

# OpenTheGovernment.org

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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*

Alex Fidis  
*U.S. PIRG*

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*

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**Patrice McDermott**  
**Director**

**Chris Green**  
**Program Associate**

## 2007 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 that is under increasing threat.

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

Our goals are to:

- Broaden the base of national, state and local organizations active on right- to- know and anti-secrecy issues.
- Advance 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.
- Better publicize 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.

## Our Agenda for Openness

In early 2007, the Steering Committee for OpenTheGovernment.org completed its initial strategic-operational discussion for 2007-2009 and agreed that our Agenda for Openness will include the following objectives:

Promote Digital Access to Government Information

Make FOIA work/work better

Promote Congressional Transparency

Limit Security Restrictions on Information

End "Secrecy Fetishes"

Promote Executive Branch Accountability

## Steps to Achieve Our Agenda

We have 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.

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

## POLICY WORK

Our legislative agenda for 2007 – 2009 has its focus 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.

**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.

### 21st Century Right-to-Know Agenda

We assigned a high priority in 2007 to improving online access to legislative, executive, and judicial information. We decided that, in addition to our legislative agenda, to work through our partner, OMB Watch, to develop and promote a *21st Century Right-to-Know Agenda*. The Agenda will recommend changes in our public access infrastructure to the next President and Congress.

Many members of the Steering Committee of OpenTheGovernment.org attended an initial talking and planning session in July in Pocantico, NY and are involved in the ongoing discussions. We hired an intern to conduct interviews with our partners and will share this information with OMB Watch as part of its process. OpenTheGovernment.org will also work in 2008 with our state and local level partners to ensure their awareness of the discussion, solicit their thoughts, and engage them in the promotion of the resulting Agenda.

### Federal Courts

As of November 8, 2007, free public access to federal court records is available at 16 libraries in 14 states under a joint pilot project of the Administrative Office of the United States Courts and the Government Printing Office. The project offers free access, at the participating 16 federal depository libraries, to the federal judiciary's Public Access to Court Electronic Records (PACER) system. PACER allows users to obtain case file documents, listings of all case parties, judgments, and other information from district, bankruptcy and appellate courts online, with the data immediately available for printing or downloading. Our partners, the American Association of Law Libraries and the American Library Association Washington Office, were important forces in making this happen.

### Executive Branch

- Digitization Agreements

At our request, the Senate Homeland Security and Governmental Affairs Committee has sent a letter to Karen Evans, OMB's Administrator of the Office of Electronic Government and Information Technology, seeking information about contracts being negotiated in many agencies that allow private contractors to digitize non-electronic documents. In some cases, the private contractors appear to be given proprietary control over the information for extended periods of time. The information sought includes:

- a. Is there a government-wide policy on these digitization agreements with private commercial entities on accessing, storing, cataloguing, or disseminating federal government information?
- b. Have any agencies entered into agreements to provide digitization of federal government records? If so, which agencies?
- c. Are any agencies presently engaged in discussions or other communications with private companies regarding digitization of federal government records? If so, which agencies?

We will be working with Committee staff to secure further oversight.

- E-Government Act

In December 2007, the Senate Homeland Security and Governmental Affairs Committee held a reauthorization hearing on the E-Government Act. The hearing included testimony from the Center for Democracy & Technology and Google on the difficulty of finding much government information through search engines (the way most people search for government information). The Committee did not, despite our requests, look at the implementation of the Act and its impact on access to and use of government information.

- OMB online spending database – USASpending.gov

As required by the Federal Funding Accountability and Transparency Act (FFATA) – and building on work done by our partner OMB Watch with FedSpending.org – OMB launched [USASpending.gov](http://USASpending.gov). The 2006 Act requires a single searchable website, accessible by the public for free, that includes for each federal award:

1. The name of the entity receiving the award;

2. The amount of the award;
3. Information on the award including transaction type, funding agency, etc;
4. The location of the entity receiving the award;
5. A unique identifier of the entity receiving the award.

