

FIGHTING FOR DEMOCRACY

PUT THE PEOPLE FIRST

PROJECT ON GOVERNMENT OVERSIGHT
2019 ANNUAL REPORT



Our government must *PUT THE PEOPLE FIRST.*

Dear Friend:

The Project On Government Oversight (POGO) has spent close to four decades fighting corruption and abuse of power in the government.

While we've had many wins, it's urgent that we keep fighting to stop the erosion of constitutional checks and balances. Congress has ceded its power to an overreaching executive branch, and there is weakening public faith in the judiciary. That compels us to work even harder to find solutions to systemic problems and ensure the government is responsive to the people.

2019 was a historic and challenging year. After a 35-day government shutdown, President Donald Trump issued a declaration of national emergency that circumvented the Constitution by overruling Congress and allocating funds for a wall at the U.S.-Mexico border. This set a dangerous precedent for future presidents to usurp Congress's authority, and we made it an organizational priority to reform a president's national emergency powers to prevent this from happening again. As part of that effort, we championed a bill sponsored by Republican senators to reassert Congress's constitutional authority.

While there are significant challenges facing our nation, those challenges provide an opportunity for reform.

Later in the year, allegations brought forward by a whistleblower that Trump had engaged in a quid pro quo with the president of Ukraine sparked a months-long impeachment battle that will certainly have long-term ramifications for our country.

Our investigation into an inspector general nominee two years ago laid the groundwork that made the whistleblower complaint to Congress possible in the first place. This is a great example of how **our work can have a huge impact down the road—even if we don't see it right away.**


While there are significant challenges facing our nation, those challenges also provide an opportunity for reform. **This year, the issues we've worked on for almost 40 years moved into the spotlight.** Once-niche topics like whistleblower protections and inspectors general became topics of discussion around the American dinner table.

Our amazing staff and supporters like you seized this momentum to make some really incredible changes. We led the charge on legislation that will improve oversight of immigration detention facilities, launched resources to help whistleblowers, and trained hundreds of congressional staffers on how to conduct more effective oversight. All of our success this year helped make headway toward a more just and ethical federal government.

Our mission is now more important than ever, and together with our supporters, we will push our government to make decisions based on what benefits the people. We cannot thank you enough for standing with us in this fight.



Danielle Brian
Executive Director



The Project On Government Oversight (POGO) 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.

TABLE OF CONTENTS

Director’s Note	2
Introduction	6
2019 by the Numbers	7
More Effective National Security	8
Exposing Undue Influence on Defense Policy	10
Fighting Corruption	12
Safeguarding Constitutional Rights	14
Protecting Americans from Excessive Surveillance	18
Protecting Whistleblowers	20
Whistleblower Allegations Lead to Impeachment	22
A Partnership for Whistleblower Reform	24
Building Stronger Checks and Balances	26
Congress	26
The Executive	28
The Courts	30
Your Financial Future on the Line	32
2019 Financials	34
Thanks to Our Supporters	36
Staff	40
Board of Directors, Advisors, and Fellows	42

INTRODUCTION

ABOUT US

The Project On Government Oversight (POGO) was founded in 1981 with the mission to expose waste and abuse in the defense budget. Since then, POGO has expanded its mission to investigate waste, corruption, and abuse of power throughout the federal government. POGO's work as a government watchdog protects and strengthens oversight, transparency, and accountability of all three branches.

HOW WE WORK

POGO is fighting for a fair and just federal government that works for the public, not just for those who have the money and connections to shape public policy for their own private gain. We have earned a reputation as a nonpartisan, honest broker that makes us a trusted resource among government insiders and decision-makers from both sides of the aisle, enabling us to work toward solutions that will fix America's democracy.

Our investigations team uncovers systemic issues of wrongdoing in the federal government, and focuses on where the government and powerful private interests intersect, a nexus where corruption and abuse of power can thrive.

Our public policy team explores and pushes for evidence-based policy reforms that address the systemic issues our investigations uncover.

Our communications team works with the media and public to educate them about the issues we've investigated and to put pressure on decision-makers to pass the reforms that will improve the government.

While these efforts address corruption and abuse of power in all three branches of the federal government, we also have three projects that drive good governance in specific areas:

- **The Center for Defense Information (CDI)** aims to secure a far more effective and ethical military at a significantly lower cost.
- **The Congressional Oversight Initiative (COI)** provides congressional staff with resources and knowledge to perform their oversight responsibilities more effectively in order to strengthen the legislative branch's ability to counterbalance executive power.
- **The Constitution Project (TCP)** safeguards constitutional rights that are threatened by abuse of the government's national security and domestic policing powers.

2019 BY THE NUMBERS

8



Supreme Court
amicus briefs filed

12

times POGO
testified
before Congress

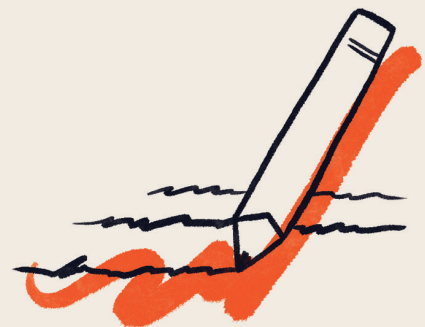


150

Freedom of Information
Act requests filed

20

editorials in major
news outlets



160,000

supporters
in our network

230

Congressional
staffers trained in
conducting oversight



51



times Congress
cited our expertise



123,376

actions taken by
our supporters

More Effective **NATIONAL SECURITY**

WASTEFUL WEAPONS PLATFORMS

The American people deserve a Pentagon that makes spending decisions based on national security needs, not on the profit motives of Pentagon contractors.

F-35's Abysmal "Fully Mission Capable" Rates

The F-35 Joint Strike Fighter continues to be the most expensive weapon system in the history of the Pentagon. Unfortunately, the program also continues to be plagued by significant problems. Our reporting, further substantiated by a Government Accountability Office report, revealed the F-35 is almost never fully ready for combat.

As part of our continuing investigation, the Center for Defense Information at POGO obtained documents that revealed the F-35's low fully mission capable rates, the most important measure of an aircraft's readiness for combat. One document revealed that the F-35 plummeted from its 12% fully mission capable rate in October 2016 to 0% in December 2017. Another document revealed that the test fleet at California's Edwards Air Force Base suffers from low readiness rates that may threaten the successful completion of the program's crucial combat-testing phase.



A U.S. Marine Corps F-35B Lightning II fighter aircraft aboard the amphibious assault ship USS Wasp. (Photo: U.S. Marine Corps)

These low readiness rates call the entire program into question. And exacerbating the problem is the fact that Lockheed Martin, the prime F-35 defense contractor, has impeded attempts to cut costs and has failed to resolve deficiencies.

POGO is pressing Congress to reform defense contract negotiations so that companies are held accountable when trillion-dollar weapon systems can't operate in combat. As a result, increased congressional scrutiny has already made improvements; the cost per plane has decreased, and the Pentagon is no longer fronting money for spare parts it can't track. POGO will continue to educate lawmakers to ensure our taxpayer money is spent effectively.



The future littoral combat ship USS Omaha (LCS 12) returns to the Austal USA shipyard. (Photo: U.S. Navy)

The Navy's Failing Littoral Combat Ship Program

In 2016, our CDI team investigated one of the most wasteful programs in the Navy's history, the Littoral Combat Ship program. When we first reported on the program, each ship was estimated to cost \$220 million. As of 2019, in a massive waste of taxpayer dollars, the cost for each ship had more than doubled to over \$520 million. In part because of the attention POGO brought to the flawed program, the Navy announced in early 2019 that it would abandon the program's original design plans and consider decommissioning four of the existing ships due to cost concerns.



A Delta IV GPS III Magellan rocket launches with the goal of modernizing navigation networks with a new generation of satellites. (Photo: U.S. Air Force)

Testifying on a Space Force

Dan Grazier, the Jack Shanahan Military Fellow at CDI, was invited to testify before the House Appropriations Committee's Defense Subcommittee in April 2019. He argued against the creation of an independent Space Force, detailing, among other things, the fact that it will increase bureaucratic waste and the development of unworkable high-tech weapons systems. He also urged Congress to restrict the Pentagon's budget, which would force Pentagon leaders to make better acquisition decisions.

The House committee followed our advice and rejected Trump's requested budget of \$72 million for the Space Force, although the full Congress eventually did fund the new branch at \$40 million in a different bill.

Exposing Undue Influence

ON DEFENSE POLICY

REFORMING THE DEFENSE BILL

Insufficient ethics laws governing Pentagon officials' actions have allowed a form of legalized corruption to flourish, and have made it extremely difficult for the public to know who is influencing policy decisions at the Defense Department.

Our investigations, as well as our report, titled *Brass Parachutes: The Problem of the Pentagon Revolving Door*, have exposed the revolving door between Pentagon officials and Pentagon contractors. The extent to which former government officials are hired by defense contractors raises questions about whether the Defense Department improperly favors certain companies when awarding federal contracts, which can allow waste, fraud, and abuse to persist.

