Dear Friends,

It seems every day we see another headline describing an assault on accountable government. The attacks come at such an unrelenting pace, we risk becoming inured to secrecy, obfuscation and misinformation, threats to the media, disregard of the rule of law, and efforts to weaken congressional oversight. Instead of accepting as the new normal the weakening of our democratic institutions, we take solace in continuing to defend our democracy, and our triumphs in the face of so many obstacles remind us why we have made an unwavering commitment to work toward an open and accountable U.S. government.

During this year’s Sunshine Week, Open the Government shed light on the weak transparency requirements and accountability mechanisms for private companies that provide technology to the government, enabling these companies to profit from taxpayer dollars while concealing much of their work. Our report, Government Inc.: Amazon, Government Security & Secrecy, detailed the secretive technologies that large private contractors supply government agencies to advance immigration enforcement, policing, surveillance and national security objectives. Our report also made recommendations for more transparency and oversight requirements when corporations act as a proxy for the government. Bloomberg’s Naomi Nix moderated OTG’s panel discussion on the topic during the well-attended National Freedom of Information Day conference, where the report was released. We also welcomed Rep. Jimmy Gomez (D-Calif), who gave special remarks on facial recognition technology and the need for congressional oversight over tech contractors.

The Freedom of Information Act continued to be an invaluable mechanism for accountability. OTG and coalition partner Project On Government Oversight used a FOIA request to the Department of Homeland Security (DHS) to secure the release of internal documents confirming the existence of the Trump administration’s family separation policy, despite DHS Secretary Kirstjen Nielsen’s assertions to the contrary. Our findings garnered interest from national print and broadcast outlets. Even our tweet about this revelation went viral! During a House Judiciary Committee hearing several months later, members of Congress aggressively challenged Nielson on her claims based on our findings. In another successful FOIA partnership, OTG and the ACLU DC office filed a FOIA request that pressured the Metropolitan Police Department (MPD) to release arrest data from 2013 to 2017. The data showed that in a city with a 47 percent African American population, more than 80 percent of arrests made were of African Americans. The data confirms what many have long suspected about racial disparities in policing, and is the first, crucial step to demanding accountability of the MPD.

In our efforts to improve national security by decreasing secrecy, OTG used a different tactic to inform the public about America’s endless wars. We hosted six expert roundtable discussions and a media workshop to encourage Americans to start asking more questions about where, why, and for how long the country will remain at war. We developed America’s Forever Wars and the Secrecy that Sustains Them: A Citizen’s Guide to give the public a tool to help them demand information about the United States’ military operations. We took the Citizen’s Guide on the road to raise awareness at events in several cities around the country, and we will continue this important effort throughout 2019.
Coming full circle, our *Closing Democracy’s Window* report released during Sunshine Week 2018 chronicled the decline of the public’s right to know in the first year of the Trump administration. I moderated a National Freedom of Information Day panel discussion on the effect excessive government secrecy has on the work of journalists and civil rights activists. The report and forum were much-needed vehicles to present the problems in a nonpartisan manner and find solutions that promote access to information. Early in 2018, we also released public opinion research demonstrating that, despite cynicism and skepticism about the state of democracy, voters still believe in transparency and ethics in government. Besides wanting lawmakers and officials to play by the same rules as everyone else, voters value being empowered with solutions. Findings from that survey continue to inform our advocacy.

I would be remiss if I did not mention Special Counsel Robert Mueller’s investigation of Russian interference in the 2016 presidential elections. OTG issued a sustained call throughout 2018 to both the House and Senate to protect Mueller and the integrity of the investigation. I called it a “litmus test” for Congress’s commitment to transparency and the public’s basic right to know. Too many members of Congress have failed that test by showing they are willing to accept a less-than-complete account of the Special Counsel’s findings. We will not stand for their complacency and will demand that going forward there will be fewer opportunities to keep critical facts hidden from Congress and the public.

