



**A Beacon**

IN THE

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**Darkness**

PROJECT ON GOVERNMENT OVERSIGHT  
2017 ANNUAL REPORT

# Our Mission

**The Project On Government Oversight is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing.**

**We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.**

# Director's Note



Dear Friend,

The fight against waste, fraud, corruption, and abuse of power in the federal government can feel overwhelming. From our experience, we know wrongdoing occurs **regardless of which political party is in power** and can make changing the system seem impossible.

When darkness feels like it's consuming our democracy, Americans search for a way out. **Last year, we committed to you, and the public, that we would defend the pillars of our democracy from internal and external threats**—to be a beacon of light in the darkness, just as we have been during previous administrations and past Congresses. **And with your support, we've made tremendous strides.**

As you will see in this year's report, your support allows us to continue to advocate for reforms to make our government more ethical, effective, and accountable to the American people—from changing whistleblower laws in order to hold retaliators accountable, to shining a light on how industry interests have captured the FDA, to pushing back against wasteful Pentagon spending that lines the pockets of contractors.

**Your support also helped POGO take on our largest-ever expansion.** The biggest addition is The Constitution Project (TCP) joining POGO in December 2017. Founded 20 years ago to combat the increasing partisan divide regarding our constitutional rights and liberties, TCP has brought together people of diverse experiences and political philosophies to forge consensus on some of the most difficult constitutional questions of our time. With TCP's legal expertise and POGO's investigative skills, we make a great team in responding effectively to some of the most significant threats to our constitutional rights and values we have ever seen.

For the past 36 years, you have helped us keep a watchful eye on our elected officials and government institutions—and we will continue to be a beacon for years to come. **Together we can hold our government accountable and demand an end to corruption and abuse of power.**

Sincerely,

A handwritten signature in cursive script that reads "Danielle Brian".

Danielle Brian  
Executive Director

# Introduction

What makes us unique among watchdog groups is our commitment to reforming the systemic issues our investigations uncover.

**We got our start in 1981 as a small Pentagon watchdog** known as the Project on Military Procurement, an offshoot of the National Taxpayers Union, funded by a mix of conservative and progressive foundations. With the help of Pentagon insiders and government documents, our small organization brought to light wasteful Pentagon spending, such as \$7,600 coffee pots and \$435 hammers. Then we began shining the light on the ineffectiveness of large weapons systems such as the M1-Abrams tank—about which the Pentagon falsified testing reports, putting soldiers at risk.

We knew that waste, fraud, corruption, and abuse of power weren't only limited to the Pentagon, but were **widespread problems across the federal government**.

So we changed our name in 1990 to the Project On Government Oversight and have been keeping a watchful eye on the federal government ever since.

For nearly three decades, we've continued to grow and add to our program areas and staff in order to be even more effective.



In 2006, we launched the **Congressional Oversight Initiative (COI)**, an effort to help Congress better perform two of its most important Constitutional responsibilities—overseeing the executive branch and exercising its role in our democracy’s system of checks and balances. This initiative’s goal is to provide the resources, knowledge, and skills to help Congressional staff do their job more effectively. This has allowed POGO to maintain important working relationships with Republican and Democratic Congressional offices in order to help create change.



In 2012, we added the **Center for Defense Information (CDI)** to our ranks of Pentagon watchdogs. We’re still raising concerns over wasteful Pentagon spending programs like the F-35 Joint Strike Fighter, as well as focusing on creating a more effective national security policy that protects our country and the men and women fighting for it, not one that just lines the pockets of Pentagon contractors.

In 2016, the Center for Effective Government (formerly known as OMB Watch) was folded into POGO, bringing its expertise in regulatory policy and federal government processes to POGO’s fight for a government that is transparent and accountable to the American people.



In 2017, the addition of **The Constitution Project (TCP)** to POGO began a new chapter for us in defending democracy, allowing us to focus on issues related to all three branches of the federal government. We will work to combat the increasing partisan divide regarding our constitutional rights and liberties, while also ensuring our democracy’s checks and balances are working properly.

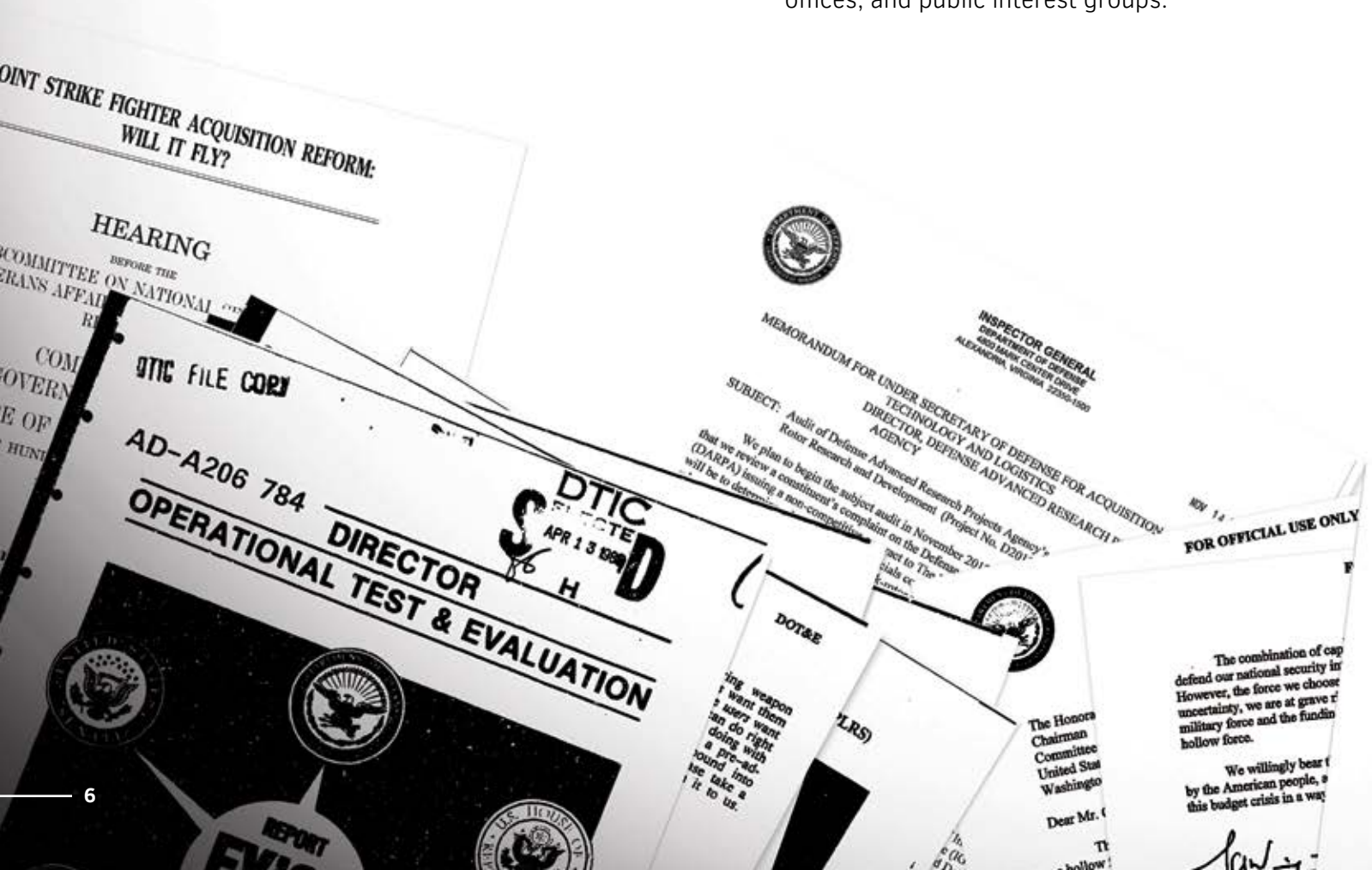
# How we work

Our investigations allow us to find deficiencies in federal government policies, programs, and projects.