Our investigations also exposed that numerous senior military officers retire from public service and go on to work for foreign governments. High-ranking former officers are often called upon by the Pentagon to provide advice on national security issues with the assumption that their sole loyalty is to the interests of the United States, but receiving payments from a foreign government opens up

the possibility that some may use their connections and influence as respected military officers to improperly push the interests of a foreign government when they are advising the Pentagon. Transparency of these relationships is essential so the American public can understand when corporate or foreign interests may be behind efforts to influence our government's policies.

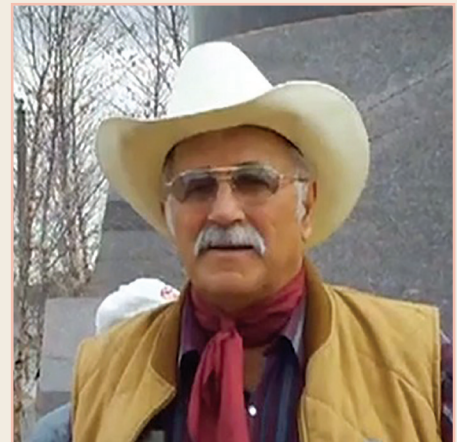
Ethics laws should prevent former government officials and military officers from using their public service to promote corporate or foreign interests at the expense of public interest. To help make that a reality, we met with congressional staff throughout the year to advance ethics reform amendments to the National Defense Authorization Act. POGO also led a coalition of 19 organizations to support our recommended reforms.

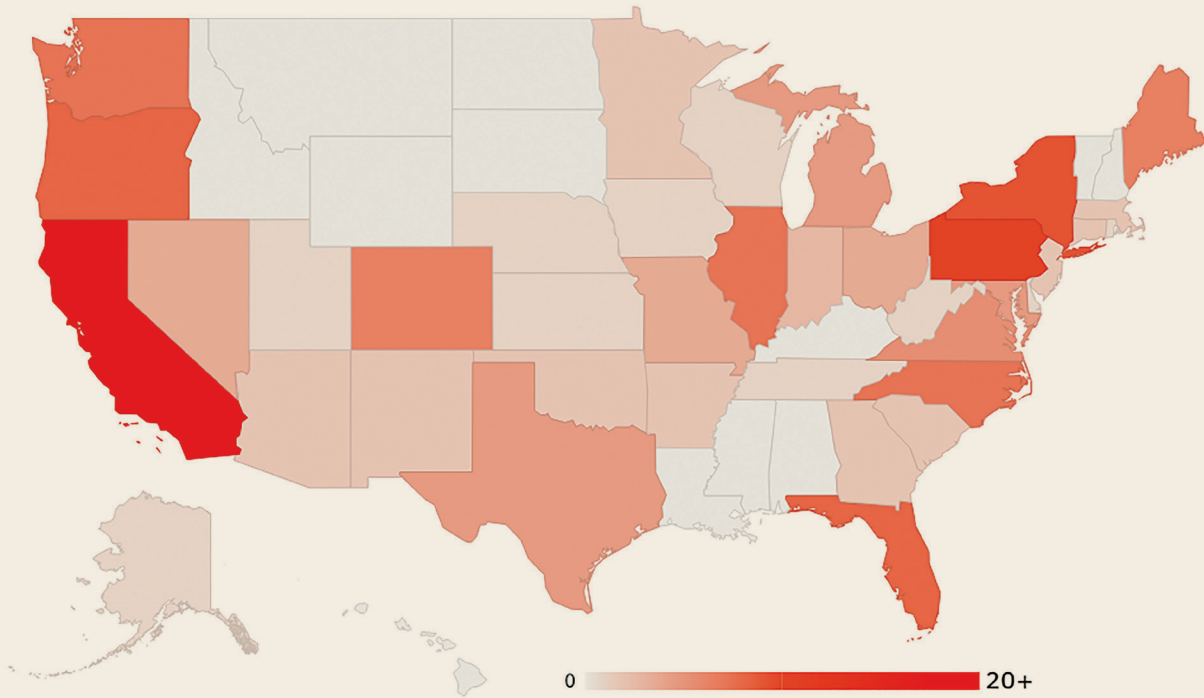
Representative Pramila Jayapal (D-WA) sponsored a key transparency amendment based on our recommendations that would require annual public reporting on retired military officers who work on behalf of foreign governments.

Supporter Spotlight

“POGO is the only outfit I trust in D.C. The people of POGO are not phony patriots. They can and will question military spending and waste for the people of the United States. It is up to us as citizens and patriots to demand that our government representatives use and share these sources of information with all of us.”

Marvin Kammerer
Rapid City, South Dakota





Representative Pramila Jayapal (D-WA) sponsored a key transparency amendment based on our recommendations. This map represents the POGO supporters across the nation who tweeted at 100 representatives in 37 states, a movement that led to the amendment being passed and signed into law.

POGO SUPPORTERS MAKE AN IMPACT

The voice of our supporters was critical to get the House of Representative’s attention on Jayapal’s amendment. To that end, we sent out a series of rapid response emails to our supporters, who immediately signed petitions and sent tweets urging members of Congress to pass the amendment. **Within 24 hours, POGO supporters across the nation tweeted at 100 representatives in 37 states.** Because of the pressure our supporters put on Congress, the amendment was passed by the House as part of a bipartisan package of amendments. The amendment was

ultimately signed into law, though the final version didn’t require the report be made public. The fact that our amendment received as much support as it did shows Congress is moving in the right direction.

Our supporters’ response demonstrates that there is public will to make the Pentagon more accountable, and Congress’s response to the public pressure demonstrates that we can improve Pentagon transparency together. That’s why we will continue to fight for a Pentagon that is transparent and accountable.

POGO LAUNCHES CIVIC ENGAGEMENT PROGRAM

In 2019, POGO launched a new civic engagement program that will strengthen our fight against corruption, fraud, and abuse of power. By connecting with new and existing POGO supporters, stakeholders, and partner organizations, we aim to engage Americans to build support on issues and put pressure on their elected officials to pass nonpartisan

reforms that curb federal corruption and the abuse of power.

One of the first key initiatives this program will be tackling in 2020 is a defense accountability campaign that will build political support for essential reforms to limit the amount of industry control over the Pentagon’s budget and national security policy decisions.

Fighting Against

CORRUPTION

We work to identify and shed a light on corruption within the federal government no matter the political affiliations of those involved. The government should work in the interests of you, the public, not special interests.

ESTABLISHING ETHICS IN THE GOVERNMENT

Every president since Ronald Reagan has issued an executive order upon taking office that outlines ethics rules for their administration. Before the 2016 election, POGO and our allies proposed reforms to strengthen executive branch ethics. POGO General Counsel Scott Amey (right) was one of three delegates who met with Trump's transition team, where he discussed our proposal. While the president agreed to limit lobbying by former administration officials, he unfortunately did not take our recommendation to divest from his businesses.

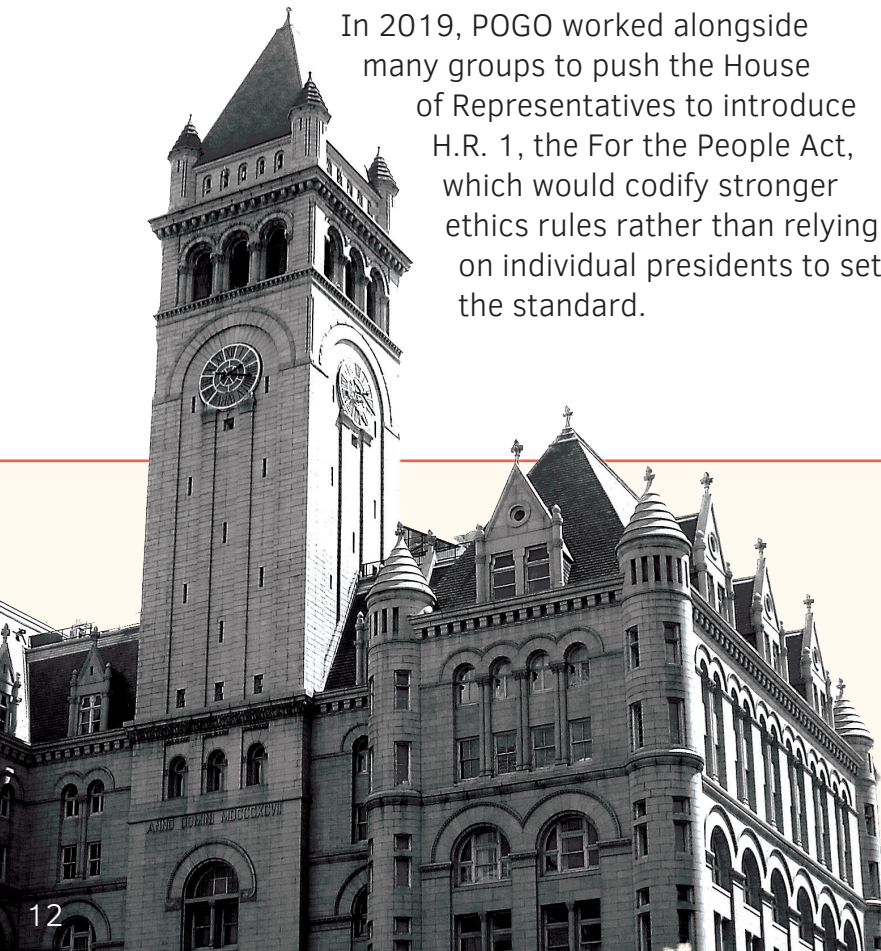


POGO General Counsel Scott Amey testifies before the House Committee on Oversight and Reform on H.R. 1 and executive branch conflicts of interest. (Photo: C-SPAN)

In 2019, POGO worked alongside many groups to push the House of Representatives to introduce H.R. 1, the For the People Act, which would codify stronger ethics rules rather than relying on individual presidents to set the standard.