Finally, you may have noticed we did something a bit differently with this year’s report. Given the significance of Sunshine Week to OTG, starting with this report and going forward, we plan to release each annual report in June, giving us time to reflect on and highlight Sunshine Week. Of course, for us the fight to let the sunshine in happens every day. We couldn’t do it without the support of our coalition partners, our Steering Committee members and our generous funders. Thank you for your support as we build on this good work through the rest of 2019 and beyond.

Sincerely,

Lisa

Lisa Rosenberg

Executive Director Open the Government
Open the Government, a fiscally-sponsored project of the Fund for Constitutional Government (a 501(c)3 organization), is governed by a Steering Committee that sets the broad parameters of the work of the staff and the policy directions of the coalition.

**Steven Aftergood**  
Federation of American Scientists

**Gary Bass**  
Bauman Foundation

**Tom Blanton**  
National Security Archive

**Danielle Brian**  
Project On Government Oversight

**Kevin Goldberg**  
American Society of News Editors

**Kevin Kosar**  
R Street Institute

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

**Michael Ostrolenk**  
Liberty Coalition

**Hina Shamsi**  
American Civil Liberties Union

**Thomas Susman** (Chair)  
National Freedom of Information Coalition

**Anne Weismann**  
Citizens for Responsibility and Ethics in Washington

**John Wonderlich**  
Sunlight Foundation
January 2018 to May 2019

Open the Government continued to empower the public and strengthen democracy by advancing policies that lead to a more open, accountable, and responsive government. As a force multiplier for the openness community, OTG aligned and amplified diverse voices in civil society in order to make our democratic institutions more accountable, increase access to information, protect national security, and address threats to access and openness.

OTG staff worked daily with coalition partners to:

- Secure, Preserve and Increase Access to Records;
- Protect National Security by Decreasing Secrecy;
- Empower Communities with Access to Information; and
- Address Threats to Norms of Access and Openness.

OTG mobilized our coalition partners to address systemic challenges that inhibit the government from being more open and accountable, alerting the openness community when the government attempted to weaken transparency, and building a strong line of defense for crucial mechanisms for public access. Among other highlights, OTG worked to protect and reform the FOIA, pushed back against excessive national security secrecy, informed the public about the need for open government reform, and responded to threats to openness and accountability by the administration.

Our recent work is summarized in the following pages.

Secure, Preserve and Increase Access to Records

As James Madison wrote, “A popular government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance. And a people who mean to be their own Governors must arm themselves with the Power that knowledge gives.” Madison’s observation gets to the essence of OTG’s mission. Access to information is a pillar on which America’s founders built our democracy. Without it, the system collapses.

Our report Government Inc.: Amazon, Government Security & Secrecy stemmed from our concern that key government functions are performed in secret by corporate contractors with little oversight or accountability. The report is a deep dive into how large technology contractors’ controversial tools power a growing list of federal and local government agencies’ core functions in law enforcement, immigration enforcement and military operations. Amazon became a case study for the report because of its dominance in the government sector, its increasing lack of transparency and its failure to provide the public with information, exacerbating concerns about its government...
contracts. We facilitated a lively panel discussion at the National Freedom of Information Day conference, we, and will continue pursuing accountability in this important and often-overlooked policy area.

Our democracy depends on the Senate being able to execute its powers to give advice and consent. Yet without access to information, it is unable to do that. This is why OTG led the coalition in signing letters requesting that Senators and the public have full access to relevant documents about the nomination of Brett Kavanaugh to the Supreme Court, and called for a delay in the nomination process until the documents could be made public.

To address a growing culture of unwarranted secrecy that is increasingly the rule, rather than the exception, OTG’s Closing Democracy’s Window report documented the erosion of the public’s right to know during the beginning of the Trump administration. The report exposed the serious consequences of government secrecy for victims of hurricanes, civil rights advocates, immigrants and others, as well as the journalists who report on them. OTG’s Executive Director, Lisa Rosenberg, moderated a discussion on the report’s findings during the 2018 Freedom of Information Day at the Newseum. The panel included a Washington Post reporter and civil rights activists who discussed the impact of increased government secrecy on their work.