#### Other Work

Work is still needed on other components, such as:

- A requirement that USA.gov (formerly FirstGov.gov) become a venue into government databases, not just text-based documents; Information architecture/infrastructure for searchable, integrated databases, such as a Contractor Responsibility Database.
- E-Rulemaking – revamping the existing system or starting over to make public participation in federal government rulemaking effective and efficient.
- Oversight of the implementation of the E-Government Act and impact on the ability of the public to find and use government information in all formats.

#### **Making FOIA work/work better**

We anticipated, correctly, an opportunity to make significant changes in the process of FOIA and worked on this opportunity throughout the year. In this endeavor, we built on the research work of our partners such as the National Security Archive and the Sunshine in Government Initiative, and coordinated the efforts of a large group of organizations, including many OpenTheGovernment.org partners.

Over the course of 2007, we worked with both the House and the Senate on separate FOIA reform bills – to resolve differences and ensure passage of the same final bill by both chambers. In mid-December, that goal was accomplished and on December 31<sup>st</sup>, President Bush signed the OPEN (Openness Ensures Effective National) Government Act.

Components of the statute include:

- Protection of fee status for news media, with ‘news media’ meaning ‘any person or entity that gathers information of potential interest to a segment of the public, uses editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.’
- Recovery of attorney fees and litigation costs where a complainant has “substantially prevailed” by obtaining relief (i.e., documents) – by a judicial order, enforceable written agreement of consent decree, or “a voluntary or unilateral change in position, if the complainant’s claim is not insubstantial.” Prior to this change, complainants could only become eligible to recover fees and costs as a result of a judicial order or decree.
- Disciplinary actions for arbitrary and capricious rejections of requests.
- Enforcement of the 20-day time limit for agencies to act on requests.
- Establishment of individualized tracking numbers for submitted requests and status information service.
- Improved and strengthened Annual Report data requirements.
- Affirmation of the openness of any information maintained by a private entity under government contract for records management purposes.
- Creation of an Office of Government Information Services to review FOIA policies and procedures and compliance of administrative agencies, recommend policy

changes, and offer mediation services between requestors and agencies. The positions of Chief FOIA Officer and FOIA Public Liaison are codified in this statute (having been created in E.O. 13392).

Unfortunately, restoration of the “foreseeable harm” standard for discretionary disclosures (undoing the Ashcroft Memorandum), while part of the House bill (H.R. 1309), was not included in the Senate bill or the final bill sent to the President. A provision to ensure some minimal reporting on the use of the Critical Infrastructure Information (CII) FOIA exemption was stripped out of the Senate bill to avoid it being further weakened in order to avert a hold by Sen. Bennett (R-UT). Also stripped out was a provision to require that new “by other statute” – (b)(3) – exemptions specifically reference the FOIA; again, to avoid unacceptable weakening of the required criteria for the creation of such exemptions.

#### Other Work

We will work in 2008 on other legislative action components, to include:

- Oversight on the utilization and impact of the CII exclusion from FOIA.
- Oversight on impact of (b)(3) exemptions.
- Oversight on use of various other exemptions to the FOIA, such as privacy, that appear to have been mis- and over-used in the last seven years;
- Oversight on failure of implementation of E-FOIA requirements.

### **Promoting Congressional Transparency**

Making Congress more transparent – and through transparency, accountable – through use of technology. Although Congress has made some progress in this area (primarily through S.1, the Honest Leadership and Open Government Act of 2007), there is much left to be accomplished. We have identified further transparency issues, such as requiring a two-thirds vote before new exemptions to access under the Freedom of Information Act can be legislated (currently, much of this happens in secret), and will pursue these and others identified below.