Congress asked us to provide our expertise, and Scott was invited to testify before the House Committee on Oversight and Reform. He called on Congress to close the gaps in ethics and conflict-of-interest standards to ensure that those in government are working to benefit the American people and not themselves. The House overwhelmingly passed this bill, but the Senate has failed to take any action.

The Trump Organization, Trump's family business entity, leases from the federal government a historic Washington, DC, building where he has opened a luxury hotel. Since Trump did not divest from his business interests, he stands to personally gain financially from serving as president.



JUSTICE DEPARTMENT PROTECTS MONSANTO FROM PROSECUTION

A POGO investigation published jointly with *Yahoo News* revealed that then-Deputy Attorney General Rod Rosenstein overruled prosecutors in the Justice Department last spring to prevent them from charging biotech giant Monsanto with a felony for illegally spraying toxic pesticides in Hawaii. Rosenstein demanded that the charges be downgraded to misdemeanors.

At least one senior member of Monsanto's legal team had previously worked in the Justice Department. Monsanto ultimately pleaded guilty to a misdemeanor for spraying the pesticides, and entered a deferred prosecution agreement for two felony counts. If the company fulfills the terms of the agreement, the felony charges will be dismissed in two years.

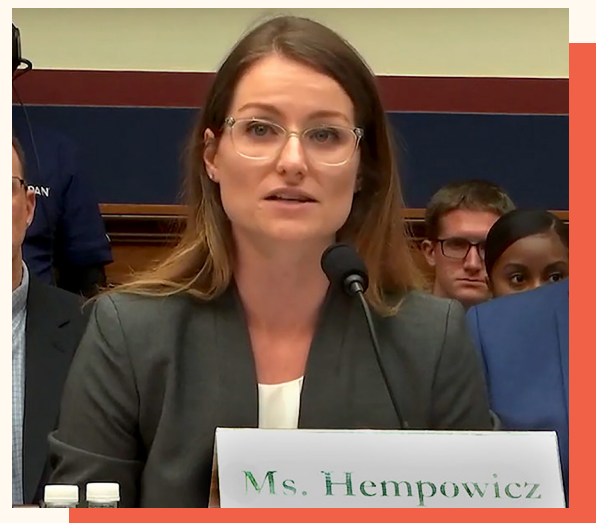
This is a perfect case study of how a revolving door between private corporations and government agencies benefits well-connected corporations and individuals at the expense of the public. In this case, a former high-level official likely influenced Justice Department decisions to benefit one of the world's largest agricultural biotech companies, and the government agency tasked with upholding our nation's laws failed to serve the interests of the public.

Our recommendations call for the creation of standardized processes for the department's prosecutorial decisions, the publication of those decisions, and for closing the revolving door. If implemented, these recommendations would be important steps toward ending government corruption and ensuring the government is serving you.

CONFLICTS OF INTEREST AT THE TRUMP HOTEL

We raised concerns that Trump's business interests at the Trump Hotel in Washington, DC, may be at odds with the interests of the public. The president's own political appointees at the General Services Administration, the agency responsible for leasing federal property, have the ability to influence lease negotiations that could significantly benefit Trump himself. Trump's personal connection to the hotel raises questions about special access to the president for those who stay there.

POGO Director of Public Policy Liz Hempowicz (right) testified before Congress about the potential for conflicts of interest posed by the hotel, and raised concerns about the review of the Trump Hotel lease, and cast doubt on its



POGO Director of Public Policy Liz Hempowicz testifies before the House Committee on Transportation and Infrastructure on the Trump International Hotel lease, September 25, 2019. (Photo: C-SPAN)

legality. Shortly after the hearing, the Trump Organization put the hotel lease up for sale.



Safeguarding **CONSTITUTIONAL RIGHTS**

ACCOUNTABILITY IN IMMIGRATION DETENTION

POGO works to ensure that the government exercises its immigration authority in a fair and humane manner in accordance with constitutional principles.

Cruel and Unusual Punishment

The Trump administration has implemented radical changes in immigration enforcement policies, and the number of immigrants placed in detention facilities—especially for-profit facilities overseen by Immigration and Customs Enforcement (ICE)—has skyrocketed.

The Constitution's guarantee of due process and its prohibition against cruel and unusual punishment apply to everyone, not just citizens. Our investigations show that the government is violating the Constitution in its treatment of immigrants at detention facilities.



*At sunset near McAllen, Texas, migrants that have crossed the Rio Grande surrender to U.S. Border Patrol near an area known as Rincon; from there they will be transported to a processing center.
(Photo: U.S. Customs and Border Protection / Mani Albrecht)*

One of the most extreme constitutional violations is the overuse of solitary confinement at immigration detention facilities. Information that POGO obtained through the Freedom of Information Act revealed that ICE is routinely keeping an “alarming” number of detainees with serious mental illnesses in solitary confinement for weeks or months at a time, often instead of providing adequate mental health care.

In fact, 40% of the 6,559 records POGO obtained state that a detainee placed in solitary confinement had a mental illness. Placing people with mental illnesses in solitary can exacerbate their condition and lead to side effects like hallucinations and suicidal thoughts and behaviors. Many experts argue that solitary confinement qualifies as cruel and unusual punishment, and is therefore unconstitutional.

ICE Neglects Basic Medical Needs

POGO also uncovered numerous credible reports of medical neglect in ICE detention facilities that point to a chronic failure to meet medical needs of immigrants being detained.

In one case, a paralyzed detainee had to have his leg amputated after the facility's negligent medical care caused his mild

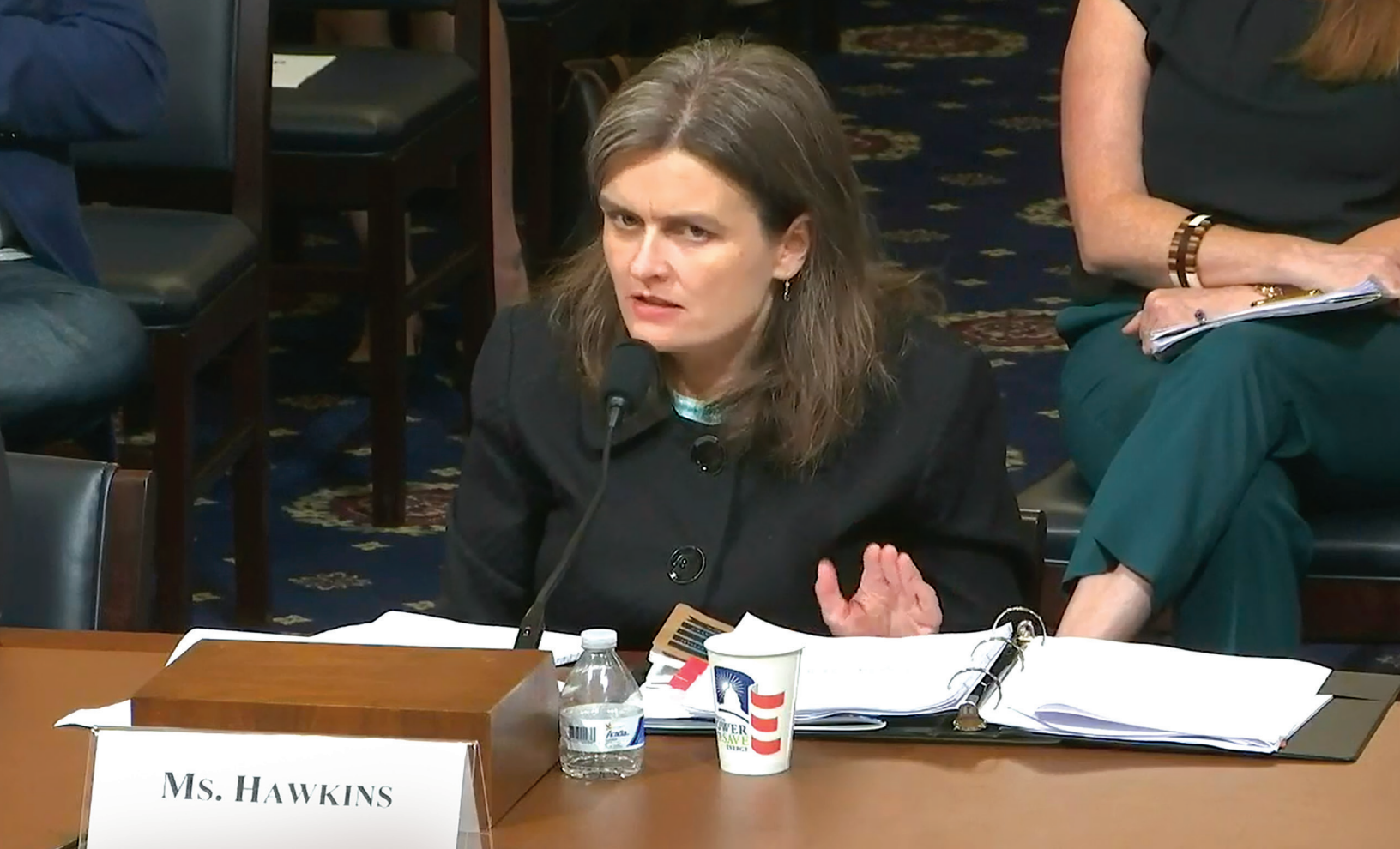
bedsores to become infected during his detention. In another case, a person with a substance abuse disorder was abruptly cut off from treatment, but medical staff at the facility never physically examined the patient and dismissed his physical and mental deterioration. The immigrant ultimately died in custody.