Protect National Security by Decreasing Secrecy

One of the guiding principles of OTG’s work is that a transparent and accountable government makes us safer. An informed and engaged citizenry is essential if we are to preserve the public’s right to information about the country’s endless wars. This is true now more than ever, as Congress has essentially abdicated to the executive branch its role authorizing war.

Our endless war roundtables and media workshop underscored the fundamental truth that in order to increase demand for information about U.S. military actions, we must find a way to focus on the intersectionality of U.S. military actions with other issues including racial justice, rule of law, veterans’ rights, money in politics, and gun control.

We created America’s Forever Wars and the Secrecy that Sustains Them: A Citizen’s Guide based on the lessons learned from the roundtables, and took it to events in Detroit, Michigan; Athens, Georgia; Utica, New York; Kansas City, Missouri; Minneapolis, Minnesota; and Atlanta, Georgia. The Kansas City event was a live taping of Bombshell, a bi-weekly national security podcast.
The CIA’s role in national security is expanding as it is becoming more secretive. In an effort to bring more transparency to the agency and to its leadership, OTG co-led civil society efforts to oppose Gina Haspel’s controversial nomination to be CIA director. OTG briefed Senate staffers and spearheaded two letters that addressed Haspel’s lack of commitment to transparency and accountability, as evidenced by her actions in relation to the CIA torture program.

Senator Feinstein submitted our statement for the record of the hearing.

OTG’s efforts throughout the Haspel nomination process led to increased attention on classification reform and ways to help prevent future abuses of power via selective declassification.

**Empower Communities with Access to Information**

Access to information empowers all communities, but is especially critical to the most vulnerable. We are committed to ensuring that government policies that affect people of color and immigrant communities are brought to light. In response to a Freedom of Information Act request filed by Open the Government and ACLU-DC, the District of Columbia’s Metropolitan Police Department (MPD) recently provided extensive arrest data for the years 2013 to 2017. An examination of that data by the ACLU Analytics Team revealed a pattern of disproportionate arrests of Black people that persists across geographic areas and offense types. After OTG and ACLU went public with the data, the development generated interest from local and national media outlets, including The Washington Post, WAMU 88.5, The Daily Beast, WUSA9, WTOP and WPFW.

OTG’s FOIA request on the family separation policy (made jointly with POGO) resulted in the release of internal documents on the Trump administration’s draconian immigration tactics. The documents showed that a policy of separating families existed, contrary to claims from DHS Secretary Nielsen. The released documents were referenced in at least 10 media hits (see below), including two national broadcast mentions. OTG’s tweet about the development went viral, with thousands of retweets.

OTG also issued a joint statement with immigrant rights and accountability organizations calling on Immigration and Customs Enforcement to comply with congressionally mandated transparency requirements, after the agency failed to meet two detention-reporting deadlines on its facilities.
Study finds disproportionate number of black people arrested in D.C.

By Peter Hermann
May 14

A disproportionate number of black people in the District are arrested for minor violations that include smoking marijuana in public, driving without a license and gambling, a study from two watchdog groups found.

Advocacy groups have reached similar conclusions in past years in Washington and in other cities. But this report’s authors said the new data, covering the years 2013 through 2017, shows the disparities are spread across the entire District and not limited to wards with high crime rates.

ACLU Study Finds D.C.’s Black Residents Arrested At Higher Rate For Largely Minor Offenses

ACLU: being poor and black in DC raises your chance of getting arrested

Michael Reifoff with the ACLU and Lisa Rosenberg with Open the Government break down the new report on racial disparities among arrests in DC.

Published: 7:42 PM EDT May 14, 2019
Updated: 7:58 PM EDT May 14, 2019
Address Threats to Norms of Access and Openness

No doubt, we are living in an era where threats to our democracy has become simultaneously rampant and routine. At OTG, we take seriously Thurgood Marshall’s admonition, “when you see wrong...speak out, because this is your country. This is your democracy. Make it. Protect it. Pass it on.” We are using our position as a hub for our diverse community to hold monthly salons addressing the threats to democracy. The salon series is intended to help break down the silos and foster the cross-pollination of ideas between our coalition partners and other stakeholders as we work to strengthen our democratic systems. The salons bring together scholars, journalists, columnists, public opinion researchers, grassroots organizers, and other thought leaders to converse, reflect and share information around the unprecedented assault on the norms and laws of our democracy.