#### [Ensuring the transparency of the flow of funds to and from Members of Congress](#)

S.1 expands lobbyist disclosure to require quarterly filing, disclosure of bundled contributions; mandatory electronic filing and maintenance of online databases; and mandatory electronic filing and maintenance of online databases for foreign lobbyists. It also requires creation of online databases for travel reports (House and Senate) and personal financial disclosure (House only). S.1 additionally requires disclosure of earmarks in bills online; unfortunately, this does not include earmarks added in conference.

In 2007, two Members of Congress, Darrell Issa (R-CA) and Karen Gillibrand (D-NY) posted their personal financial disclosures to their official Web sites, and it is reported that the number of Members posting their earmarks increased dramatically.

On December 31, 2007, the Senate Office of Public Records launched an enhanced database for lobbying disclosure that for the first time allows users to search previously unsearchable fields like “specific lobbying issue.” Users can plug in a bill number and

find out which organizations disclosed lobbying on the bill, including top political donors.

For the past year, our partner, the Sunlight Foundation, has worked – with some assistance from the coalition staff – to get a bill passed that would require Senators to file their campaign finance contribution reports electronically, allowing that information to be more readily available before elections than it is now. Passage of the bill has been blocked, particularly by Sen. John Ensign (R-NV). We also continue to seek to have all required disclosures accessible to the public in searchable, integrated databases.

#### [Ensuring the transparency of the Committee Process](#)

S. 1 requires online posting of committee hearing transcripts/audio/video (Senate only).

We will continue to work to ensure that Manager’s Amendments become available to public at mark-up or shortly thereafter.

#### [Ensuring the transparency of the Legislative Drafting Process](#)

We seek to have Members identify meetings of the Members and/or staff with registered lobbyists and topics of discussion. Our partner, the Sunlight Foundation, has been the leader on this front. Beginning in 2006, the Sunlight Foundation launched the Punch Clock Campaign, asking all candidates for congressional office - challengers and incumbents - to promise, if elected, to post their daily schedules on the Internet. With the aid of ordinary people across the country, Sunlight asked candidates to sign a pledge to post their schedules on the Internet once elected.

One member who took the pledge was elected; to date, seven other members of Congress have agreed to post the daily schedules of their meetings and activities on and off Capitol Hill (Max Baucus, Kathy Castor, John Doolittle, Kirsten Gillibrand, Bill Nelson, Dennis Rehberg, Jan Schakowsky, and Jon Tester). Sunlight’s project, [Punch Clock Map](#), provides a visual representation of the meetings detailed in each member's schedule. The site also provides weekly updated RSS feeds of the schedules for each member. (Staff meetings, personal meetings, votes, committee hearings, caucus events, meetings with constituents who lack easily identifiable addresses, or meetings with other current members of Congress are not included on the map.)

#### Other Work

We will work with the Sunlight Foundation and others to increase the number of Members posting their schedules.

#### [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. During 2007, an unnamed Representative offered to share the index

for CRS reports with our partner, the Center for Democracy and Technology (CDT). The index includes all non-private CRS reports prepared for members of Congress generally. CDT identifies available reports and asks that visitors to its OpenCRS site request the reports from their Members of Congress.

In December, 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.

### [Ensuring the transparency of \(b\)\(3\) Exemptions to FOIA](#)

Through the 2007 Amendments to the FOIA, we sought the ability for congressional oversight of the number of these exemptions, in order to allow for oversight of their impact. While both the House and the original Senate bills contained a requirement that new “by other statute” – (b)(3) – exemptions specifically reference the FOIA, it was ultimately stripped out to avoid unacceptable weakening of the required criteria for the creation of such exemptions.

### Other Work

We will continue to work with Congress to make these exemptions easier to find and track, create a higher threshold for the creation of new exemptions, and encourage exploration of new/other models, such as Public Information Impact Assessments.

### **Limiting Security Restrictions on Information**

We have seen promising developments in several areas of concern.

