

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

Contacts:

Patrice McDermott, Executive Director
OpenTheGovernment.org
pmcdermott@openthegovernment.org

Kevin Goldberg, Legal Counsel
American Society of News Editors
Goldberg@fhhlaw.com

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 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 requiring 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.

- 2. Transparency Policies and Practices:** On June 30, 2016, just a few days before the 50th anniversary of the Freedom of Information Act (FOIA), the President signed the most significant reform to FOIA since its original passage. While the FOIA reforms are an important step towards ensuring that openness is the default position of our government, there is still a pressing need to ensure the public's right to know.
 - *What steps do you believe are necessary (legislative reforms and/or Executive measures) and what policies would you implement to guarantee and advance public access to government information and sources?*
 - *Specifically, what measures would you put into place to ensure strong Freedom of Information Act implementation to guarantee timely access to information essential for democratic governance and accountability?*

Additional Resources: [OpenTheGovernment.org: President signs most significant reforms to FOIA since its original passage](#); [Society of Professional Journalists: OpenOurGov.org](#)

For additional information, please contact Kevin Goldberg, Legal Counsel at the American Society of Newspaper Editors, at Goldberg@fhhlaw.com or Jennifer Royer, Communications Strategist at the Society of Professional Journalists, at jroyer@hq.spj.org.

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.

4. Secrecy surrounding the drone-strikes programs: This year, a federal court ordered the Obama Administration to [release its guidelines](#) for targeting overseas terror suspects with drones, and the administration [voluntarily released](#) its count of casualties in counterterrorism airstrikes in non-war zones. While these disclosures mark progress on open government, they also [raise as many questions](#) about the drone program as they answer.

- *Do you believe the government should make 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.

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.

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 Shanna Devine with GAP at ShannaD@whistleblower.org, or Elizabeth Hempowicz with the Project On Government Oversight, at ehempowicz@pogo.org.

7. Trade Transparency: Much of the criticism levelled at the Trans-Pacific Partnership (TPP) concerns the [secrecy](#) surrounding trade negotiations and their [capture](#) by narrow interest groups. Despite the agreement's [far-reaching consequences](#) for the American public, the negotiations took place [behind closed doors](#) without sufficient public knowledge, participation, or scrutiny.

- *Do you believe the public has a right to know more about the provisions of international trade deals before they are finalized?*
- *Would you support measures to make future negotiations more transparent, including the periodic release of consolidated draft texts, as is common practice in many other international negotiations?*
- *Could measures be taken to make the negotiations more reflective of the interests of a broad range of affected stakeholders?*

Additional resources: [Electronic Frontier Foundation: Global Alliance Condemns Internet Rulemaking through Closed Trade Agreements](#)

For additional information, please contact Jeremy Malcolm with the Electronic Frontier Foundation at jmalcolm@eff.org.

8. Campaign finance:

- *Does the public have a right to know the source of all significant election funding (including contributions to leadership PACs, super PACs, 501(c)(4) dark money outlets, trade associations, etc.)?*
- *If so, what would you do to ensure that such information is disclosed to the public?*
- *What will you do with regard to ensuring the identification of donors to 501c4 groups, trade associations and other dark money outlets and requiring such 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.