OTG led a **Defending Democracy Workshop**, bringing together transparency advocates from the U.S. and other countries to discuss effective strategies for responding when governments flout international commitments, weaken democratic norms and embrace autocratic practices.

To support the Special Counsel Transparency Act of 2018, OTG led a coalition letter applauding the Senate Judiciary Committee for its efforts to protect the public’s right to know the results of Special Counsel Robert Mueller’s investigation. The legislation requires Mueller or any future special counsels to produce a report on the results of their investigation within two weeks of being removed.

Warning Americans about escalating attacks on the public’s right to know, OTG and coalition partners sent a **joint statement**, *A Condemnation of Threats to Openness, Ethics and Accountability*, during Sunshine Week 2018 to the White House and Congress, calling for the government to preserve and strengthen transparency and accountability.

**Tools and Resources for the Coalition**

What makes OTG unique is our diverse coalition of 111 organizations working together to strengthen our democracy by advancing accountability. As noted previously, we extend to our coalition partners opportunities to work together (through avenues such as the Endless War workshops, Salon, etc.) and we also provide them with tools to inform and strengthen their own transparency and accountability work around the country.

OTG commissioned a **survey** released in 2018 that makes clear that advocates for accountability may face many challenges, but there are opportunities to move voters, who fundamentally believe in the importance of transparency and ethics in government. The survey is part of a larger effort by OTG to provide our partners and stakeholders with tools to strengthen their advocacy efforts around transparency, accountability and ethics issues. We created a complimentary **messaging toolkit**, to help partners orchestrate their own social media and communications campaigns.

OTG also released **A Best Practices Guide to FOIA Collaboration**, offering recommendations and tips for advocates and open government experts looking to increase access to information by collaborating on FOIA initiatives. We presented the guide during numerous public events during Sunshine Week and at the Society of Professional Journalists Excellence in Journalism 2018 **conference**. It is also available on the Reporters Committee for Freedom of the Press’ FOIA **wiki resource page**, for the public to use as a guide in their FOIA requests.
OTG organized regular civil society meetings with the Archivist and other top-level National Archives and Records Administration officials to discuss access to and preservation of the Torture Report, electronic records management, and other openness issues. In coordination with our coalition partner the Government Accountability Project, we held trainings on using FOIA and working with whistleblowers, including a targeted workshop for immigrant rights groups. OTG organized a series of briefings following these workshops for immigrant rights experts who expressed the need to coordinate strategies around the most recent whistleblower disclosures and plan collaborative FOIA efforts. The first convening led to a timely Hill briefing in which whistleblower doctors provided important information to Senators overseeing immigration detention policies.

Since March of 2018, Jobs to Move America and the Crossfit Foundation have joined our growing the coalition.

**New Staff and Steering Committee Members**

**Ufuoma Otu** joined OTG as our Communications Director. Prior to joining the OTG team, Ufuoma was at Public Citizen where she served as communications and press officer. She has worked as a digital media and communications consultant for national and international clients since 2012. A graduate of Loyola University Chicago and Roosevelt University’s Heller College of Business, Ufuoma previously worked at public relations firms in Washington, DC and in Chicago, where she also was external affairs coordinator for a city housing agency after graduating from college. She has received industry awards and accolades for her work in PR and media production from organizations such as Women in Film & Video, PR News, PRSA, Hermes Creative Awards, and International Association of Business Communicators.

**Hannah Bassett** is our Coalition Manager. Prior to joining OTG, Hannah worked on the policy team at the Reporters Committee for Freedom of the Press, and served as press secretary and outreach coordinator for a U.S. Representative. She also has covered global health issues through previous work for the Open Society Foundations and the Sabin Vaccine Institute, where she wrote about leading issues in immunization. Hannah holds a B.A. in International Relations from Tufts University.