### [Sensitive But Unclassified \(SBU\)](#)

An effort is underway in the Office of the Director of National Intelligence to rein-in the creation and use of what have been called “pseudo-classification” markings such as “sensitive but unclassified,” and promoting reforms in the declassification process for national security information. The ODNI recommendations have completed the White House interagency policy process. We anticipate a meeting with staff before the public release and have been in communication with Congress about the process.

### Other Work

Work still remains on the following components:

- Congressional oversight of Information Sharing Environment recommendations;
- Requiring public reporting to Congress on use of markings and the impact on the public’s access to information.

### [Mandatory Declassification](#)

Executive Order 12958, issued in 1995, called for the mandatory declassification of documents that are older than 25 years. The final automatic declassification deadline was delayed until December 31, 2006. During 2006 (as reported by ISOO in 2007), under mandatory review, agencies declassified 60,311 pages in full ; 58,883 pages in part; and

retained classification in full on 4,275 pages. We will continue to work to strengthen the process of mandatory declassification of documents that are older than 25 years.

The courts and Congress have also begun to question the national security claims of the Administration.

#### Other Work

Work still remains on the following components:

- Pushing for adequate funding for mandatory 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 Intelligence (and other “black”) budgets, and Congressional Research Service (CRS) reports. The concerns in this agenda item are folded into others (Executive Branch Accountability and Congressional Transparency).

#### **Promoting Executive Branch Accountability**

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

**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.

#### Intelligence Budgets

The FY 2007 national intelligence program figures were released on October 30, 2007, as the September 11 Commission had recommended and Congress mandated. The work of our Steering Committee member, Steve Aftergood, was one of the driving forces behind this change. 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 \$40 billion-plus national intelligence budget).

On the other hand, the Defense Intelligence Agency (DIA), the National Geospatial-Intelligence Agency (NGA), and the Counter-Intelligence Field Activity (CIFA) will withhold unclassified information about their contracts from a new public database intended to provide increased transparency regarding most government contracts, USAspending.gov, arguing that online disclosure of their unclassified contracts could present an operational security vulnerability.

### Agency Budget Justifications

The Office of Management and Budget (OMB) revised its guidance to the agencies and required the FY 2007 agency budget justifications and related materials to be posted online within two weeks of submitting them to Congress. This success was due to the work of our partner, OMB Watch, and other organizations.

In November 2007, though, it was revealed that the conference report for the 2008 transportation and housing spending bill included language that would have prohibited federal agencies from disclosing their “budget justification” documents to any committee in Congress other than the appropriations committees before the May 31st after the president's budget is released (in February); presumably prohibiting the many agencies that make these documents public from doing so. This provision was removed at the request of Sen. Tom Coburn (R-OK) to House Transportation Appropriations Subcommittee Chairman John Olver (D-MA).

### Other Work

We will continue to work on the following components:

- 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. Agency budget justifications, beginning with FY 08, are posted online.
- Making agency Program Assessment Rating Tool (PART) assessments/OMB evaluations more available to the public and providing opportunities for public 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.

- **Issued 4th annual edition of the Secrecy Report Card.** The 2007 edition was released on September 2<sup>nd</sup>. The 2007 edition has been covered by more than 70 news outlets, including the Associated Press and the Cox newspapers. We will produce the fifth edition in September 2008.
- **Organized a second national conference, Closed Doors; Open Democracies?** On March 12, 2007, OpenTheGovernment.org and 10 co-sponsoring groups held a lively panel discussion to ask, “Closed Doors; Open Democracies?” The program was webcast from the National Press Club in Washington, D.C. to 33 registered host sites around the country, which then held their own discussions of local, state, and national access concerns. This is part of a broader plan to create a national dialogue on secrecy and openness.