**Much of our focus is on the intersection of government and powerful private interests,** a nexus where corruption can thrive if oversight isn't strong: defense and arms sales, pharmaceuticals, financial services, government contracts, and the natural resource extraction industries.

Our investigators and journalists work with whistleblowers and sources inside the government in order to uncover waste, fraud, corruption, and abuse of power across the federal government.

They take leads from these insiders and verify the information using the Freedom of Information Act, interviews, and other fact-finding strategies. We then publish these findings and notify the media, Members of Congress, executive branch agencies and offices, and public interest groups.



**Our public policy advocacy explores solutions and pushes for policy reforms** that address the systemic issues uncovered by our investigations to create a more effective, ethical, and accountable federal government.

We also work to educate the public on the impact these issues and solutions can have on the American people.

Our reputation as an honest broker attracts current and former decision-makers and other government insiders and allows us to facilitate conversations and advocacy efforts among likely and unlikely allies across the political spectrum to advance our work.

### How we choose our investigations:

- Availability of inside sources and/or unreported documents
- Capacity to make a unique contribution
- Opening for positive systemic change in the federal government
- Urgency of action
- Ability to broaden and improve public awareness

Supreme Court  
DEPARTMENT OF HOMELAND SECURITY  
Petitioner,  
v.  
ROBERT J. MACLEAN,  
Respondent.  
On Writ of Certiorari to the  
United States Court of Appeals  
For the Federal Circuit  
BRIEF OF AMICUS CURIAE  
In Support of Government Oversight  
and Affirmance

Embassy of the United States  
Kabul, Afghanistan

**SENSITIVE BUT UNCLASSIFIED  
MEMORANDUM for Record**

To: Program Manager, Aegis LLC-Rex  
Through: Anson Garlington, Deputy Division Chief  
From: Stacey Berg, ARSO/KESF ACOR  
Subject: Loss of Confidence in [REDACTED]

Housing and Infrastructure  
Appropriations  
contain such  
Solid Waste  
entitled, "A  
List Decisions  
ne req



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 25 1997

MEMORANDUM  
SUBJECT: Coordinating with the States on National  
Priorities List Decisions... Issue Resolution  
Assistant Administrator  
Response

DEPARTMENT OF VETERANS AFFAIRS  
Palo Alto Health Care System  
3801 Miranda Avenue  
Palo Alto, CA 94304  
May 13, 2015



FOR OFFICIAL USE ONLY  
E. Richard Walker

STATE CAPITOL  
MONTGOMERY, ALABAMA 36130  
(205) 242-7100  
FAX (205) 242-3282



# Impact

Rooting out waste and fraud has been a major part of our work, but we don't just stop there.

As the people's watchdog, we have uncovered instances of government officials not playing by the same rules as the rest of us and abusing their positions of power.





OUR FIRST LINE OF DEFENSE

# Protecting whistleblowers

**Whistleblowers are the American people's first line of defense against waste, fraud, abuse, and corruption in the federal government.** But too often, these brave and honest citizens face retaliation by their supervisors for coming forward and shining a light on government wrongdoing.

Much of POGO's work depends on people speaking out so we can help alert the public, media, and policymakers about wrongdoing and fight for the change needed to fix the problems. Without these courageous individuals, our work to keep a watchful eye on the government would be extremely difficult and far less effective. That's why we work to ensure the law shields federal workers and

contractors from retaliation when making protected disclosures, fight against efforts to discourage people from coming forward, and provide resources so workers know the right ways to bring information to light.

**[The Office of Special Counsel] is grateful for watchdog groups such as POGO that are vigilant about whistleblower protection and bring incidents that could undermine whistleblowing to our attention. This is a valuable public service and helps OSC fulfill its mission.**

— Special Counsel Henry Kerner,  
United States Office of Special Counsel (OSC)

# Holding whistleblower retaliators accountable

In 2017, POGO's efforts increased accountability for those who retaliate against whistleblowers in the federal government.

Our policy team worked with civil society partners and urged Members of Congress to include mandatory penalties for retaliating against whistleblowers in the **Dr. Chris Kirkpatrick Whistleblower Protection Act**, which President Trump signed into law on October 26, 2017. While the law is not perfect—it doesn't go far enough to ensure due process for whistleblowers—POGO will continue to monitor its implementation to ensure whistleblowers are protected from retaliation and retribution.

**Out of the six times POGO was asked to submit testimony to Congress in 2017**, two were to emphasize the importance of strengthening whistleblower protections.

In February 2017, **we testified before the House Oversight and Government Reform Subcommittee on Government Operations** on "Five Years Later: A Review of the Whistleblower Protection Enhancement Act."

In May 2017, **we submitted written testimony to the Senate Veterans Affairs Committee** on "VA Accountability and Whistleblower Protection Act."

# Monitoring and protecting whistleblowers

Until whistleblowers are fully protected and no longer fear retaliation from their supervisors or colleagues, it is vital that they know POGO has their back. **When we hear there are efforts by government agencies to chill whistleblowers' willingness to come forward, we sound the alarm.**

In August 2017, POGO filed a complaint about new posters displayed at the Department of Energy (right) as part of its efforts to crack down on leaks. We sprang into action, filing a complaint with the Office of Special Counsel that the posters violated the Whistleblower Protection Enhancement Act because they didn't contain legally required language protecting whistleblowers. Our efforts not only got the posters removed, but the Office of Special Counsel **issued whistleblower protection guidance across the entire federal government.**



POGO took immediate action against these whistleblower-chilling posters posted at the Department of Energy. (Photo: E&E News)

# Helping federal employees know their rights

In light of the Obama Administration prosecuting record numbers of whistleblowers under the Espionage Act, **we created, updated, and distributed resources for federal workers on whistleblower rights.**

In 2017, POGO launched the new “**Know Your Rights: Whistleblower Protections for Federal Sector Employees**” web tool.

Federal workers who are considering blowing the whistle can use this resource to learn about the legal protections and disclosure rights for various types of federal-sector employees.

The information provided by the tool is not legal advice, but we believe it can be useful for these individuals in making a decision to come forward with information. Visit the site: **[www.pogo.org/know-your-rights](http://www.pogo.org/know-your-rights)**

Be on the lookout for the release of our updated and expanded second edition of our book, *The Art of Anonymous Activism: Serving the Public While Surviving Public Service*.

## POGO investigation sinks CIA watchdog nominee

In October 2017, our investigative team broke the news that Christopher Sharpley, President Trump’s nominee for CIA Inspector General, had three open whistleblower-retaliation cases against him—potential violations of the very laws he would have been in charge of enforcing.

Three members of the Senate Select Committee on Intelligence **cited and read from POGO’s report** during Sharpley’s confirmation hearing, where he denied the reports. In a subsequent letter to the Committee, Senators Charles Grassley (R-IA) and Ron Wyden (D-OR) accused Sharpley of misleading Congress by denying what POGO had reported.

