists against retaliation for exposing suppression and distortion of their work [3.18.08].
- o Joined 28 other organizations in [a letter to the Senate Judiciary Committee](#) expressing support for legislation to issue minimization procedures for information obtained through National Security Letters (NSLs), and to create a system to track their use [4.22.08].
- o Gave [Congressional testimony](#) before the House Oversight and Government Reform Committee's Subcommittee on Information Policy, Census, and National

Archives about the lack of adequate electronic record keeping practices across the federal government [4.23.08].

- [Testified](#) before the Senate Homeland Security and Government Affairs Committee's Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security on NARA's unfulfilled responsibilities to preserve our nation's history, including setting up an Office of Government Information Services (OGIS) and an office to implement a framework to address the use of control markings on unclassified information [5.14.08].
- [Testified](#) before the House Homeland Security Committee on Controlled Unclassified Information (CUI)—more commonly know as Sensitive But Unclassified (SBU)—and a bill to direct the implementation of a new CUI Framework in the Department of Homeland Security [6.11.08].
- Organized [a letter to the House Committee on Oversight and Government Reform](#) in support of legislation to establish standards for the capture, management, and preservation of electronic records, including Presidential records [7.10.08].
- Organized [a letter to the House Committee on Oversight and Government Reform](#) in support of legislation to establish standards for the capture, management, and preservation of electronic records, including Presidential records [7.10.08].
- Organized, with our partner, the National Security Archive, a [letter](#) to Chair and Ranking Member of the Senate Committee on the Judiciary endorsing S. 2746, the OPEN FOIA Act, a bill that would give members of the public and open government advocates the tools they need to find, analyze and challenge FOIA exemptions that are tucked into inconspicuous provisions buried deep in proposed legislation. 29 organizations joined OTG on the letter. [7.10.08]
- Worked with our partner, the Government Accountability Project (GAP) to generate organizational support for a [letter](#) urging Congress to work in a bipartisan fashion to pass whistleblower rights legislation; these efforts garnered over 200 signatures [8.25.08].
- Submitted [written Congressional testimony](#) to the Constitution Subcommittee of the Senate Judiciary Committee hearing on “Restoring the Rule of Law.” The testimony focused on initiatives to make openness the government's default position for information and to make current transparency and accountability structures work for the public [9.16.08].
- Provided [Congressional testimony](#) before the House Oversight and Government Reform Committee Subcommittee on Information Policy, Census, and National Archives at a hearing on “Implementation of OGIS” on the need for OGIS to have the authority to *ensure* compliance with the Freedom of Information Act (FOIA) and the need for a clear and transparent mechanism for public input on agency compliance [9.16.08].

- o Worked with our partners to gather over 50 signatures on [a letter to Congress](#) opposing the extreme secrecy provisions the Secretary of the Treasury asked be included in legislation granting him the authority to take a variety of actions to bail out the financial industry at taxpayer expense [9.23.08].
- o Organized a [letter](#) with the National Taxpayers Union urging Congress to improve transparency and oversight of the financial bailout. The letter was signed by 78 good government organizations and advocates. [12.8.09]
- o Organized a panel of stakeholders and experts in electronic records management to develop recommendation for the 111th Congress and the new Administration to improve the government's electronic record keeping and released "[Managing the Public's Records for Accountability and History](#)," a report based on those recommendations. The panel consisted of people currently working at high levels within the government, people retired from high-level government positions, and experts from the non-profit and archival communities. The report was submitted to the Obama transition team and will be shared with staff on Capitol Hill.

ENGAGING THE PUBLIC THROUGH OUTREACH AND ACTION WITH NATIONAL, STATE AND LOCAL ORGANIZATIONS

In addition to the ongoing effort to educate Members of Congress and the public on openness, we continue to devote time to engaging new coalition members (now more than 70 organizations and more than 200 individuals) to join our work with theirs.

Membership

Overall, our organizational coalition partners have increased steadily, from 38 in early 2005 to more than 70 currently.

Committee Participation

OpenTheGovernment.org's Steering Committee meets on a quarterly basis. Between meetings, OTG's Director uses a listserv of steering committee members to notify them of new developments. During the steering committee meetings, members discuss the organization's finances and OTG staff provides them with an updates on coalition activities. In October the committee approved the coalition's proposed 2009 operating budget.

