



Exposing Corruption. Exploring Solutions.

PROJECT ON
GOVERNMENT OVERSIGHT

March 15, 2017

President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

Since 1981, the Project On Government Oversight (POGO) has been working to achieve a more effective, accountable, open, and ethical federal government. In our efforts to further this mission, we want to draw your attention to concerns about transparency that have carried over from the previous administration. In these early days of your presidency, you have a chance to set the tone for the rest of your time in office. We urge you to make openness a key tenet of your presidency.

The previous administration promised to be the most transparent in history. However, members of the open government community found that administration's transparency measures were largely inadequate. Your White House Press Secretary, Sean Spicer, stated during the transition that your administration has exceeded any modern president in regards to openness and transparency. We have a number of suggestions that will help your administration live up to that statement. The following is an updated list of the suggestions we brought to the attention of the previous administration, but did not see significant action on. We hope you will consider and implement them.

- **Bring the American people into the White House and executive agencies.** The last administration opened White House visitor logs to the public and made them accessible through a searchable website, which became a powerful ethics and accountability tool. We urge you to do the same, and to extend that approach to your time spent at Mar-a-Lago and other properties where you take visitors in your capacity as President. We also urge you to extend this to senior staff in your executive agencies. Government business is the people's business; it's important that we be able to review when officials meet with advocates from outside the government and what the subject matter of the meeting was in order to keep a close eye on that business.
- **Put an end to "secret law."** You can't promote the rule of law if the American people don't know what that rule of law is. The Office of Legal Counsel (OLC), as part of the Department of Justice (DOJ), interprets federal laws for the Attorney General and all executive branch agencies. These legal memorandums are binding on the executive branch and effectively state what the law means. It is these memos that established the legal justification used, for instance, to conduct domestic surveillance in the United States, to change immigration policy, and to allow the president to use military force abroad and in the United States. Despite the importance of these memos, they are only made public at the discretion of the OLC. And it's nearly impossible to get OLC to make them public: a recent POGO FOIA request for OLC memos came back with even the titles of the memos and the dates they were issued redacted. This means that the majority of US citizens don't know what the law is in their own country. Please direct your OLC to publish these memoranda, to help promote informed discourse by the American people.
- **Shine a light on our rigged campaign finance system.** Unregulated, undisclosed, and unlimited money corrupts our system of government. Congress is at an impasse as corporate interests have battled citizen interests to a standstill. You made waves during the 2016 election for challenging the current system of Political Action Committees (PACs) and their close relationships to candidates. While the

administration cannot solve every problem, it has the authority to bring more sunshine to the subject. You can issue an Executive Order requiring federal contractors to disclose all their political spending. You can forcefully oppose appropriations riders that have prevented the IRS from undertaking a rulemaking to define political activity by nonprofits and to require nonprofits to disclose “dark money,” and the SEC from requiring publicly held companies to disclose their political contributions. And you can move quickly to have these agencies take action. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

- **Better protect future whistleblowers.** Whistleblowers sound the alarms that let policymakers and the public know when our government has gone dangerously off course. They alert us to waste, fraud, abuse, and wrongdoing. Your administration has had some missteps in its early days, but we urge you to come out strong in your support of whistleblowers. Those brave individuals are the average citizen’s first line of defense against government corruption and waste—matters that your constituents elected you to highlight and root out. We urge you to issue a presidential memorandum prohibiting managers from pursuing or threatening prosecution of whistleblowers who use protected channels. This presidential memorandum should extend to government contractors, including those within the Intelligence Community.
- **Slow the revolving door.** Your ethics Executive Order set a good tone with a five-year ban on appointees lobbying their former agencies and banning former appointees from leaving government service to work for a foreign government or political party. However, to fully address this problem, you need to make good on your pledge to expand the definition of “lobbyist.” Right now, it is too easy avoid having to register as a lobbyist by just conducting lobbying activities below the threshold. This allows the individual to lobby for foreign governments or political parties against your EO. Lobbyists coming into the administration also pose a problem, as they raise concerns about whether they will favor their former clients on particular matters. If government officials have to recuse themselves often, how can the American people trust they can perform the necessary job functions? We urge you to endorse and advocate for revolving door legislative reforms that will address these issues and codify and expand your ethics policies for future administrations. Doing so will help ensure that our public servants truly serve the public, and not their future or past private-sector employers.

By implementing these few critical but achievable measures, you can create a more accountable government, demonstrating your commitment to opening the government in Washington to the American people.

If you have any questions or need additional information, please contact me at danielle@pogo.org or (202) 347-1122.

Sincerely,



Danielle Brian
Executive Director