All of this led to the Committee pausing its consideration of Sharpley pending the completion of the three cases. In July 2018, Sharpley, who was serving as acting CIA Inspector General while his nomination was on hold, withdrew his nomination and resigned from the federal government.



(Photos: CSPAN)

# Protecting the rule of law

POGO played a leading role in pushing for—and protecting—the Justice Department’s special counsel investigation into obstruction of justice and possible election violations by members of President Trump’s campaign and the Russian government.

## Testifying on the need for concurrent Congressional and criminal investigations

In June of 2017, **POGO Executive Director Danielle Brian testified** on “Concurrent Congressional and Criminal Investigations: Lessons from History” before the Senate Judiciary Committee’s Subcommittee on Crime and Terrorism, at the invitation of Senator Lindsey Graham (R-SC).

POGO made the case that both the Justice Department and Congress should conduct investigations into the involvement of Russia in our presidential elections.

POGO also produced a detailed report on the history of Congressional investigations, “Necessary and Proper: Best Practices for Congressional Investigations” and provided a Congressional briefing along with the Brennan Center for Justice on how Congress can and should conduct oversight while criminal investigations are also pending. This was a message we advanced throughout 2017 and even today.



*POGO Executive Director Danielle Brian testifies before the Senate Judiciary Committee's Subcommittee on Crime and Terrorism.*

# Defending the special counsel investigation

**An independent investigation, free from political interference, is the only way the American people will have confidence in our country's rule of law.**

In May of 2017, we signed onto a letter with other good-government advocates addressed to Deputy Attorney General Rod Rosenstein, making **POGO one of the first organizations to call for the appointment of a special counsel** after FBI Director James Comey was fired.

The independence of the special counsel investigation has been under continuous threat from political turmoil playing out among the President, some members of Congress, and the Justice Department. In December, we played a leading role in organizing a sign-on letter from 21 Republican and/or conservative former elected and senior officials defending the special counsel's investigation.

In an effort to further protect the special counsel investigation and ensure it is able to be completed—**regardless of the results**—we've advocated for the passage of the Special Counsel Independence and Integrity Act, S. 2644. In April 2018, **we delivered a letter from 38 former elected Republicans and former Republican-appointed judges and prosecutors** calling on Congress to pass the legislation, as well as a letter signed by two constitutional scholars regarding the constitutionality of the law. POGO's letters were cited during markup of the bill, which was voted out by the Senate Judiciary Committee with bipartisan support.



# Combating foreign influence in United States policy

The issue of foreign influence in our political system has never been more prominent in public discourse.

A previously obscure law called the Foreign Agents Registration Act (FARA) has been the topic of much interest from the public, the media, and Congress as the investigation into Russian influence in the 2016 presidential election has continued. And because we've had a long history of raising concerns over the law's effectiveness, POGO is a go-to-resource for Members of Congress and the media.

In 2017, we submitted written testimony to the Senate Judiciary Committee calling for Congress to **close the many loopholes that**

**“When lobbyists fail to properly disclose their activities, the public and even Congress can be left in the dark about how their policies are shaped and influenced.”**

— Lydia Dennett, POGO Investigator, in testimony to the Senate Judiciary Committee on FARA.

**make the FARA law ineffective**, building off our 2014 report, *Loopholes, Filing Failures, and Law Enforcement: How the Foreign Agents Registration Act Falls Short*.

We believe the public should know when foreign interests attempt to influence our government's decisions and will continue to push for a stronger FARA that requires robust disclosures and dedicates resources to allow the Department of Justice to investigate and prosecute violations of the law.

Legislation was introduced in both the House of Representatives and the Senate in October 2017 to address the problems we raised. We've been meeting with Congressional offices in 2017 and 2018 to boost support for the legislation.



**The public  
should know  
when foreign  
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government's  
decisions.**

# Demanding stronger ethics in leadership



POGO's years of work on government ethics and conflicts of interests positioned us well to be a major voice on any issues that would arise during the Trump Administration.

## Unprecedented level of conflicts of interest

The American people deserve a complete picture of conflicts of interest to ensure that senior leaders are working to **benefit the public, not themselves**, their former employers or clients, or others.

The first year of the Trump Administration presented us with an unprecedented level of potential conflicts of interests due to the nature of President Trump's business holdings and the individuals he appointed to serve in key positions.

**"The fewer conflicts of interest people in the White House have, the better off the country will be."**

— Scott Amey, POGO General Counsel, in *USA Today*



Over the course of 2017, our team

- **called for President Trump to strengthen his ethics pledge** to include preventing industry lobbyists from entering his Administration;
- urged the Office of Government Ethics (OGE), in its role as the head of all executive branch ethics programs, to **require more comprehensive and detailed ethics agreements** for executive agency appointees; and
- met with Representative Jason Chaffetz (R-UT), then-chairman of the House Oversight and Government Reform Committee, Representative Elijah Cummings (D-MD), ranking member of the Committee, and their staffs to **discuss the strengths and weaknesses of OGE and advocate for more enforcement power at the Office.** (These talks continued with both Republican and Democratic Committee staff throughout 2017.)

Also, in the first half of 2018, our team filed two separate complaints with the Securities and Exchange Commission (SEC) requesting it investigate possible insider trading by former and current Administration officials:

- **Carl Icahn**, former advisor to the President, **engaged in possible insider trading** ahead of an announcement by President Trump imposing 25 percent tariffs on steel imports.
- **Commerce Secretary Wilbur Ross** opened a short position in a company with potential knowledge that that the stock value of the company could decrease due to a forthcoming media report. This trade may also violate the Stop Trading on Congressional Knowledge Act (STOCK Act), and may constitute a violation of false statement laws and regulations for federal employees.

## Halted confirmation of FEMA deputy administrator

Through the results of a decade-long Freedom of Information Act battle stretching back to the George W. Bush Administration, POGO **exposed ethics concerns** regarding President Trump's nominee to become FEMA's deputy administrator, Daniel Craig, which ultimately led him to withdraw his nomination before the Senate.

We **obtained documents through a Freedom of Information Act request** that showed during Craig's previous tenure at FEMA, he conducted employment negotiations with two companies that received lucrative non-compete contracts from the agency the day after Hurricane Katrina hit Louisiana. He went on to work for a firm that lobbied for one of the companies.

# Exposing industry ties to government

## Revealed “legalized corruption” at the FDA

In 2017, POGO’s investigative reporting further highlighted a form of legalized corruption taking place at the Food and Drug Administration (FDA).

Our “Drug Money” reporting documented the extent to which the FDA depends on industry for funding—almost half of the FDA’s entire operating budget comes from industry—and how that money comes with extraordinary strings attached.

In 2017, we released a follow-up report showing that similar negotiations over so-called “user fees” take place between the FDA and companies that manufacture medical devices, such as pacemakers, prosthetic limbs, and diabetes monitoring devices. Our reporting showed that the latest round of these negotiations actually resulted in Congress weakening reporting requirements for malfunctions in these life-saving devices.

**Almost half of the FDA’s operating budget is controlled by industry.**

## Bribery in Alabama poses conflicts for Jeff Sessions

### OUTLETS POGO CO-PUBLISHED WITH IN 2017:

- Mother Jones
- Slate
- Politico
- Vox
- Just Security

Through a series of reports over the course of 2017, POGO's investigative team brought Attorney General Jeff Sessions' deep political ties to and actions taken on behalf of individuals subsequently prosecuted in a federal bribery case to the attention of national media.

