

**U.S. PROGRAMS  
National Security and Human Rights Campaign  
Summary of Recommended Grants  
Docket 1, May 10, 2012**

Program Area/Organization					
Organization	Grant Code	Recommended	Term	2012	2013
<b>Fight Surveillance and Protect Dissent</b>					
Center for Democracy and Technology	T1: 21131	500,000	2 Years	300,000	200,000
<b>Limit Secrecy and Expand Oversight and Accountability</b>					
Federation of American Scientists	T1: 21133	200,000	2 Years	100,000	100,000
<b>Total Recommended:</b>		<b>\$ 700,000</b>		<b>\$ 400,000</b>	<b>\$ 300,000</b>
<b>GRANTMAKING TOTAL THIS DOCKET</b>		<b>\$ 700,000</b>			

*Amelia Neier*  
Approval Signature

*May 10, 2012*  
Date

**National Security and Human Rights Campaign Grant Recommendations**  
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**Grant ID:** 20036132

**Legal Name of Organization:** Center for Democracy and Technology

**Tax Status:** 501(c)(3) public charity

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** To support the Project on Freedom, Security, and Technology

**Grant Description:** This grant will renew project support for the Center for Democracy and Technology's Freedom, Security, and Technology Project. The Project will engage in advocacy and litigation to: (1) defend privacy rights against national security measures; (2) expand privacy protections to keep pace with technology; and (3) engage new audiences and develop new messages. Founded in 1994, the Center for Democracy and Technology works to preserve and enhance free expression, privacy, open access, and other democratic values in digital communications in the U.S. and internationally. This grant will advance the National Security and Human Rights Campaign's priority of restoring broad privacy protections and limitations on domestic spying by supporting paradigm-shifting research and credible voices in the movement for a progressive national security policy.

**Previous OSI Support:** \$2,155,910  
\$900,000 from NSHR Campaign (2008-2010)  
\$55,340 from Open Society Justice Initiative (2012)  
\$750,000 from US Programs (2002-2008)  
\$405,000 from Information Program (2001, 2006, 2010-2011)  
\$25,570 from President's Office (1996, 2006)  
\$20,000 from Central Eurasia Project (2000)

**Organization Budget:** \$4,201,559

**Project Budget:** \$935,333 over two years

**Major Sources of Project Support:**

Open Society Policy Center	\$125,000 (requested)
AT&T	\$ 20,000
Google	\$ 45,000
Microsoft	\$ 45,000
Verizon	\$ 20,000
17 additional corporate sources (names and amounts available upon request)	\$195,000

**Amount Requested:** \$500,000 over two years  
(\$300,000 for year one, \$200,000 for year two)

**Is this a contingent grant?** No

**Amount Recommended:** \$500,000 (T1: 21131)

**Term:** 2 years, beginning May 1, 2012

**Matching Requirements:** None

**Description of Organization:**

Founded in 1994, the mission of the Center for Democracy and Technology (CDT) is to preserve and enhance free expression, privacy, open access, and other democratic values in the digital age. The organization combines the roles of think tank, convener, and advocate at the intersection of policy reform, litigation and technology. Its current projects focus on privacy and government surveillance, open government, consumer privacy, health privacy, free expression, and internet openness. CDT is based in Washington, D.C. and San Francisco, and has 23 staff members.

**Description of Program for Which Funding Is Sought:**

The Center for Democracy and Technology is requesting renewed support for its Project on Freedom, Security, and Technology. The Project will engage in advocacy and litigation to: 1) defend privacy rights against national security measures; (2) expand privacy protections to keep pace with technology; and (3) engage new audiences and develop new messages. Over the proposed two year grant period, the Project will continue its work in the following areas:

**(1) Defending Privacy Rights against National Security Measures:**

CDT will continue to advocate for policies that protect privacy by opposing government monitoring of private sector networks in the name of preventing cyber-attacks and by limiting the government's involvement in the design and operation of communications networks. It will continue its work with the Digital Privacy and Security Working Group, a forum it coordinates of over 50 computer and communications companies, trade associations, and public interest organizations that seeks policy and design solutions that will improve cyber-security without eroding privacy.

The Administration has indicated that it will seek to update the Communications Assistance for Law Enforcement Act of 1994 (CALEA) in the coming year to broaden the government's surveillance capacity. The Act already requires phone and broadband networks to have interception capabilities; CALEA II would mandate redesigning basic services on the internet and wireless networks to make them wiretap-friendly. In collaboration with the Working Group, CDT will conduct a pro/con analysis of proposed statutory language with the goal of maintaining privacy protections.

## **(2) Expanding Privacy Protections to Keep Pace with Technology:**

CDT uses litigation and conducts policy advocacy to preserve strong standards for government access to digital communications.

### **(a) Judicial Avenues**

CDT has worked through the courts to apply Fourth Amendment protections to new technology, with particular focus on email and cell phone tracking. In *U.S. v. Jones*, a landmark decision earlier this year, the Supreme Court unleashed the possibility of a new approach to reforming privacy law. The court held that using a GPS device installed without a warrant to track a suspect for 28 days implicates the Fourth Amendment.

Of particular relevance to CDT's work is Justice Sotomayor's concurring opinion, which challenged the government's core argument relying on the third-party records doctrine — the premise that an individual has no reasonable expectation of privacy in information voluntarily disclosed to third parties. CDT submitted an amicus brief distinguishing between GPS tracking and human observation. Through litigation, CDT will capitalize on the *Jones* decision challenging the applicability of the third-party records doctrine in the digital age by continuing to submit amicus briefs in relevant cases and by strengthening partnerships with and coordination among defense lawyers.