Oversight Failures Allow Inhumane Treatment to Continue

Our investigations also found serious flaws in the inspection and oversight of detention facilities. While detention facilities are subject to various forms of oversight, the system is failing to adequately protect detainees. Inspections by private contractors occur the most frequently, but we found that those inspections chronically fail to uncover serious violations of

detention standards. Violations they do find are downplayed and dismissed. Government inspections, which occur less routinely, are often buried and their recommendations to improve the facilities are ignored. The oversight system for ICE facilities is insufficient to prevent ongoing human rights abuses, including the overuse of solitary confinement and medical neglect in these facilities.





Katherine Hawkins, Senior Legal Analyst with The Constitution Project at POGO, testifies before the House Homeland Security Committee's Oversight, Management, and Accountability Subcommittee in September 2019. (Photo: C-SPAN)

POGO Provides Expertise to Congress

Following these investigations, our Constitution Project and policy teams crafted a series of recommendations for Congress that would reform the oversight failures we identified and ensure humane conditions at ICE facilities.

Senior Legal Analyst Katherine Hawkins (seen above) testified before the House Homeland Security Committee's Oversight, Management, and Accountability Subcommittee in September 2019. She and the CEO of the private contractor tasked with oversight of detention facilities—which we found was failing to do its job—were the only non-government experts who testified. Her testimony outlined the results of our investigations and included recommendations for Congress on how to improve oversight of immigration detention.

Congress heard us. Senators Dick Durbin (D-IL), Cory Booker (D-NJ), and Kamala Harris (D-CA) introduced legislation to combat the overuse of solitary confinement in detention, and cited POGO's investigations as a reason for introducing the bill. We plan to keep building coalition support for this bill to move it closer to law.

POGO also successfully got our recommendation to require improved internal inspections of detention facilities included in the year-end appropriations bill, which Trump signed into law. We'll be watching to see how the inspection requirement is implemented to ensure it is done properly, and that this and future administrations follow the law.

Protecting Americans from

EXCESSIVE GOVERNMENT SURVEILLANCE

POGO works to safeguard individual rights when they are threatened by the use and abuse of excessive government surveillance and emerging technologies.

LIMITING THE USE OF FACIAL RECOGNITION BY LAW ENFORCEMENT

The Constitution Project and its Task Force on Facial Recognition Surveillance, which comprises experts from across sectors, released *Facing the Future of Surveillance*, a report analyzing a broad set of constitutional principles—including privacy rights, First Amendment-protected activities, and due process—being put at risk by facial recognition technology. Our report also provided policy recommendations to safeguard these rights amid the growing use of this technology.

Facial recognition technology is increasingly being used by law enforcement, from local police to the FBI. Despite proven inaccuracies in the technology, including misidentifying people of color and women, POGO found that the FBI conducts over **4,000 searches per month** with its facial recognition systems, and **over 20 states**

have partnered with the FBI to use its technology to search for individuals. Yet federal lawmakers have not placed any substantial limits on the use of facial recognition technology.

Following the release of our report, we gained major attention in Congress. The House Oversight and Reform Committee relied on our findings to help formulate the content and witness list for two hearings on facial recognition. Our report was later entered into the formal hearing record by then-Chairman Elijah Cummings (D-MD). And a bipartisan amendment was introduced in the House to prohibit funding of law enforcement body cameras with facial recognition. The amendment, based on POGO's recommendations, was cosponsored by Representatives Tulsi Gabbard (D-HI) and Thomas Massie (R-KY).

ADVOCATING FOR SURVEILLANCE REFORMS

In addition to gaining Congress's attention, POGO's work also gained the attention of the tech industry. We were invited to present our findings to Reform Government Surveillance, a coalition of major companies including Apple, Dropbox, Facebook, Google, LinkedIn, and Twitter that are seeking to encourage governments to enact stronger oversight of the use of surveillance.

At the close of 2019, we also convened a roundtable of law enforcement officials for a candid and off-the-record conversation about facial recognition in an effort to make our advocacy for reform more effective.



Jake Laperruque, senior counsel for The Constitution Project at POGO, discusses aerial surveillance and First Amendment-protected activities on a panel at the Eyes in the Sky Conference on Aerial Surveillance, hosted by POGO on March 7, 2019. (Photo: Pam Rutter / POGO)

CUSTOMS AND BORDER PROTECTION DROPS PLANS TO EXPAND FACIAL RECOGNITION

In December 2019, Customs and Border Protection announced a proposal to require all travelers to be scanned upon entering and exiting the country—including U.S. citizens. This biometric entry-exit program is currently in use by some airports to help track noncitizens. Our TCP team and other civil society

organizations met with Customs and Border Protection to discuss the problems with the agency's plan. Days after that meeting, the agency announced it would not expand the program to require all travelers to be scanned.

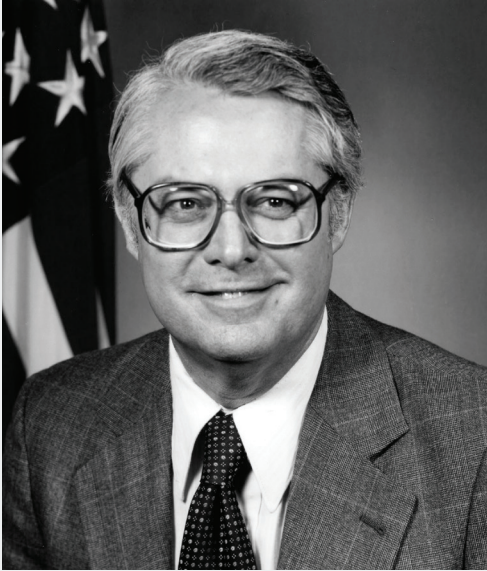
DNA SAMPLE COLLECTION FROM IMMIGRATION DETAINEES

Katherine Hawkins and Senior Counsel Jake Laperruque submitted a public comment on the constitutional concerns surrounding the Department of Homeland Security's collection of DNA samples from detained immigrants. Mass DNA collection poses significant risks for abuse.

At best, the proposed plans would waste resources by allowing government

collection and storage of DNA even from individuals who have broken no laws. At worst, individuals would be subjected to human rights violations, and myriad unknown future risks like the potential to target individuals and their families based on personal traits like sexual orientation and medical information. We are urging the Department of Homeland Security to withdraw its plans.

Protecting WHISTLEBLOWERS



HONORING OUR LEGACY

POGO was founded by one of the most impactful whistleblowers in American history—A. Ernest “Ernie” Fitzgerald. Ernie was a World War II Navy veteran who went on to work for the Air Force as a civilian engineer. In 1968, he blew the whistle on a billion-dollar cost overrun, after which he faced retaliation, and ultimately termination.

He later founded the Project on Military Procurement with Dina Rasor, later renamed the Project On Government Oversight, in part as a place where government insiders could blow the whistle. He fought for landmark whistleblower reforms including the Whistleblower Protection Act of 1989. Ernie cultivated sources who helped him continue the fight against waste, fraud, and abuse in the military-industrial complex.

Ernie died on January 31, 2019. We owe it to him to keep fighting for whistleblowers like him.