**Freddy Martinez** is our Policy Analyst. Prior to joining OTG, Freddy was the executive director of Lucy Parsons Labs, a police accountability non-profit. He is an activist, security engineer, and was previously a physicist. He was also a 2017 Mozilla/Ford Foundation Open Web Fellow at the Freedom of the Press Foundation. Freddy holds a B.A. in Physics from Monmouth College.

**The Steering Committee** developed and adopted a plan to rotate current members off the committee and recruit new members to ensure the Steering Committee better reflects the diversity of our coalition. So far, the Steering Committee welcomed **Kevin Kosar**, vice president of R Street Institute and **Hina Shamsi** of the ACLU in January 2019. Kevin oversees all of R Street’s research across its commercial freedom, criminal justice, energy and environment, financial markets, governance, income mobility, innovation policy, insurance and public health policy programs. He co-directs the non-partisan Legislative Branch Capacity Working Group, which aims to strengthen Congress. Hina is the director of the ACLU National Security Project, which is dedicated to ensuring that U.S. national security policies and practices are consistent with the Constitution, civil liberties, and human rights. She has litigated cases upholding the freedoms of speech and association, and challenging targeted killing, torture, unlawful detention, and post-9/11 discrimination against racial and religious minorities.
Below are links to OTG’s media releases and blog posts in key policy areas.

**Inform the Public by Securing, Preserving and Increasing Access to Records**

*Ivanka Trump and James Comey’s Emails from Personal Accounts Violate Presidential and Federal Records Acts*

*Statement of Open the Government’s Executive Director on the Release of “Committee Confidential” Documents by Senator Cory Booker*

*Open the Government Praises Efforts to Strengthen the Freedom of Information Act*

*Coalition Calls for Greater Transparency and Full Access to Records on Supreme Court Nominee*

*Coalition Calls for Urgent Investigation of Destruction of Records on Family Separation Crisis*

*Reports Show Spike in Lawsuits Against Intelligence Agencies Due to High Rate of FOIA Denials and Slow Processing Time*

*Combating Government Secrecy through Freedom of Information*

*OTG Releases New Report Highlighting Challenges to Transparency in Washington, a Growing Surveillance State, and Attacks on Press Freedoms*

**Protect National Security by Decreasing Secrecy**

*Keeping Information about Waste, Fraud and Abuse From the Public is What is “insane”*

*Public Remains in the Dark after Abrupt Syria Withdrawal Announcement*

*A Citizen’s Guide to America's Forever Wars and the Secrecy that Sustains Them*

*“Protecting her own image” - Gina Haspel Nomination Process Shows Need for Classification Reform*

*In Letter Signed by More than Thirty Organizations, Members of Senate Select Committee on Intelligence urged to Oppose Gina Haspel CIA Nomination*
In Hearing, Gina Haspel Stokes Fears about Transparency, Accountability

Open the Government Executive Director Lisa Rosenberg Releases Statement for the Record Opposing Gina Haspel’s Nomination to Lead the CIA

Coalition Calls on Congress to Oppose Defense Department’s FOIA Exemption Carve-Out

Citing Gina Haspel’s Role in Destruction of Torture Videos, OTG Leads Joint Letter Calling on Senate to Halt Her Nomination

Empower Communities by Increasing Access to Information

Secretary Nielsen’s Exit Would Leave Behind Trail of Secrecy About Border Policies, Missing Children

Migrant Caravan Illustrates Greater Accountability for U.S. Immigration Policy South of the Border is Needed

Congress Calls for Greater Transparency and Accountability from the Pentagon for Police Militarization

OTG & POGO Call for Answers from Secretary Nielsen about Newly Disclosed Memo on Family Separation

Newly Released Memo Reveals Secretary of Homeland Security Signed off on Family Separation Policy

Demanding accountability from private companies detaining children

Pruitt Scandals Highlight Need for Congress to Act to Ensure Accountability, Inform the Public

Congress Must End Systemic Abuse, Waste, and Entrenched Secrecy: Stop Funding for New Immigration Detention Camps

Proposed Senate Reforms to Congressional Accountability Act Fall Short on Transparency

Coalition Calls on ICE to Meet Congressionally Mandated Transparency Requirements