Our reporting, some of which was in collaboration with *Mother Jones*, found that Sessions had major conflicts of interest due to those connections to defendants in the trial and the Alabama law firm and coal company where they worked. As a result, we called for him to recuse himself from this case.

In the first half of 2018, we again collaborated with *Mother Jones* to advance the story and uncovered new details about then-Senator Sessions' role in blocking an EPA action targeting one of his biggest donors.

(Photos: Gage Skidmore / Flickr, Kelly Michals / Flickr; POGO illustration)



# Holding contractors accountable

The use of outside contractors to provide services to the federal government has grown dramatically since the start of the last decade.

## Tracking federal contractor misbehavior

**In 2017, federal contract spending increased substantially, reaching over half a trillion dollars.** When the government relies on so much outside work to function, it is essential that adequate transparency and accountability mechanisms are in place so Congress and executive branch agencies can conduct proper oversight and ensure that **taxpayer dollars are not being wasted.**

Since 1995, POGO's **Federal Contractor Misconduct Database** has been educating contracting officials, policymakers, and the public about the track records of the largest companies doing business with the federal government. We've tracked **over 2,700 instances of misconduct involving 220 federal contractors**, which have paid penalties totaling nearly \$100 billion.

POGO revealed that the federal government's top 100 contractors spent \$289 million on political influence and received more than \$262 billion in federal contract awards in fiscal year 2016. It's no wonder the revolving door is spinning off its hinges—**contractors receive almost a \$1,000 return for every dollar spent on lobbying and election activities.**

We've continued to push Congress to do more to fend off corporate attacks on pro-taxpayer contracting protections. In 2017, we worked with lawmakers from both political parties to draft legislation that would strengthen transparency and accountability rules for federal contracts.



Neil Gordon, POGO Investigator, joined Sharyl Attkisson's Full Measure to discuss his analysis, "The Dark Side of the 'World's Most Admired' Companies." His analysis showed how many companies on Forbes' annual "World's Most Admired" list are featured in our **Federal Contractor Misconduct Database** and racked up thousands of misconduct instances and billions of dollars in penalties for misbehavior.



(Department of Defense photo)

## Natural disaster recovery and preparedness

In 2017, communities across the country felt the devastating effects of catastrophic natural disasters. Unfortunately, this frequency and intensity is the “new normal.” Record forest fires on the west coast forced people from their homes. Texas, Florida, and Puerto Rico were hit by Hurricanes Harvey, Irma, and Maria.

**Taxpayer dollars are most at risk of being wasted due to fraud and abuse by government contractors** after these types of disasters, and POGO’s expertise on federal contracting has allowed us to sound the alarm over any potential mismanagement of relief funds. POGO experts were frequently quoted in the press on stories related to problematic contractors.

After publishing an op-ed in *Government Executive*, our policy team **submitted testimony to the Senate Homeland Security and Governmental Affairs Committee** on our



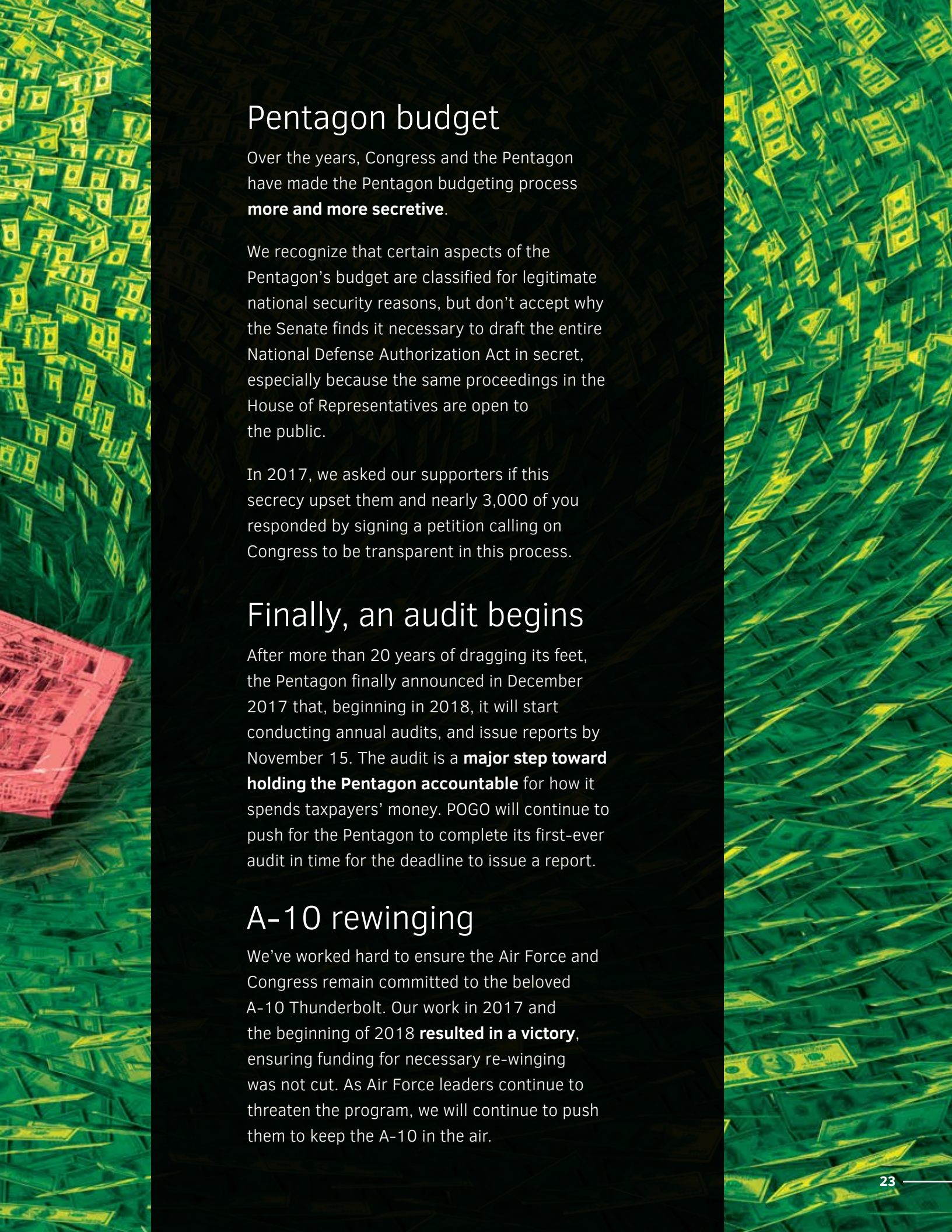
As part of POGO’s work on improving the federal government’s disaster preparation and response, POGO staff visited a FEMA distribution center to better understand the challenges they face.

recommendations for how the government could be better prepared to respond in the aftermath of these natural disasters. We pushed Congress and the executive branch to do more in order to be better prepared for the new normal of more frequent and more intense natural disasters.



ACCOUNTABILITY

# Fighting wasteful Pentagon spending

The background of the page is a dark, textured surface with a pattern of falling US dollar bills. The bills are rendered in shades of green and yellow, creating a sense of motion and abundance. The bills are scattered across the entire page, with some appearing more prominent than others.

## Pentagon budget

Over the years, Congress and the Pentagon have made the Pentagon budgeting process **more and more secretive**.