Building Communication and Collaboration Among National and State Groups

We have an increasing number of state-level organizations and coalitions as partners. Six state-level FOI coalitions are partners in OpenTheGovernment.org; 26 other state-based groups are also partners. We are engaged in conversations with our Steering Committee partner, the National Freedom of Information Coalition (NFOIC), about ways to promote collaboration; the Director attended NFOIC's annual conference in Philadelphia in May.

We are pursuing funding for a 2009 summit of OTG’s state-based partners.

Strengthening Relationships with Conservatives

We have been working actively with our partner, the Liberty Coalition, to strengthen relationships with conservatives and conservative organization. The 2008 Secrecy Report Card and the primer on Government Secrecy we published last year with a forward co-authored by Bob Barr and John Podesta will be handed out to the Republican Study Committee early next year. Additionally, we are reaching out to organizations on the right side of the ideological spectrum that are closely following the federal government’s role in the financial market bailout to explore how we can work with them, and our partners on the left, to raise the transparency issue. In December we worked with the National Taxpayers Union to gather 78 signatories from across the ideological spectrum on a letter urging Congress to improve oversight and transparency of the financial bailout. We continue to do active outreach to conservative organizations and are pursuing some possible brown-bag lunch events that would interest conservatives as well as liberals.

RAISING THE VISIBILITY OF A SECRECY/OPENNESS MESSAGE THROUGH WORK WITH THE MEDIA, THROUGH OUR WEBSITE AND THROUGH COORDINATION WITH OUR PARTNERS

OpenTheGovernment.org was quoted or mentioned more than 75 times in news stories and editorials in 2008. Director Patrice McDermott gave a number of radio interviews.

| <i>Lexis/Nexis Search Term</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> | <i>2008</i> |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| “government secrecy” (in All News Plus Wires, and Newspapers, magazines, trade press) | 523 | 965 | 1258 | 1320 | 1240 | 1264 |
| “freedom of information” (in All News Plus Wires, and Newspapers, magazines, trade press) | >10,000 | > 10,000 | >10,000 | >10,000 | >3,000* | >3,000* |
| “OpenTheGovernment.org” (in All News Plus Wires, and Newspapers, magazines, trade press) | - | 59 | 137 | 61 | 157 | 220 |

* We previously conducted searches in Westlaw, which cuts off its counts at 10,000; Lexis-Nexis cuts them off at 3,000.

Much of our work with our partners and through our website is documented above.

CONDUCTING RESEARCH AND ANALYSIS

Because of the strength and diversity of our coalition, we have broad resources to supply others – both within and outside our coalition – with information and analysis needed to pursue our objectives. These resources have not been fully utilized.

- We continue producing highly-praised policy updates and issue-tracking compendia. Each *Policy & News Update* provides policy advocates and others with updates on the status of legislation, news about the work of coalition partners, and highlights of media coverage of open government issues. We send the *Update* on a roughly biweekly basis to over 3,000 people, most of whom are self-subscribed. Editions have featured substantive reporting on events, hearings, etc., and occasional interviews with informed partners on important and timely topics.
- As noted above, we publish an annual edition of the Secrecy Report Card in September.
- We organized open government organizations and worked with federal records managers and former government officials to develop a report, [Managing the Public's Records for Accountability and History](#), and set of recommendations to the new President and Congress on records management, with a focus on electronic records.
- OpenTheGovernment.org's Director wrote a chapter, "*Open the Government, A New Information Policy*", for [Mandate for Change: Policies and Leadership for 2009 and Beyond](#), forthcoming (late January 2009) from the Institute for Policy Studies.

We will identify other areas where research and analysis are needed and provide, coordinate, or arrange for such work. Topics could include:

- Research into what is needed to make E-FOIA work to provide meaningful information about and access to agency records;
- Research into what agencies need to do declassification in a timelier manner.

RAISING THE VISIBILITY OF SECRECY/OPENNESS ISSUES WITH FUNDERS AND BROADEN INVOLVEMENT OF PHILANTHROPY IN SECRECY ISSUES

The 2008 elections present new opportunities and continued challenges. The surge of enthusiasm and interest in open government must be sustained and harnessed to create real, ongoing change. At the same time, we must remind the public that the tendency of government is to gather information and power to itself: Secrecy and control over information are a given; only the intensity and extent change

To raise the visibility of secrecy issues with funders, we are planning to do a funders' briefing in New York City. We also plan to work with our partner, the Liberty Coalition, to identify and engage grantmakers that are ideologically right-of-center who may have a renewed interest in openness and accountability.