Mexico Heeds Trump’s Gag Order on Immigration Communications
Address Threats to Norms of Access and Openness

Bill to Protect Special Counsel Mueller Could Be a Litmus Test for Government Accountability and Transparency

Coalition raises alarm over attacks against journalists and condemns White House for restricting press access

Despite Skepticism, Voters Believe Government Accountability is Possible

Open the Government Applauds Sen. Merkley for Introducing AUMF Bill That Offers Alternative to Corker-Kaine

Defending Democracy Workshop Podcast (In Case You Missed It)

OTG’s Executive Director Applauds Congress for Protecting the Public’s Right to Know About the Results of the Mueller Investigation

OTG Supports the Special Counsel Transparency Act of 2018 to Ensure the Results of Mueller’s Investigation are Preserved and Shared with Congress

In Sunshine Week Declaration Condemning Threats to Openness, Coalition Warns that Laws and Norms Protecting Open Government are Being Eclipsed

OTG in the News

Daily Beast: How Gentrification Brings Over-Policing for D.C.’s Black Residents

Defense News: Shanahan’s Gag Rule Memo Nets Bipartisan Backlash

CounterPunch: Vicious Cycle: The Pentagon Creates Tech Giants and Then Buys their Services

WTOP: DC Police Disproportionately Target Black People for Minor Violations: Study

WUSA9: ACLU: Being Poor and Black in DC Raises your Chance of Getting Arrested

WAMU 88.5: ACLU Study Finds D.C.’s Black Residents Arrested At Higher Rate For Largely Minor Offenses

Washington Post: Studies Show Disproportionate Number of Black People Arrested in D.C.
This Is Hell! **Forever War Now: On the Future and Present of American Automated Warfare**

Rising Up with Sonali: **How Tech Firms Are Helping Government Violate Our Privacy**

Tomgram: **Allegra Harpootlian and Emily Manna, The AI Wars**

Fox 23 News: **Government Inc.: Amazon, Government Security & Secrecy**

C4ISR Net: **Watchdog Group: DoD's JEDI is Mired in Murk**

The American Conservative: **Bezos and DoD Dream of AI, but Invoke Terminator Nightmare**

Air Force Times: **Trump Ends Some Types of Civilian Casualty Reporting**

C-SPAN: **Government Tracking and Legal Concerns**

The Intercept: **North Dakota Seeks to Restrict Access to Public Records After Standing Rock Reporting Exposed Law Enforcement Abuses**

CNN Politics: **Interior Department's FOIA Efficiency Proposal Panned as Less Transparent**

Communications Daily: **With Commenting Systems Semi-Frozen, Openness Advocates Worry About Participation**

Dos Mundos: **Forum Advocates for Government Transparency Through Public Participation**

KPFA 94.1: **The Pacifica Evening News**

Sirius XM: **The Laura Coates Show**

New York Post: **James Comey Discussed Sensitive FBI Business on His Private Email**

WKTV: **Impact of Wars on Veterans**

WIBX 950 AM: **First News with Keeler in the Morning**


The Intercept: **Prosecuting Parents – and Separating Families – Was Meant to Deter Migration, Signed Memo Confirms**
The Salon: Robert Mueller’s Investigation May be Scattered, but He Knows What He’s Doing

PRI: Senators ‘kept in the dark’ as CIA director vote draws near

*Opinion Pieces*

The Hill: Why William Barr Must Promise to Make the Mueller Report Public

Truthout: Mexico Heeds Trump’s Gag Order on Immigration

Proceso: Secrecía Gubernamental en la Frontera

Huffington Post: The Border is a Dark Zone for Government Accountability

The Hill: Demanding Accountability from Private Companies

Visalia Times-Delta/USA Today Network: Devin Nunes a Hypocrite on Vote to Reauthorize FISA Law
From 2018 and into 2019, OTG increased its Twitter followers by nearly 2,000 earning record engagement (comments, retweets and impressions that were 4.5 times higher than in the previous year). OTG also landed reputable media and policy influencers with differing political views as followers on both Twitter and Facebook. On the latter, we have received more questions about our work and government accountability-related requests for assistance.