We recognize that certain aspects of the Pentagon's budget are classified for legitimate national security reasons, but don't accept why the Senate finds it necessary to draft the entire National Defense Authorization Act in secret, especially because the same proceedings in the House of Representatives are open to the public.

In 2017, we asked our supporters if this secrecy upset them and nearly 3,000 of you responded by signing a petition calling on Congress to be transparent in this process.

## Finally, an audit begins

After more than 20 years of dragging its feet, the Pentagon finally announced in December 2017 that, beginning in 2018, it will start conducting annual audits, and issue reports by November 15. The audit is a **major step toward holding the Pentagon accountable** for how it spends taxpayers' money. POGO will continue to push for the Pentagon to complete its first-ever audit in time for the deadline to issue a report.

## A-10 rewinging

We've worked hard to ensure the Air Force and Congress remain committed to the beloved A-10 Thunderbolt. Our work in 2017 and the beginning of 2018 **resulted in a victory**, ensuring funding for necessary re-winging was not cut. As Air Force leaders continue to threaten the program, we will continue to push them to keep the A-10 in the air.



“BUY BEFORE YOU TRY”

*Pentagon officials tour a Lockheed Martin F-35 facility. (Department of Defense photo)*

# Fighting ineffective, expensive systems

Shut down attempts by Air Force officials to abandon \$21 billion in purchased aircraft

The F-35 Joint Strike Fighter **continues to be the most expensive weapon system the Pentagon has ever purchased**—and 17 years into the program, it lacks essential combat capabilities, and the price tag has soared from a projected \$40–\$50 million per plane to \$150 million per plane. In 2017, our Center for Defense Information team continued fighting to bring accountability to the F-35 program.

As our reporting revealed, **after purchasing over 100 F-35s before they were ready to fly**, the Pentagon thought it could no longer afford to upgrade them and planned to leave taxpayers with \$21 billion in aircraft that could never be used in combat. Our investigation forced officials to back off their wasteful plans.





Sailors man the rails during the USS Gerald R. Ford commissioning ceremony. (U.S. Navy photos)

## Prevented the Pentagon from skipping critical safety tests for the USS *Ford*

Last year, the Navy attempted to **skip critical “shock” tests of its new aircraft carrier**, the USS *Gerald R. Ford*, in order to fast-track its deployment. We reported serious concerns about the safety of the sailors onboard these ships if the Navy were allowed to skip this test.

**This is yet another example of the “buy before you try” strategy** that the Pentagon has used with numerous weapons programs in order to hide potential flaws from the American taxpayer. In June 2017, we sent a letter to both the House and Senate Armed Services Committees urging them to block this effort. We followed up by meeting with Congressional staff

and relaying our concerns—and they listened. Due to pressure from influential Members of Congress, the Pentagon announced in March 2018 that it would not oppose the tests.

POGO’s Center for Defense Information team will continue to monitor the results of these tests to ensure that all safety concerns are addressed. But safety isn’t POGO’s only issue with the new “supercarriers”—they’re going to cost a fortune before all is said and done. We are continuing to push for reforms to the acquisition process so taxpayers don’t get ripped off by Pentagon contractors for yet another boondoggle.




PERPETUAL SECRECY, ENDLESS WARS

# Strengthening checks and balances

America has been at war for 17 years.

The Pentagon and three presidents have used the vote to authorize the use of military force in Afghanistan back in 2001 as justification to place our soldiers in harm's way around the globe—and **Congress has given them a pass.**

Amid the darkness of endless war and perpetual secrecy, the Center for Defense Information at the Project On Government Oversight has been a beacon of light, shaping a realistic path forward to changing course and **holding Congress accountable for our wars.**



**Lou Fisher**  
Scholar in Residence

Lou Fisher worked for four decades at the Library of Congress and is a prolific author and scholar on Constitutional law, the executive branch, and war powers.

Fisher's advice and counsel will support our ongoing work to make elected officials accountable for our wars.

*(U.S. Air Force photo)*



PROTECTING VITAL INSTITUTIONS

# Defending the courts



**Stephen Vladeck**  
Supreme Court Fellow

Stephen Vladeck joined POGO as part of the addition of The Constitution Project.

He is a Professor of Law at the University of Texas School of Law, specializing in constitutional law, federal courts, and national security law.

His insight will play a pivotal role in our work on preserving the independence of the courts.

A cornerstone of The Constitution Project’s work will be to **protect and strengthen the independence of the judicial branch.**

The team is in the process of launching a public education campaign on the role of the courts as part of the checks and balances needed for an effective government. The team’s work will also ensure that POGO is prepared to respond to a constitutional crisis involving the courts, whether it comes in the form of defiance of a court order or other threats to the courts’ legitimacy or independence.

# Ensuring access to justice

The Constitution Project (TCP) has a long history of safeguarding constitutional rights when they are threatened by the government’s criminal justice and national security practices. The team will continue to leverage its large network of validators—distinguished Americans with diverse expertise as former prosecutors, judges, and law enforcement officials—to defend due process, equal protection under the law, effective counsel, and the prohibition against cruel and unusual punishment.

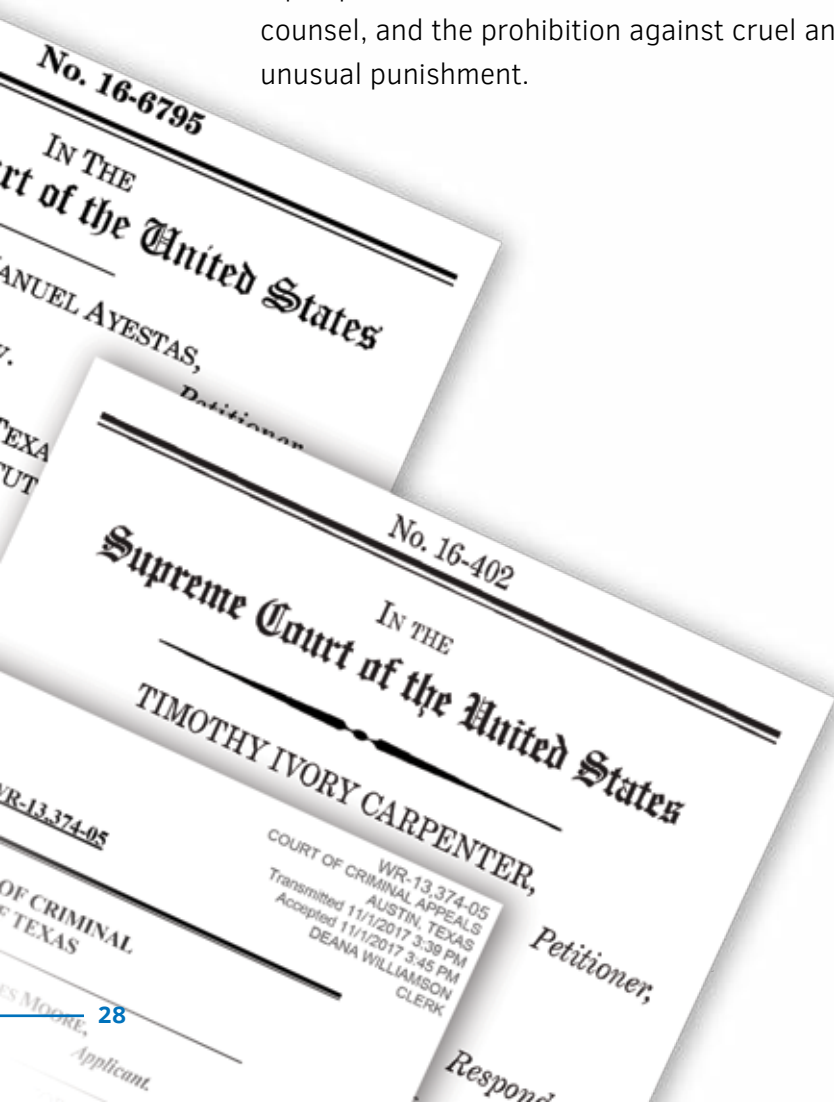
**In just one year, The Constitution Project organized the filing of 10 amicus briefs on some of the most important criminal justice cases of 2017.**

The Supreme Court cited a TCP brief in its ruling in *Bobby Moore v. Texas*, a case involving Texas’s lack of a scientific standard for determining intellectual disability in capital cases (as those with intellectual disability cannot be executed under the 8th Amendment).