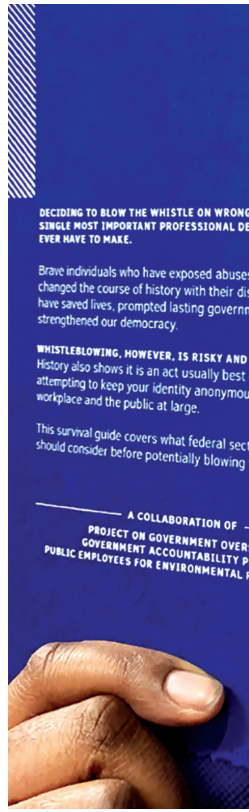


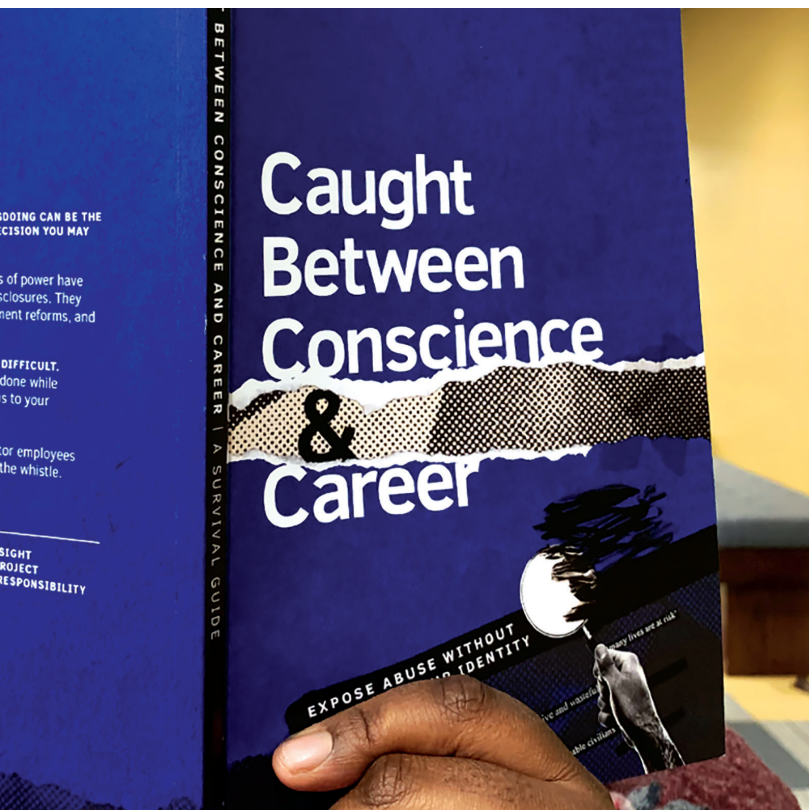
POGO launched a web portal that consolidates all of our whistleblower resources in one location, including legal resources, tips on data security, and secure ways to contact us.

Whistleblowers are our first line of defense against corruption, waste, and abuse in the government, and it's critical that the brave individuals who expose wrongdoing inside the government are protected.

Providing Critical Resources for Government Whistleblowers

This year, we worked with our longstanding partners the Government Accountability Project and Public Employees for Environmental Responsibility to launch an updated resource guide for federal whistleblowers, ***Caught Between Conscience and Career: Expose Abuse Without Exposing Your Identity***. The book is a survival guide for potential whistleblowers, informing government employees and contractors of their rights and providing tips on how to report safely.





“Caught Between Conscience and Career: Expose Abuse Without Exposing Your Identity” is a survival guide for potential whistleblowers, informing government employees & contractors of their rights, and providing tips on how to report safely. The book is now in its second printing.

POGO promoted the web portal by advertising in the Washington, DC, metrobus system, where a high concentration of federal workers would see our ads while commuting to and from work. The web portal is one of the most visited parts of our website.

At the same time, POGO launched a web portal that consolidates all of our whistleblower resources in one location, including a list of legal resources, tips on maximizing data security, and secure ways to contact us to report wrongdoing if reporting through government channels is not an option. Within the portal is a nine-part e-course that provides a comprehensive overview of the material in our guide.

POGO promoted the web portal by advertising in the Washington, DC, metrobus system, where a high concentration of federal workers would see our ads while commuting to and from work. The web portal has been one of the most visited parts of our website since its launch, and we saw a huge spike in Google searches for the portal after news of the Ukraine whistleblower broke.

In addition to online resources, we printed our whistleblower guide so that users can access our resources without leaving a digital footprint. The book was so popular that we ran out of our first printing, and the book is now in its second printing.

Supporter Spotlight

“Without whistleblowers, our democracy would be a much less transparent place. Although some whistleblowers may be unsympathetic individuals, their actions deserve to be protected, not punished. For years, POGO has remained strong and effective in defense of whistleblowers, and for years, the Raymond Frankel Foundation has stood side-by-side with POGO in support of the critical contributions they make to our democracy. We are proud to be part of their team.”

Belinda Frankel
President of the Raymond Frankel Foundation



Whistleblower Allegations **LEAD TO IMPEACHMENT**

In September 2019, a whistleblower stepped forward to report concerns that Trump engaged in a quid pro quo with Ukraine President Volodymyr Zelenskyy to investigate a political opponent in exchange for meetings with the White House and military aid. The result was that, for only the third time in history, the House of Representatives voted to impeach a president. The Senate went on to acquit him.

Taking a Stand on Impeachment

Every president should be held to the same ethical standard regardless of party affiliation, and the Constitution provides Congress with impeachment as a tool to address serious misconduct by our government officials. Yet Trump ignored the Constitution by defying Congress throughout the process, and POGO had to speak out.

After the House issued articles of impeachment, we published a statement in support of impeachment. Trump repeatedly obstructed Congress by refusing to cooperate with the impeachment probe, when he should have cooperated so the American people could understand his actions. In stonewalling Congress—going so far as to instruct his staff not to

cooperate with the investigation—and attacking the whistleblower who reported the incident, he took executive overreach to an undemocratic extreme.

We issued another statement urging the Senate to convict Trump of obstruction of Congress and to hold the executive branch accountable. The Senate chose not to do so. This was a blow to our democratic system, and dangerously eroded the checks and balances enshrined in our Constitution.

In the end, neither the House nor the Senate adequately enforced its oversight power to subpoena evidence and witnesses during this process, and in doing so, failed to uphold their responsibility to the Constitution and to the nation.

Providing an Expert Voice

Throughout the media's coverage of the impeachment proceedings, we were an important voice for the rights of whistleblowers, especially as the president and his allies called for the unmasking of the Ukraine whistleblower. Our expertise on whistleblowers was cited in ABC News, the Associated Press, *Business Insider*,

CNN, NPR, *USA Today*, *Vox*, the *Washington Post*, and many other media outlets.

POGO also served as a critical source of information for the public and the media over the course of the impeachment proceedings. We published an impeachment FAQ that explained the intricacies of the process, and we created a weekly newsletter called *Indispensable* that was featured in the *New York Times*.

POGO PAVES THE WAY FOR A HISTORIC MOMENT

Without our longstanding work to protect whistleblowers, the Ukraine whistleblower complaint may never have made it to Congress.

In 2017, Trump nominated Christopher Sharpley (seen below) to be the inspector general for the CIA. Our investigations team revealed multiple open complaints against Sharpley for retaliating against whistleblowers who had come forward to report corruption, violating the very laws he was to enforce in the inspector general position.