- **Updated and published, with People For the American Way, “[Government Secrecy: Decisions Without Democracy](#),”** first published in 1987 and not since updated. It is being distributed on the Hill and is also available on our website and, soon, for sale. We are exploring setting up a moderated Wiki to allow for updating of issues identified in the publication. We will explore the possibility of a “series” of publications in this line, such as judicial secrecy and openness, digital democracy, etc.
- **Organized a forum on National Security information.** OpenTheGovernment.org, in collaboration with the Center for American Progress and the Center for National Security Studies, held an event at the Center for American Progress called ["CLASSIFIED: Ensuring Congressional Access to National Security Information"](#) in March. The event included an address by Congresswoman Jane Harman (D-CA), Chair of the House Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment and former Ranking Member of the House Permanent Select Committee on Intelligence.
- **Signatories to Statement of Values:** 201
- **Total members of OpenTheGov mailing list as of 12/31/07:** 2,474

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

New members in 2007 by month:

January 2007	45	July 2007	58
February 2007	31	August 2007	42
March 2007	220	September 2007	85
April 2007	114	October 2007	62
May 2007	48	November 2007	33
June 2007	31	December 2007	8

- **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.

Recent Campaigns	Date Launched	Total # of Participants who sent letters to Congress
Support Senate Electronic Disclosure [Target: Senate]	10-Apr	67
Hearings for Whistleblower [Target: Senate Judiciary Committee]	20-Mar	65
Support Freedom of Information Act Reform [Target: Senate Judiciary Committee]	20-Mar	137
Contractor Responsibility [Targets: House and Senate]	19-Mar	105
Help pass the OPEN-Government Act! [Targets: Senate Leaders Reid and McConnell]	6-June	150

- **Web Statistics:**

<u>Month</u>	<u># of Unique Visitors</u>	<u>Month</u>	<u># of Unique Visitors</u>
Jan 2007	3998	July 2007	5035
Feb 2007	4153	August 2007	7244
March 2007	6313	September 2007	6789
April 2007	5193	October 2007	7925
May 2007	4214	November 2007	5401
June 2007	3405	December 2007	3744

Total: 63,665

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 are pursuing opportunities to work with new media to educate them on openness and secrecy and to learn how to convey our message to and through them.

### **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.

- **Sent [letter opposing espionage amendment](#) [2.27.07].** More than twenty organizations wrote to oppose a proposed amendment to S. 236 offered by Sen. Kyl. The Judiciary Committee had held no hearings or debate on the practical or constitutional implications of this amendment, which would unconstitutionally and unnecessarily expand existing espionage statutes.
- **Coordinated letters to [Attorney General Gonzales](#) and [Archivist Weinstein](#) regarding preservation of Guantanamo case records** [4.26.07]. Coalition partners and others sent letters to Attorney General Alberto Gonzales and Archivist of the United States Allen Weinstein on April 26, regarding a Protective Order that appears to transform the *requirement* that a complete set of the documents and records be maintained into an *option*. These letters request that the Attorney General and Archivist confirm that a complete set of the records will be maintained under the ordinary federal records laws and urges, in addition, that such records be preserved as permanent historical records.
- **Sent letter opposing new broad statutory exemption to FOIA disclosure** [4.9.07]. Patrice McDermott sent a letter to the Chair of the House Armed Services Committee opposing a provision of the Defense Authorization Act for Fiscal Year 2008 that would have allowed the Department of Defense to exempt from disclosure under the

Freedom of Information Act (FOIA) any information related to weapons of mass destruction and to seal information on the vulnerabilities of any potential target. The provision was removed from the House version of the legislation.

