

**Questions for 2016 Candidates for Federal Offices on  
Government Accountability, Public Disclosure, and the Right to Know**

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**Editorial Board Memo**

During this election season, as candidates are selected for party nominations and campaigning for federal offices, the following questions are important for understanding where candidates stand on pivotal policy issues relating to government openness and accountability. As a coalition of public interest organizations committed to promoting government openness and accountability, we urge your editorial board to circulate these questions and encourage journalists to present them to candidates on the campaign trail.

- 1. Transparent policing and accountable law enforcement:** There is currently no comprehensive federal program to compile data regarding the incidence of law-enforcement-involved violence. Given the national interest in this issue.
  - How would you support measures to improve the accuracy and consistency of use-of-force data from law enforcement across the country?
  - Would you be willing to commit to the development of a national database of all police-involved shooting deaths and deaths in custody?

**Additional Resources:** [Patrice McDermott: Death toll from violent cops is a guessing game](#)

For additional information, please contact Patrice McDermott, Executive Director of OpenTheGovernment.org at [pmcdermott@openthegovernment.org](mailto:pmcdermott@openthegovernment.org).

- 2. FOIA:** July 4<sup>th</sup>, 2016 is the 50<sup>th</sup> anniversary of the signing of the Freedom of Information Act into law. 50 years later, FOIA is in dire need of a tune up if it is to become/remain a valuable tool for government oversight.
  - What steps do you believe are necessary (legislative reforms and/or Executive measures) to fix FOIA? Do you believe government offices should approach FOIA with a presumption of openness – i.e., withholding information only if the agency reasonably foresees a specific identifiable harm to an interest protected by an exemption?
  - Would you support legislation that would codify this policy?

**Additional Resources:** [The Sunshine in Government Initiative: Fix FOIA by 50](#)

For additional information, please contact Kevin Goldberg, Legal Counsel at the American Society of Newspaper Editors, at [Goldberg@fhhlaw.com](mailto:Goldberg@fhhlaw.com).

3. **Communications Surveillance transparency:** The USA Freedom Act, passed in June 2015, requires more government reporting on the information collected through communications surveillance, and requires the intelligence community to review Foreign Intelligence Surveillance Court opinions for declassification. Nonetheless, we still do not know nearly enough about the intelligence community's ongoing data collection programs, such as those that continue under Executive Order 12333 and Section 702 of the Foreign Intelligence Surveillance Act (FISA).
- Do you support greater public accountability through disclosure of information relating to our government's communications surveillance, in particular with regard to the number of Americans whose information is caught up in programs that are meant to target foreigners outside the United States?

**Additional Resources:** [Brennan Center for Justice: How Many Americans are Swept up in NSA's Foreign Intelligence Surveillance?](#)

For additional information, please contact Liza Gotein, co-director of the Liberty & National Security Program at the Brennan Center for Justice at [goiteine@mercury.law.nyu.edu](mailto:goiteine@mercury.law.nyu.edu).

4. **Secrecy surrounding the drone-strikes programs:** In November 2015, the Obama Administration officials [met with legal experts and human rights advocates](#) to discuss how to increase transparency relating to the use of drones to carry out lethal strikes overseas.
- Do you believe there should be more information available to the public relating to these programs?
  - What do you believe is the appropriate level of disclosure needed to ensure public scrutiny and government accountability for such programs?

**Additional Resources:** [The Hill: Obama aims to lift veil on drone strikes](#); [Mother Jones: Hey, Have You Heard About the Top Secret US Drone Program?](#)

For additional information, please contact Katherine Hawkins, Senior Counsel at the Constitution Project, at [KHawkins@constitutionproject.org](mailto:KHawkins@constitutionproject.org).

5. **Electronic records management:** There has been significant controversy surrounding the use of personal email by high-level officials to conduct official government business.
- What measurable and concrete steps do you believe are needed to ensure that government officials are using only official email addresses to conduct the public's business and to further ensure public access to those public records?

**Additional Resources:** [OpenTheGovernment.org: Upholding the Right-to-Know in the Digital Age](#)

For additional information, please contact Patrice McDermott, Executive Director of OpenTheGovernment.org, at [pmcdermott@openthegovernment.org](mailto:pmcdermott@openthegovernment.org).

6. **Whistleblowers:** Do you support reforms to provide more protection for public and private sector whistleblowers? Specifically, what are your thoughts on:
- Ensuring that intelligence community contractors who blow the whistle through designated channels receive the same whistleblower protections available to all other contractor employees?
  - Providing federal employees with whistleblower protections that are as strong as those for private sector employees, including access to a jury trial?

- Protecting both public and private sector employees against criminal or other civil liability when they engage in whistleblowing already protected by employment law?
- Disciplinary action against managers who have engaged in whistleblower retaliation?

**Additional Resources:** [Shanna Devine and Liz Hempowicz: Whistleblowers and the prosecution loophole](#)

For additional information, please contact Anna Myers, Executive Director of the Government Accountability Project (GAP), at [annam@whistleblower.org](mailto:annam@whistleblower.org), Shanna Devine with GAP at [ShannaD@whistleblower.org](mailto:ShannaD@whistleblower.org), or Elizabeth Hempowicz with the Project On Government Oversight, at [ehempowicz@pogo.org](mailto:ehempowicz@pogo.org).

**7. Open government collaborations between government and non-governmental organizations (NGOs):**

The United States has been engaged in both domestic and international initiatives that require government to work with non-governmental stakeholders on open government reforms, including fiscal transparency and anti-corruption measures.

- Would you commit to working closely with the non-government openness community and other stakeholders to adopt substantive, measurable and transformative commitments to openness?

**Additional resources:** [OpenTheGovernment.org: US Civil Society Open Government Partnership Resources](#)

For additional information about NGO and government stakeholder initiatives, please contact Jesse Franzblau at OpenTheGovernment.org, at [jfranzblau@openthegovernment.org](mailto:jfranzblau@openthegovernment.org).

**8. Campaign finance:**

- Does the public have a right to know the source of significant funding support for their elected representatives (including leadership PACs, super PACs, 501(c)(4) dark money outlets, etc.)?
- If so, what would you do to ensure the public can access such information? Are you opposed to hiding this information from them?
- What will you do with regard to ensuring the identification of donors to 501c4 groups and requiring social welfare organizations that engage in election-related activities to file regular publicly available reports before Election Day?

**Additional resources:** [Sunlight Foundation: Campaign Finance and Transparency](#); [Moyers and Company: A Victory for Transparency at the FCC](#)

For additional information, please contact Robert Weissman, President of Public Citizen, at [rweissman@citizen.org](mailto:rweissman@citizen.org).

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