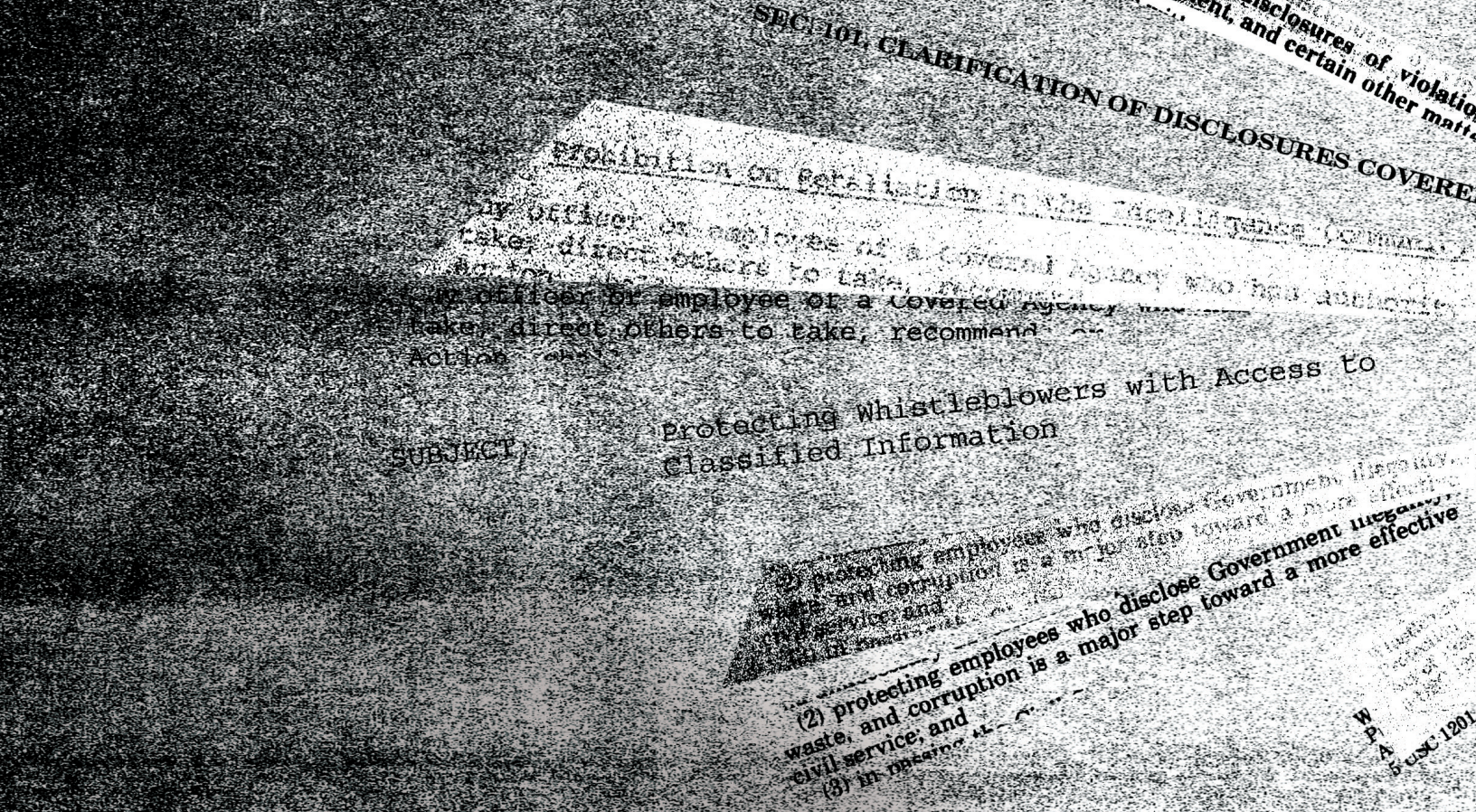
POGO's press team worked with major news outlets, including the Associated Press, *ProPublica*, and *Foreign Policy*, to cover our findings and build public pressure on Congress to address them.

Our policy team met with members of the Senate to discuss Sharpley's alarming history with whistleblowers.

During the confirmation hearing, a bipartisan group of senators read excerpts from POGO's report on the record, and asked questions about the complaints. The committee ultimately paused its consideration of Sharpley pending resolution of the whistleblower complaints. Sharpley withdrew from consideration, the post was left vacant.

Had Sharpley been confirmed as CIA inspector general, the Ukraine whistleblower would likely have been at the mercy of someone with a history of hostility to whistleblowers. However, because that office was vacant, the whistleblower worked with the inspector general of the intelligence community, Michael Atkinson—a Trump nominee POGO supported—to bring the complaint to Congress despite pressure from the Justice Department and the director of national intelligence not to do so. The rest is history.





A Partnership for **WHISTLEBLOWER REFORM**

The high-profile nature of the Trump-Ukraine scandal demonstrates the need and opportunity for even stronger whistleblower protections, especially for intelligence community whistleblowers.

WHISTLEBLOWERS NOW!

This year, we marked the 30th anniversary of the original Whistleblower Protection Act of 1989. On this anniversary, we took the opportunity to reflect on the ways time and experience have revealed weaknesses in our existing protections that we must correct.

We have partnered with our longtime colleagues at Public Citizen—a nonprofit with extensive public campaign experience—and the Government Accountability Project to build a campaign called Whistleblowers Now! that will work toward the most substantial whistleblower policy reforms our country has seen in decades.

Our work will focus on

1. defending the whistleblower who revealed the Ukraine scandal, and continuing to denounce the attempts at unmasking and retaliation that continue today;
2. educating lawmakers, the media, and the public on the vital role of whistleblowers in holding government wrongdoers accountable; and
3. preparing policy proposals that will address gaps in protections and ensure whistleblowers can safely report wrongdoing.

Building Stronger

CHECKS AND BALANCES

Improving congressional oversight, reducing executive overreach, and ensuring the independence of the judiciary are essential to restoring the balance of power in our constitutional democracy.

CONGRESS

Educating the Legislative Branch

The Congressional Oversight Initiative trains legislative staff members from both sides of the aisle to provide them the practical knowledge and skills they need to use congressional oversight powers responsibly.

We continued to partner with the Levin Center at Wayne Law and the Lugar Center this year to host two “boot camps,” intensive two-day seminars that educate Hill staff on how to do fact-based, bipartisan, in-depth investigations. We provide instruction, hands-on exercises, and role play scenarios to build their skills and expertise.

Our trainings are so well respected that congressional committees often ask us to provide committee-specific trainings. This year we provided training to staff of the House Judiciary Committee, House Foreign Affairs Committee, House Natural Resources Committee, the Senate Rules Committee, and others. These sessions provide essential knowledge and resources staffers can apply to their work.



What Hill Staff Have to Say About Our Trainings

“I signed up because my Dem counterpart reached out—he was new to the Hill, and said, ‘there’s this program, I’m thinking about going, they encourage bipartisan participation, I think we have a better chance if we both apply.’ That alone, him reaching out, and us going together, has opened up **a dialogue I have not had in my time on the Hill** regarding investigations. We’ve been working together since then—even if it’s not a bipartisan project, we say, “here’s a letter, can you sign on?” We start at a position where we [assume we] can until we can’t.

“I was really impressed—I **don’t think that would have happened without the POGO training.**”

“Thank you for two very engaging and valuable sessions! It was great to have **the insights and experience of such a deep bench of investigative professionals**, as well as the varied experiences and perspective of the other participants. I will certainly encourage colleagues on Appropriations to apply to the next training.”

“**Incredibly insightful and definitely the best of the best when it comes to congressional oversight.** The knowledge + experience [the instructors] have was amazing and made complex ideas easy to digest.”

“Really good. After this, **I want to do all bipartisan investigations**, situation-permitting.”



SAYING GOODBYE TO A CHAMPION

In December 2019, we said goodbye to a family member. Jack Mitchell was a POGO board member for 16 years, and a lifelong champion for the public interest. He was deeply passionate about making sure the government was serving the interests of the people, and he committed his life to public service. He is perhaps best known as the Food and Drug Administration investigator who worked with the biggest industry whistleblower of a generation to take down the tobacco industry after it covered up the link between tobacco and cancer.

Jack later took a job in the Senate, mentoring congressional staff in the art of investigation. He left his position on POGO’s board to avoid conflicts of interest, but kept in touch. He always pushed us to be thoughtful and fair with our staff and in our work. We still often ask ourselves around the office, “What would Jack say about this?” The world could use more Jack Mitchells, and he is deeply missed.



Resisting an Unconstitutional National Emergency

Following a 35-day partial government shutdown initiated over funding for a wall along the U.S.-Mexico border, Trump declared a national emergency in order to circumvent congressional authority and gain funding by redirecting billions of dollars Congress had appropriated for military construction. POGO provided testimony to Congress that this declaration was unconstitutional. The Constitution clearly delegates the power of the purse to Congress alone, and no attempt to work around that should stand.

POGO organized a group of 36 former Republican lawmakers to send a letter to current Republican senators calling on them to protect the Constitution and overturn Trump’s declaration. As a result, 23 Republican lawmakers split with the party and successfully passed a resolution to end the national emergency. While the president ultimately vetoed the resolution, it demonstrated that some Republicans are willing to hold the line against executive overreach and set the stage for bipartisan reform of emergency powers.

Returning War Powers to Congress

The Constitution makes it clear that the power to declare war lies squarely with Congress. Unfortunately, Congress has increasingly ceded war powers to the president. The 2002 Authorization for Use of Military Force In Iraq is a case in point. Presidents have used that authorization to take military action in other conflicts. Military action without the consent of Congress means the American people don’t have a voice in whether the country goes to war.

Because of the pressure we put on Congress, efforts to rein in the president’s power to authorize military force gained bipartisan support and momentum going into 2020.

In early 2020, POGO joined a coalition letter with 45 other organizations calling on Congress to repeal the authorization and prevent presidents from repurposing that authorization for unrelated military activities.



Limiting Executive Overreach

The Office of Legal Counsel is a little-known but powerful office within the Justice Department that serves as the executive branch's expert on legal interpretation. Its opinions are often treated as legally binding on federal agencies although they are not in fact law. Because of its position as legal counsel to the executive, the office is naturally biased in favor of executive power at the expense of checks and balances. The office's advice has led to some of the worst executive power grabs in recent history, including the opinion that a sitting president cannot be indicted.

Because so little about this office is known publicly, lawmaker education is a key step in solving the problem. Our team held a phone briefing attended by congressional staff from both parties where we outlined the history of the office and its problems with secrecy and executive overreach. We urged congressional staff not to treat the office's opinions as binding.

We must bring transparency to this office in order to understand how its opinions are affecting the laws governing our country, and we must push for reforms to rein in the excesses of this office.