- **Worked with our partners on a [Letter to Senator Reid](#) on the **need to pass bipartisan whistleblower rights legislation** [.pdf] [7.30.07]. Forty-six good government groups signed on to a letter, organized by the Government Accountability Project (GAP), to encourage Senator Reid to help pass the Whistleblower Protection Act (S. 274), which has been held up in the Senate.**
- **Helped coordinate [Letter to Speaker Pelosi and Senate Majority Leader Reid on Protect America Act of 2007](#)** [.pdf] [9.4.07] OpenTheGovernment.org signed on to and helped garner signatures on a letter expressing concerns over the Protect America Act of 2007 and sharing basic principles that must be respected to ensure that U.S. persons' electronic communications are protected from unwarranted government intrusion.
- **Worked with our partner, the [Government Accountability Project \(GAP\)](#) and others to obtain 42 signatories to a [letter to Senators](#)** on the Senate Committee on Commerce, Science and Transportation .pdf] [10.29.07] applauding the Committee's leadership toward product safety reform by including whistleblower protection as a primary law enforcement safeguard in S. 2045, the CPSC (Consumer Product Safety Commission) Reform Act of 2007.
- **Sent [Letter to Senator Reid and Speaker Pelosi](#) to request public hearings on FISA** [.pdf] [9.25.07 and 10.4.07]. OpenTheGovernment.org and several coalition partners signed on to a letter to Sen. Harry Reid to ask him to insist on public hearings on any proposed legislation to alter the Foreign Intelligence Surveillance Act (FISA) before either the Senate Select Committee on Intelligence or the Senate Judiciary Committee votes on such legislation.
- **Sent [letter](#) [12.7.07] on behalf of 31 organizations to the candidates for their party's nomination for President asking them to co-sponsor S. 886, "The Presidential Records Act Amendments of 2007."** At the time of our letter, only Senator Obama was a co-sponsor.
- **Sent [letter to Senators](#) to oppose secrecy provisions in the 2007 Farm Bill** [.pdf] [11.6.07]. Twenty-eight groups wrote to Senators to express opposition to the non-disclosure provisions (Sec. 10305 of the Livestock Title) in the 2007 Farm Bill approved by the Senate Agriculture, Nutrition and Forestry Committee on October 25, 2007. The language would create an unnecessary bar to public disclosure and use or publication of information related to the National Animal Identification System (NAIS).
- **Helped secure approval of the House bill, H.R. 1309, Senate approval of S. 849, the 'Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007,' and passage of S.2488 by both chambers.** The bills would provide important procedural remedies to the Freedom of Information Act and serve to strengthen accessibility, accountability, and openness in the federal government.

- **Sent letters on behalf of 39 OpenTheGovernment.org member organizations to Republican Senators** urging them to support the OPEN Government Act of 2007 (S. 849).
- **Coordinated a letter to Senate Majority Leader Reid and Minority Leader McConnell** [5.17.07] urging them to bring the OPEN Government Act (S. 849) to the floor for a vote. The letter generated 101 signatory organizations.
- **Coordinated the strategic efforts of over 20 organizations, including many coalition partners such as the National Security Archive and the Liberty Coalition, to secure passage of the bill.**
- **Worked with our partner and Steering Committee member, the Sunlight Foundation, to urge Speaker Pelosi to make sure that Members' personal financial disclosure reports are freely available on the Internet** as soon as they are made public. Subsequently, the Speaker included a provision in S.1, the Honest Leadership and Open Government Act of 2007, that would require that Members' personal Financial Disclosure reports are made available online.
- **Continue Coordinating Efforts to Protect the Public's Access to Digitized Documents.** Various executive branch agencies are entering into non-public agreements with private companies to digitize their non-digital (print, film, photographic, etc) records. Patrice McDermott has met with the Archivist of the United States and worked to engage the Office of Management and Budget on issues of protecting public access and public ownership of government documents.
- **Continue working to rein in "sensitive but unclassified" restrictions.** In another sign of OpenTheGovernment.org's growing influence and of the public's growing concern that this government is too secretive, several other efforts are underway to constrain the wholesale use of "sensitive but unclassified" restrictions. As our Secrecy Report Card 2006 identified the existence of more than 10 additional terms that various federal agencies use for restricting unclassified information, we set up a meeting with members of the intelligence community to follow up on this reported increase. On January 3, Patrice McDermott co-signed a letter to Ambassador Thomas McNamara, Office of the Director of National Intelligence, expressing the desire to remain involved in the process of formulating effective policy for the designation and management of controlled unclassified information (CUI) and outlining several of the principles that we hope the committee will take into consideration in formulating CUI policy.
- OpenTheGovernment.org's Director met with staff of the House Committee on Homeland Security and the Senate Homeland Security and Governmental Affairs Committee to urge their oversight of the process. On April 25, 2007, the House Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing on "The Over-Classification and Pseudo-Classification of Government Information: The Response of the Program Manager of the Information Sharing Environment (ISE)." Senators Collins and Lieberman are considering action in regard to the delay in the formulation of policies in this area. Updated information from the ISE was included in our 2007 Secrecy Report Card.