Later in 2017, TCP filed a follow-up brief in further proceedings in the case in the Texas Court of Criminal Appeals.

In June 2017, TCP filed a brief in the case of *Ayestas v. Davis*, supporting a Texas death row prisoner’s claim that the Fifth Circuit Court of Appeals imposed an illegal burden on him to prove he needed funds for his defense. The brief argued that such a standard would exacerbate existing challenges to an prisoner’s ability to procure needed defense services and would deepen unacceptable disparities in the administration of justice nationwide.

In March 2018, the Supreme Court ruled unanimously in favor of Ayestas and sent the case back to the Fifth Circuit for review under a different standard.



# Protecting your right to privacy

Building on years of work promoting policies that protect individuals' privacy from overly broad surveillance by the government, The Constitution Project will tap into POGO's investigative capacity in 2018 to go wider and deeper on this issue. This work is especially important as new technology disrupts longstanding laws, and threats to norms and institutions break down barriers that protect civil liberties.

The TCP team is leading advocacy efforts on many of the top emerging issues relating to location tracking, facial recognition, and aerial surveillance.

Already in 2018, the team has convened a task force on facial recognition, comprised of individuals with diverse experience and expertise, to examine reasonable limits on facial recognition surveillance as a critical response to this powerful and rapidly advancing technology.

The task force will examine the status of facial recognition surveillance by law enforcement and its legal and policy ramifications, and set out recommendations for reforms that will protect privacy rights from government abuse.





A DUTY TO THE PEOPLE

# Strengthening Congressional Oversight

## Blocked shutdown of Congressional watchdog

**POGO played a vital role in saving two independent Congressional offices from being gutted and shut down in 2017.** The first was when the House of Representatives' Office of Congressional Ethics, which investigates allegations of unethical behavior by Members of Congress and publicly reports its findings, came

under fire just as the new Congress began. This office is essential to holding Members of Congress accountable for their behavior while serving in office. **We mobilized thousands of supporters to call Congressional offices,** successfully blocking this effort.

## Saved the Congressional Budget Office

The House of Representatives attempted to gut the nonpartisan Congressional Budget Office (CBO), apparently in retaliation for an analysis the office produced. The CBO employs independent experts to impartially analyze legislation to determine associated costs. The effort to gut the office or to shut it down completely and shift its responsibilities to think

tanks that receive funds from entities with a stake in the results of the analysis are an attack on Congressional capacity to conduct independent analysis.

Once again, we raised this issue with our supporters, mobilizing them to **contact their Members of Congress and stop this effort.**

## Trained over 300 Congressional staff

In 2005, we launched the Congressional Training Program series, occasional seminars to help Congress better perform one of its most important constitutional responsibilities—exercising its role in our democracy's system of checks and balances by conducting oversight of the executive branch.

Its success led us to expand the program into the Congressional Oversight Initiative (COI), now four years old.

Its projects now include a celebrated oversight “boot camp,” master classes for senior aides, an annual fellowship, an email newsletter, expert consultations, and more. COI has not only helped Congressional staff develop the skills to conduct proper oversight, it has allowed POGO

to strengthen our working relationships with House and Senate investigators and oversight staff from both sides of the aisle.

In 2017, COI held 9 Congressional training seminars with nearly 300 participants, and 3 Congressional oversight boot camps with 58 participants and taught by over 30 professionals.

**“I found the experience to be invaluable in furthering my understanding and knowledge in my day-to-day work.”**

— Congressional staffer and 2017 boot camp participant

## Brought expertise to Congressional offices

In 2017, POGO established the Congressional Oversight Fellowship Program. The fellowship is geared toward mid-career professionals interested in learning more about Congressional oversight and investigations.

The program seeks candidates who might otherwise be considered non-traditional for Congressional staffing, such as investigative reporters, professional researchers, issue experts from advocacy groups, and research-oriented academics.

Jim Getz and Andrea Noble were selected as the first two fellows.



**Morton Rosenberg**  
Fellow

Morton Rosenberg was a senior legal analyst with the Congressional Research Service (CRS) for 35 years and will play an important role at POGO, strengthening our efforts to provide practical guidance to Congress to better perform its Constitutional oversight responsibility.

# Expanding our capacity

In early 2017, POGO's Board of Directors challenged the staff to **increase our impact and capacity as an organization**. The Board envisioned a future intensification of the issues around whistleblower and oversight protections that POGO has long tackled. The challenge was to double our budget and our staff in order to be well-positioned to address the new challenges the country would face.

POGO's staff, board, and the generous support of our donors and the public's appetite for nonpartisan government watchdogs to hold our officials and politicians accountable.

It's easy to forget that it wasn't so long ago that POGO had a staff of two. Danielle Brian and Keith Rutter have been leading POGO together for nearly 30 years. And General Counsel Scott Amey has been with POGO for 20. Over that time, the organization has grown steadily. But 2017 saw the largest single-year growth in the organization's history. We grew from 18 to 39 full-time staffers and added 3 fellows and a special advisor. This growth took place across all of our teams.

## Investigative Team

POGO's investigative team grew from three to eight and consists of former reporters, Congressional staffers, and government employees. After spending three years at the federal Office of Special Counsel, Nick Schwellenbach came back to POGO as director of investigations.

In response to new demands on our investigations, the team expanded to include former *Washington Post* reporter Andrea Peterson, former Congressional staffer Laura Peterson, and Katherine Hawkins, an experienced human rights attorney.



*POGO staff at the organization's staff retreat.*

We are happy to report that in the span of one year, **POGO saw significant growth in the variety of areas of our work, including reaching the goals set by the Board**. This growth was possible thanks to the hard work of



## Policy Team

To better advance the policy changes needed to address the many new issues uncovered by the growing investigative team, POGO restructured some of its current staff in order to create a dedicated policy team.

Liz Hempowicz, previously POGO's policy counsel, was named the new director of public policy. Peter Tyler, who previously worked in the Department of Health and Human Services' Office of Inspector General and as a staffer in both the House of Representatives and Senate, joined the policy team in 2017. Sean Moulton also moved to the policy team as a senior policy analyst, having previously worked as POGO's open government program manager. Rebecca Jones was hired as the newest Beth Daley Policy Associate.

**In 2017, we grew from 18 to 39 full-time staffers and added 3 fellows and a special advisor.**

## Communications Team

There was a new energy in the organization to create a complete communications team that could not only respond to the growing media attention our issues were getting but to also proactively grow POGO's audience of supporters beyond the Beltway.

In 2017, Tim Farnsworth was brought on as POGO's chief communications strategist.