Strengthening the Inspector General System

Inspector general offices play an important role as internal watchdogs, keeping an eye on executive agencies to ensure they're operating effectively, ethically, and efficiently in the interest of the public. Unfortunately, these offices are often hamstrung by chronic vacancies, inadequate budgets, and stringent administrative requirements. **POGO is the foremost advocacy organization with expertise on inspectors general**, and the

recommendations we have crafted will ensure that inspectors general work more effectively within federal agencies.

We convened a group of former intelligence community inspectors general to discuss the unique challenges those offices face in their investigations. We also met with inspectors general at eight agencies—including the Defense Department, the National Security Agency, and the Justice Department—about implementing our reforms. The intelligence community inspector general cited us in its annual report on its new whistleblower intake system.

The Council of the Inspectors General on Integrity and Efficiency used our Inspector General Vacancy Tracker as a model when creating its own in an effort to increase transparency. The new tracker received bipartisan support in Congress.



THE COURTS

Advocating for a Code of Ethics for the Supreme Court

The Supreme Court is meant to serve as a critical check on Congress and the executive branch, and Supreme Court rulings have enormous power to impact our daily lives.

Yet the justices who make those rulings are the only judges in the country who are not held to a binding code of ethics. The court has no police force to enforce its rulings; it relies on the public's belief in its independence and legitimacy to ensure its rulings are honored. The people need to feel confident that the court's decisions are free from corruption and political influence in order for the court to serve its constitutional purpose.

Sarah Turberville, The Constitution Project's director, testified before the House on H.R. 1 making a strong case for a binding code of ethics for the Supreme Court. The topic of POGO's testimony was on the only issue that received any bipartisan interest during the hearing, and Senator Chris Murphy (D-CT) cited it when he introduced legislation to create a code of ethics.

A Supreme Court code of ethics has garnered bipartisan support in both the House and Senate.



Sarah Turberville, Director of The Constitution Project at POGO, testifies before the House Judiciary Committee on H.R. 1, the For the People Act of 2019. (Photo: C-SPAN)

Preserving an Independent Judiciary

In an increasingly divided nation, many look to the judiciary for independent, nonpartisan decision-making on some of the most difficult questions of the day.

However, the public's faith in the independence and legitimacy of the courts is dependent on the decidedly political nomination and confirmation process by the president and Congress. The partisan warfare that has enveloped the judicial nomination and confirmation process over the past few decades has damaged the credibility of the courts as a whole.

In an effort to begin fixing the damage done to the public's faith in the judiciary and to preserve the court's independence, POGO convened a blue-ribbon task force of judicial experts to examine the problems surrounding the selection of federal judges and come up with solutions to fix them. POGO also met with 32 members of Congress from both parties to discuss reform opportunities and shape the task force's conversations. A report is expected next year, and POGO is excited about leveraging the commission's report to advocate for judicial reforms that will restore the trust of the people in the courts.

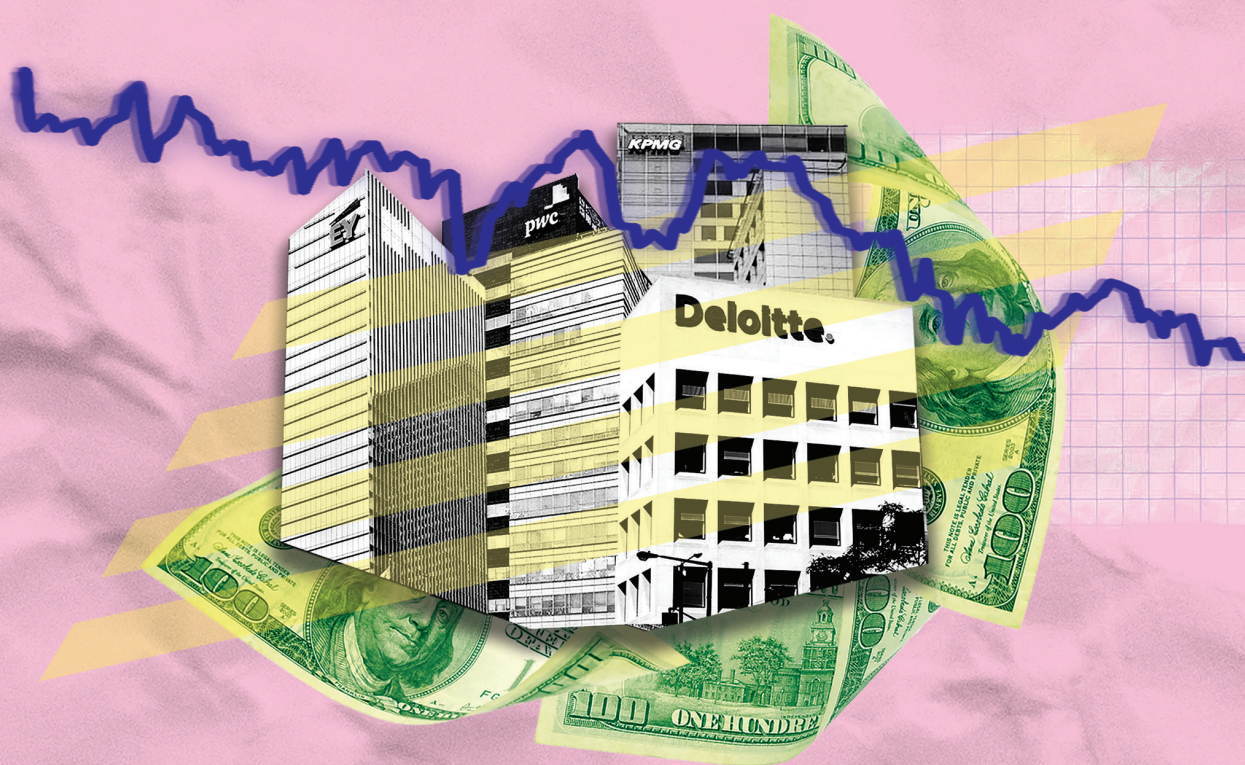


Convening Experts to Explore National Security Claims in Courts

POGO is also examining the excessive deference that federal courts too often give to claims of state secrets the government invokes in court cases involving national security matters. When the government claims national security is at stake, court proceedings can come to an unnecessary standstill, and the courts dismiss many lawsuits without ever evaluating the merits of the case. As a result, **government lawyers frequently invoke national security as a shield against accountability even when it is not warranted.** Judges need to more closely evaluate secrecy and national

security claims made by the government, and should approach such cases with skepticism when looking at those claims.

To help courts more fairly evaluate cases involving national security claims, POGO convened a roundtable discussion of federal judges, litigators, and other experts to examine how judges could more fairly handle these cases. We will use the lessons learned from this discussion to educate the public on the problem, and to design trainings for judges and defense counsels on how to better evaluate national security claims, and ultimately improve court proceedings.



Your Financial Future

ON THE LINE

LITTLE-KNOWN WATCHDOG FAILING TO DO ITS JOB

The Public Company Accounting Oversight Board was created in 2002 to police the biggest accounting firms by rooting out fraud, error, and incompetence.

In 2019, POGO conducted investigations into the watchdog and found that not only has it not lived up to the promise of its mission, but also that it is actually putting your financial security at risk.

The largest and most powerful accounting firms in the world—Deloitte & Touche, Ernst & Young, KPMG, and PricewaterhouseCoopers, known as the “Big Four”—audit a vast majority of companies traded on the U.S. stock markets. Their audits certify that companies are being fair and accurate

in their financial reporting, which impacts your stock market savings, pension, retirement fund, and even your paycheck. However, there are serious conflicts of interest baked into the system, because accounting firms are paid by the companies they audit, which gives them a powerful incentive to let things slide.

This is where the board is supposed to come in.