- The “[Government Secrecy](#)” publication is, among other uses, being distributed to Members of Congress.
- One of our partners, the Sunlight Foundation, has begun discussions with legislators who support or are friendly to our issues to explore interest in an “Openness Caucus” and we will continue to work with them to promote that.
- **Organized a forum on National Security information.** OpenTheGovernment.org, in collaboration with the Center for American Progress and the Center for National Security Studies, held an event at the Center for American Progress called “[CLASSIFIED: Ensuring Congressional Access to National Security Information](#)” in March. The event included an address by Jane Harman (D-CA), Chair of the House Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment and former Ranking Member of the House Permanent Select Committee on Intelligence. Attendees included congressional staff.

## 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 close to 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 almost 70 currently – at least 20% of which are state-based or have state chapters or affiliates.
- **Committee Participation:** In January 2007, we held a strategic planning meeting with our steering committee members. The resulting [Strategic-Operational plan](#) is posted on our website. This report is an update.

We recently adopted a governance document and held a first election to fill vacancies in the Steering Committee. The steering committee decides how coalition funds are spent and sets the direction and policy priorities for the coalition. An executive committee was established and we have established language for the selection of steering committee members.

- **Building Communication and Collaboration Among National and State Groups:** We have an increasing number of state-level organizations and coalitions as 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 Seattle in May.

We will work with of the National Freedom of Information Coalition to broaden the base of awareness and engagement at the state and local levels. Our work with them on the Sunshine Week webcast is a part of this effort.

- **Strengthening Relationships with Conservatives:**

We have been working actively with our partner, the Liberty Coalition, to strengthen relationships with conservatives and conservative organizations. The Preface to the upcoming primer on Government Secrecy is being co-authored by Bob Barr and John Podesta. We are doing active outreach to conservative organizations and are pursuing some possible brown-bag lunch events that would interest conservatives as well as liberals. Michael Ostrolenk of the Liberty Coalition is our newest Steering Committee member.

**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 50 times in news stories in 2007. 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>
“government secrecy” (in All News Plus Wires, and Newspapers, magazines, trade press)	523	965	1258	1320	1240
“freedom of information” ( in All News Plus Wires, and Newspapers, magazines, trade press)	>10,000	> 10,000	>10,000	>10,000	>3,000*
“OpenTheGovernment.org” (in All News Plus Wires, and Newspapers, magazines, trade press )	-	59	137	61	157

\* We previously conducted searches in Westlaw, which cuts off its counts at 10,000.

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. The *Policy & News Updates* are designed to keep policy advocates and others up to date on the many legislative and regulatory proposals on secrecy and open government. We send the *Update* on a roughly biweekly basis to over 2,000 people, most of whom are self-subscribed. We have begun doing more substantive reporting on events, hearings, etc., and occasional interviews with informed partners on important and timely topics.

As noted above, we will publish an annual edition of the Secrecy Report Card in September.

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 more timely manner .

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

A very few foundations have supported right-to-know work in the past and we know that our work will not end with this Administration. Secrecy and control over information are a given; only the intensity and extent change.

We are planning to conduct up to three more funders' briefings around the country over the next two years to raise awareness of the issues and expand resources for all organizations working on open government (not just this coalition).