Christine Ostrosky and Emma Stodder were brought onboard to lead media outreach and help bolster POGO's digital communications. Johanna Mingos, another POGO alum came back to become our database specialist.

## Center for Defense Information

Pulitzer Prize-winning national security reporter Mark Thompson joined the Center for Defense Information (CDI) team in March 2017. With Mark's 30-plus years of experience covering the Pentagon and writing about military reform, the time was right to up CDI's capacity with Mark's new dedicated column, "The Military-Industrial Circus," on issues centered around the ever-growing military-industrial complex.

## The Constitution Project

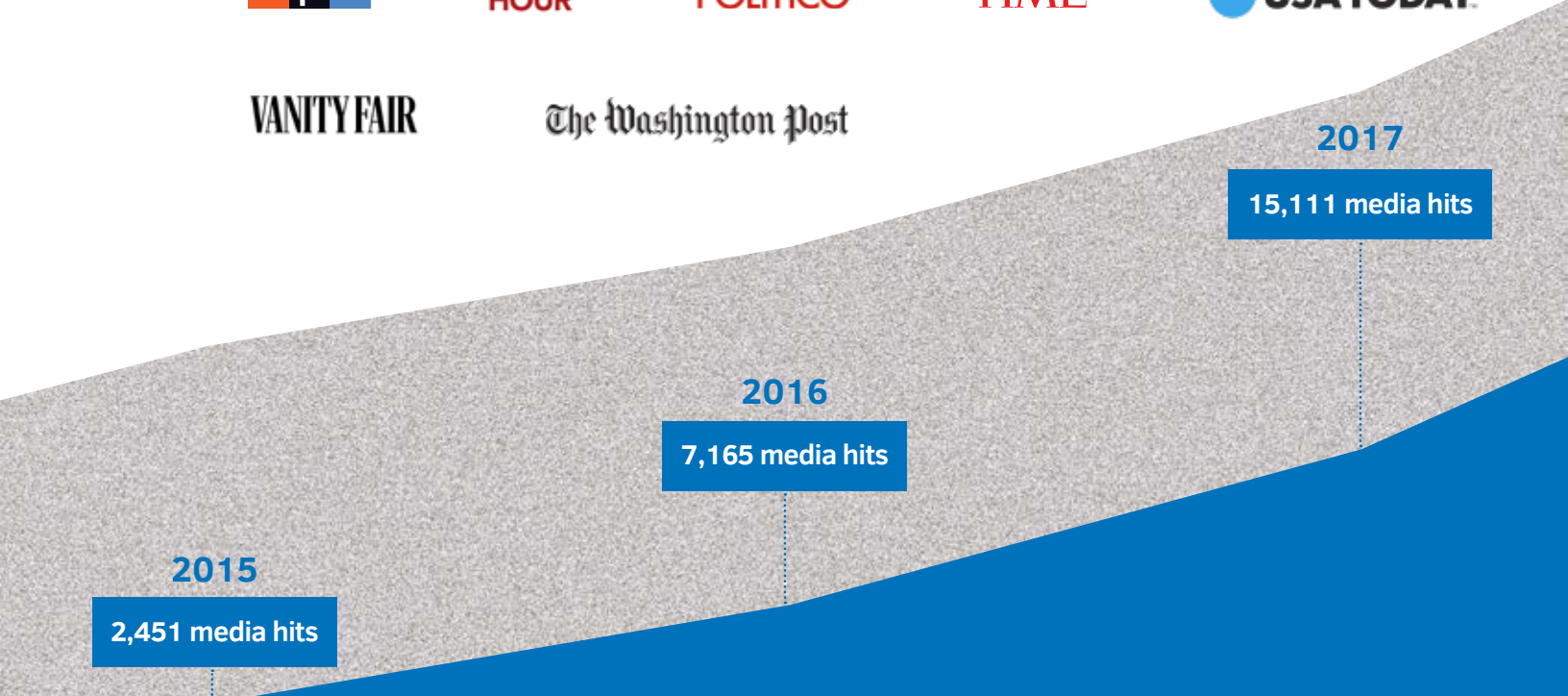
The Constitution Project, POGO's newest team, works to combat the increasing partisan divide regarding our constitutional rights and liberties. Its addition will make POGO more effective in holding the entire federal government accountable.

In December 2017, Sarah Turberville became the director of TCP. Jake Laperruque came on board as senior counsel and David Janovsky joined as TCP's program associate.

Prior to joining POGO, The Constitution Project was hard at work protecting our right to privacy, ensuring access to justice, preserving habeas corpus, and strengthening our democratic institutions of checks and balances. All of this work will continue at POGO.

# Increasing our reach

## TOP PUBLICATIONS IN 2017

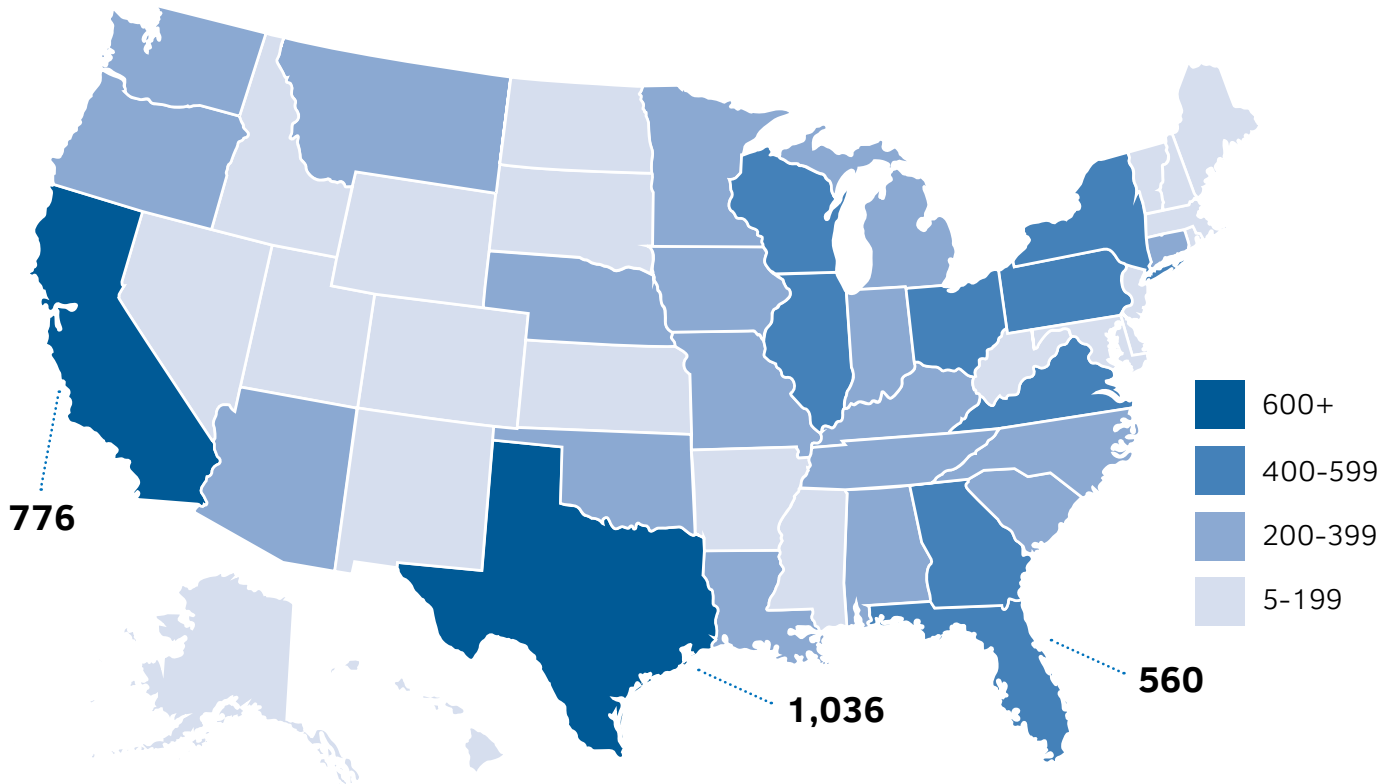


**POGO's media mentions more than doubled from an estimated 7,000 in 2016 to over 15,000 in 2017.** The first year of President Trump's term in office brought renewed interests in ethics issues in Washington, D.C. and POGO was seen as the nonpartisan voice of reason on many of these issues.