POGO’s chief investigative reporter, David Hilzenrath, examined over 16 years’ worth of the board’s own records and found that since its creation, the agency has found 808 cases of defective audits, yet only brought 18 cases against the Big Four, and the board is increasingly withholding information on its enforcement actions

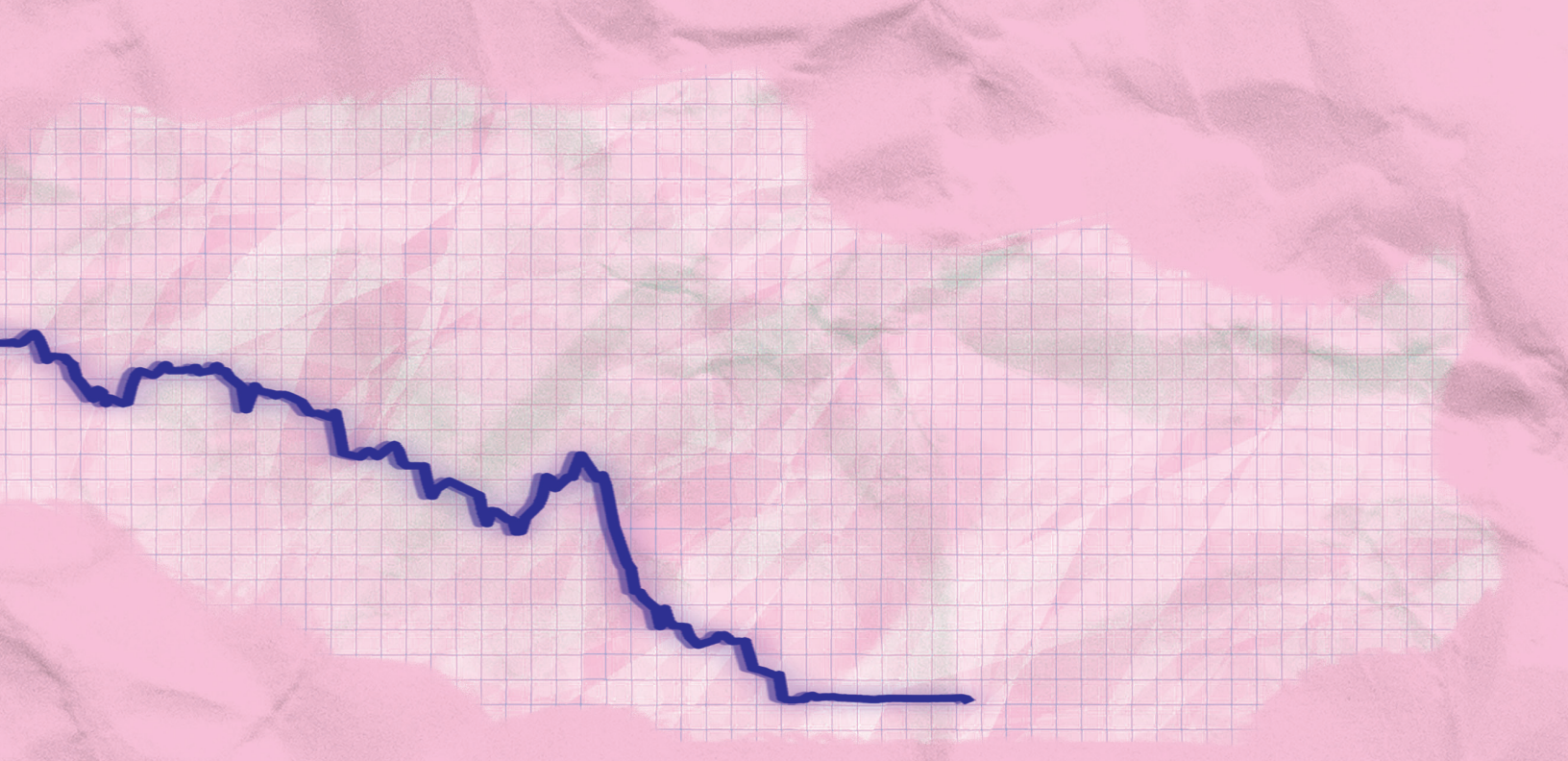


Illustration: CJ Ostrosky / POGO

from the public. Even worse, there is a revolving door between the board and the Big Four, giving accounting firms inside information that allows them to game inspections.

If the auditing firms know the board isn't going to hold them accountable for botched audits of major companies, **what incentive do they have to conduct the honest audits that are needed to keep your money safe?**

RECOMMENDATIONS TO PROTECT THE AMERICAN ECONOMY

The board recently made plans to revamp its inspection reports. This is a step in the right direction, but it is not enough. POGO submitted a letter to the board outlining a list of recommendations to

increase transparency and to better report on oversight. We will continue to investigate and push for reforms that will ensure the people are protected.



Supporter Spotlight

“When I want up to date, reliable and accurate information on any area of government my first ‘go to’ is Project On Government Oversight.

“POGO was recommended to me by our local Mayor several years ago and I have yet to find a site that covers so many areas of government in such an unbiased and well written manner. Bravo!!”

Kate T.
GreatNonProfits review

2019 FINANCIALS

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% of POGO's operating budget.

REVENUE

Grants	\$4,756,500
Contributions	\$1,053,072
Other Income	\$467,132
Total	\$6,276,704

EXPENSES

Program	\$5,223,056
General & Administrative	\$451,877
Development	\$450,347
Total	\$6,125,280

This statement of activities from January 1, 2019, to December 31, 2019, has been audited.

POGO's full, audited financial statements and 990 forms are available at pogo.org/about/financial-information.

Administrative (7%) Development (7%)





From Our Team:

THANK YOU!

We have had incredible success this year working toward a more accountable, ethical, and transparent federal government. We built one-of-a-kind resources for whistleblowers, exposed inhumane treatment of immigrants, mobilized the public to call for Pentagon reform, stopped a dangerous expansion of facial recognition, and laid the groundwork for improving the institutions that uphold our democracy.

Our efforts to ensure the government works in your interest simply would not be possible without you. You provide us with the resources we need

to build expert recommendations for reform, prepare compelling testimony for Congress, meet with lawmakers, inform the public of all of our work through media outreach, and ultimately make a real difference in the way our government functions.

From the entire team here at POGO, thank you so much for your support. We are so glad you're with us.

We have big plans for 2020 and beyond. Regardless of what political party controls Congress or is in the White House, we will be there to make sure government officials are listening to you—the people they serve.

THANKS TO OUR SUPPORTERS

POGO wouldn't be here without you. **We extend our deep gratitude to all of our 2019 donors for making our work possible.** In addition to general program supporters, POGO is also grateful to those who gave to our CDI/Straus Military Reform Project and The Constitution Project, through our monthly giving program, and through the Combined Federal Campaign. **Names indicated in orange and with an asterisk are monthly supporters.**

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NEW STAFF

Jordan Bollmann *Digital Writer and Strategist*

Jordan creates digital content and leads the development of digital campaigns. Previously, he worked for POGO as a consultant.



Halley Brown *Video Production Associate*

Halley produces explainer-style videos that educate audiences on pressing issues and investigations. She is a 2019 graduate of The George Washington University.



Alexis DiSanza *Grants Management Associate*

Alexis helps manage POGO's foundation relationships. She previously worked at the Environmental Defense Fund and the Sunlight Foundation.



Caitlin MacNeal *Media Relations Manager*

Caitlin manages POGO's press outreach and engagement. She has spent more than six years in the journalism industry, most recently at *Talking Points Memo*.



Jason Paladino *National Security Investigative Reporter*

Jason conducts in-depth investigations related to the Pentagon. His investigation into a troubled military helicopter program won a variety of top national journalism honors.



Zoë Reiter *Director of Civic Engagement*

Zoë runs POGO's civic engagement program that builds constituent support for our reform efforts. She brings more than 12 years of experience working at the Transparency International Secretariat.



Tim Stretton *Policy Analyst*

Tim conducts legislative analyses and develops policy recommendations on various issues. Before coming to POGO, Tim worked for six years for U.S. Senator Susan Collins (R-ME) and the Senate Aging Committee.



LaPorsha Thomas *Development Associate*

LaPorsha helps manage POGO's individual giving program. She previously worked with a fundraising consulting firm where she managed all aspects of development.



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Scott H. Amey, J.D., General Counsel and Editor-in-Chief

Jordan Bollmann, Digital Writer and Strategist

Danielle Brian, Executive Director

Brandon Brockmyer, Director of Research

Halley Brown, Video Production Associate

Alexis DiSanza, Grants Management Associate

Danni Downing, Senior Editor

Tim Farnsworth, Chief Communications Strategist

Ned Feder, Staff Scientist

Janel Forsythe, Social Media Editor

Leslie Garvey, Creative Director

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Dan Grazier, Jack Shanahan Military Fellow

Danielle Harris, Operations Manager

Katherine Hawkins, Senior Legal Analyst

Dylan Hedtler-Gaudette, Policy Analyst

Liz Hempowicz, Director of Public Policy

David S. Hilzenrath, Chief Investigative Reporter

David Janovsky, TCP Program Associate

Rebecca Jones, Policy Counsel

Jake Laperruque, TCP Senior Counsel

Caitlin MacNeal, Media Relations Manager

Lynn Mandell, Financial Manager

Johanna Mingos, Data Intelligence Strategist

Sean Moulton, Senior Policy Analyst

CJ Ostrosky, Associate Designer

Chris A. Pabon, Director of Development

Nicholas Pacifico, Associate General Counsel

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Zoë Reiter, Director of Civic Engagement

Justin Rood, Director of the Congressional Oversight Initiative (COI)

Keith Rutter, Chief Operating Officer / Chief Financial Officer

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Nick Schwellenbach, Senior Investigator

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POGO would like to thank and acknowledge our 2019 interns:

Aadam Barclay, Maia Berlow, Kai Bernier-Chen, Mya Coleman, Claire Mao, Asha Merz, Emily Sorkin Smith, and Margaret Ulle.

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*POGO would like to thank and acknowledge **Pamela Gilbert** for her four years of distinguished service on our board, ending in 2019.*

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