We saw our largest increase just after President Trump's inauguration, when reporters were still grappling with how to cover the president and his family's business ties. Reporters were also starting to hear about little known law that POGO has worked on for years—the Foreign Agents Registration Act (FARA).

## MEDIA MENTIONS IN LOCAL NEWS OUTLETS

POGO's reach across the country grew exponentially in 2017.



## MEETING WITH CONCERNED AMERICANS

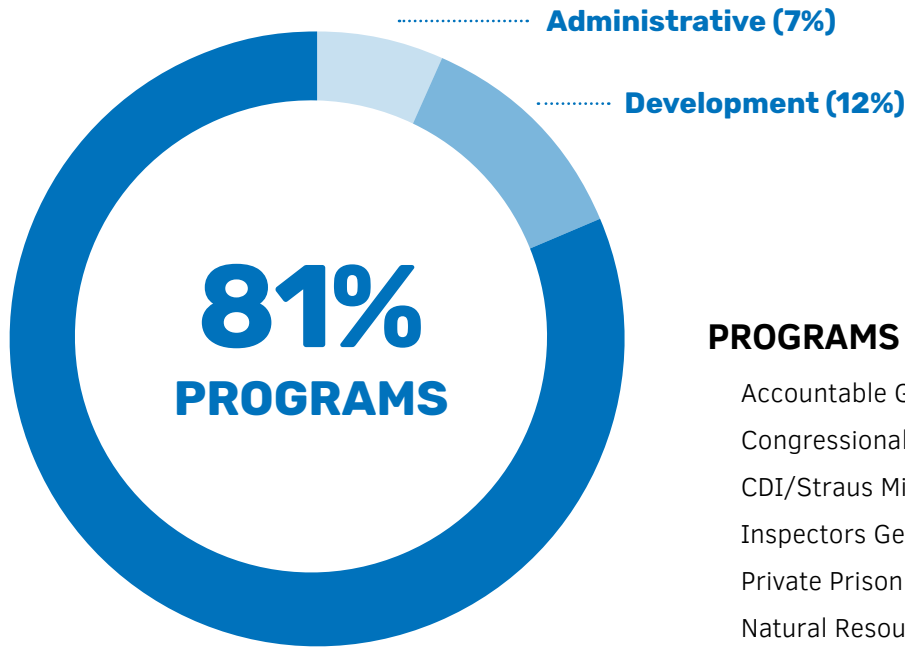
For years, we've heard from our supporters that they are fed up with the way Washington is working. Messages of "drain the swamp" mirrored what we had been calling for over the years—to remove the power that special interests have over public policy and get government working again for ordinary citizens. In 2017, we traveled across the country and heard from concerned Americans what "drain the swamp" means to them. We visited

- Yellville, Arkansas, and spoke with 20 local residents (photo, top);
- Lexington, Kentucky, and met with a diverse group of voters; and
- Los Angeles, California, for a bipartisan unity conference of politically diverse high-school students (photo, bottom).



(Photo: Dave Teel Photography)

# Financial statement



## OVERVIEW

Change in net assets	\$3,488,143
Net assets at beginning of year	\$2,902,811
Net assets at end of year	\$6,390,985

## REVENUE

Grants	\$5,307,445
Contributions	\$1,000,356
Investment Income	\$389,069
Publications and Other Income	\$529,062
Total	\$7,225,932

## PROGRAMS

Accountable Government	\$1,781,487
Congressional Oversight Initiative	\$437,640
CDI/Straus Military Reform Project	\$421,668
Inspectors General Project	\$191,474
Private Prison Oversight	\$105,790
Natural Resources and Public Lands	\$50,653
Nuclear Weapons Security Investigations	\$45,401
DOD Revolving Door	\$35,153
Defense Spending Transparency	\$19,548
The Constitution Project	\$6,086
Defending the Courts	\$3,326
Direct and Grassroots Lobbying	\$41,693
Total	\$3,139,919

## SUPPORTING SERVICES

General and Administrative	\$252,073
Development	\$460,084
Total supporting services	\$712,157
Total expenses	\$3,852,076

This statement of activities from January 1, 2017, to December 31, 2017, has been audited.

# Why do you give to POGO?

John Helsom and Dr. Edna Bick



“We give to POGO because **you give us hope** for our country’s future and work to increase transparency in government.”

Barbara Meislin



“I count POGO high on my list of organizations that I support, thanks to the organization’s vital mission and the fact that **POGO is so highly rated** as a charity.”

Nithi and Jing Vivatrat



“We give to POGO because **POGO fights relentlessly** to preserve the core of what makes the American experiment, this system of government, unique in the world.”

Dr. Heidi Davidz



“Working in the aerospace and defense government contractor community, I feel we are stewards of taxpayer funds.

There are many ways to make the acquisition process more efficient and effective, and **I am glad to see an independent organization providing oversight.**”

# Thanks to our supporters

Our commitment to you: POGO never shares, sells, or rents the names of our supporters to other groups.

POGO does not accept contributions from for-profit corporations, labor unions, any government, or anyone who stands to benefit financially from our work, in order to preserve our independence.

POGO reviews all contributions exceeding \$100 in order to maintain this standard. POGO accepts employee- and customer-directed contributions and matching funds and accepts contributions from law firms, which we limit to less than 1 percent of POGO's operating budget.

## ESTATE GIFTS

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**Please remember POGO in your estate planning.**

Estate of Dr. James Head  
Estate of John R. and Edna M. Manning

Estate of Phyllis Shapiro  
Estate of Frank A. Sis

## \$300,000+

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Laura and John Arnold  
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Open Society Foundations  
The Bernard and Anne Spitzer Charitable Trust

## \$100,000+

---

The Bauman Foundation  
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## \$50,000+

---

The Arca Foundation  
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---

Arts & Letters Foundation  
Francis Beidler Foundation  
CS Fund  
The Frankel Foundation  
Fund for Constitutional Government

Park Foundation  
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## \$10,000+

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## \$5,000+

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**Danni Downing**, Congressional Training Program Director and POGO Editor

## The Constitution Project (TCP)

**Sarah Turberville**, Director of TCP  
**Dylan Hedtler-Gaudette**, External Affairs Associate  
**David Janovsky**, Program Associate  
**Jake Laperruque**, Senior Counsel

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**Johanna Mingos**, Database Manager  
**Mia Steinle**, Senior Fact Checker  
**Janel Forsythe**, Social Media Editor  
**Christine Ostrosky**, Communications Associate  
**Halley Brown**, Video Production Fellow



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