### **(b) Advocacy**

With support from OSF, CDT led the effort to form and launch the Digital Due Process Coalition, a non-partisan alliance of dozens of the privacy field's top advocacy organizations, including the conservative Americans for Taxpayer Reform, the libertarian Competitive Enterprise Institute, and the progressive ACLU; legal scholars; and internet and telecommunications companies, including Microsoft, Google, AOL, eBay, Intel, and AT&T. The Coalition conducts advocacy to impose limitations on law enforcement access to electronic data generated by current and emerging technology. Over the next two years, CDT will continue to promote the Coalition's recommendations, posted at [www.digitaldueprocess.org](http://www.digitaldueprocess.org).

A major priority during 2012 will be to monitor proposed amendments to the Electronic Communications Privacy Act of 1986. There is general consensus in the communications industry and the Administration that operators of private communications networks should have greater authority to share information with each other and the government about vulnerable and suspected cyber-attacks. Such information sharing would require expanded exceptions to the ECPA. CDT will analyze proposed exceptions to ensure that cyber-security measures do not unreasonably expand government control over, or monitoring of, private networks and private communications.

## **(3) Engaging New Audiences and Developing New Messages:**

Last year, a powerful coalition utilized technology in the fight to stop the Stop Online Piracy Act and the Protect Intellectual Property Act, known by the acronyms SOPA and PIPA. Defeat of the

proposed legislation was a result of the combined effort of activists and advocacy groups from across the political spectrum, united by the theme of an open Internet. CDT is eager to include these newly-empowered Internet grassroots organizations, newly-engaged venture capitalists, and new media companies that played a key role defeating SOPA/PIPA. It will hire a campaign manager to reach new and diverse audiences and translate the importance of Fourth Amendment protections for new, cyber-savvy activists.

CDT will launch a new strategic campaign for digital privacy in collaboration with a steering committee comprised of the Electronic Frontier Foundation (an NSHR Campaign grantee), the ACLU and the conservative/libertarian group, TechFreedom. The campaign will be focused on “digital natives,” those for whom the internet is an integral part of their lives, but who may not understand the importance of Fourth Amendment protections with regard to new technology. Consultants will develop a public education component to explain why unchecked government surveillance threatens freedom and civil liberties, integrate the expertise of technologists, and will harness the power of social media and online resources to disseminate messages effectively. The campaign will enlist support from across the political spectrum and will broaden its outreach to conservative and libertarian groups.

### **Rationale for Recommendation:**

This grant will advance the National Security and Human Rights Campaign’s priority of restoring broad privacy protections and limitations on domestic spying by supporting paradigm-shifting research and credible voices in the movement for a progressive national security policy.

The Center for Democracy and Technology is one of the nation’s most widely respected and trusted voices in the effort to defend, restore, and expand digital privacy rights in the face of government surveillance and technological change. It is frequently called upon by Congress and other policy makers to provide balanced recommendations that preserve the civil liberties of law-abiding Americans while accommodating the needs of law enforcement and intelligence agencies.

The Project on Freedom, Security, and Technology has successfully urged extension of constitutional protections to new technologies in the courts. The U.S. Supreme Court’s decision in *U.S. v. Jones* was significant in attaching Fourth Amendment protections to the government’s acquisition of large amounts of revealing electronic data from a GPS device.

Capitalizing on the on the activism behind the SOPA/PIPA fight, CDT can attract new constituents and employ innovative, online organizing tools. It is well-positioned to engage its traditional coalition partners and new allies to ensure that privacy protections are not sacrificed as technology continues to innovate.

For the above reasons, OSI staff recommends a renewal grant of \$500,000 over two years to support the Project on Freedom, Security, and Technology of the Center for Democracy and Technology.

**Grant ID:** 20035893

**Legal Name of Organization:** Federation of American Scientists

**Tax Status:** 501(c)(3) public charity

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** To support the Project on Government Secrecy

**Grant Description:** This grant will renew project support for the Federation of American Scientists' Project on Government Secrecy, which was formed in 1991 to challenge excessive government secrecy and promote public access to government information in the areas of national security, intelligence, and foreign policy. Led by Steven Aftergood, who is highly regarded by leading journalists, privacy advocates and government officials for his knowledge and expertise, the Project engages in policy advocacy, provides original reporting on developments in government secrecy policy via a blog and the newsletter *Secrecy News*, publishes suppressed and hard-to-find government records of public significance, and supports journalists reporting on secrecy, information policy, and intelligence policy. The Federation of American Scientists was founded in 1945 by atomic scientists who had worked on the Manhattan Project on the belief that scientists have a unique responsibility both to warn the public and policy leaders of potential dangers from technological advances and to show how good policy can increase the benefits of new scientific knowledge. This grant will advance the National Security and Human Rights Campaign's priorities of reducing excessive government secrecy in national security policy and strengthening the capacity of watchdog organizations to document government abuses.

**Previous OSI Support:** \$320,000  
\$155,000 from NSHR Campaign (2008-2010)  
\$115,000 from Transparency Fund (2008-2010)  
\$50,000 from Strategic Opportunities Fund (2006-2007)

**Organization Budget:** \$1,900,000

**Project Budget:** \$460,000 over two years

**Major Sources of Project Support:**

Leland Fikes Foundation	\$25,000
CS Fund	\$30,000
Bauman Foundation	\$12,500
Stewart Mott Foundation	\$10,000 (anticipated)

**Amount Requested:** \$200,000 over two years

**Is this a contingent grant?** No

**Amount Recommended:** \$200,000 (T1: 21133)

**Term:** Two years, beginning July 1, 2012

**Matching Requirements:** None

**Description of Organization:**

The Federation of American Scientists, a non-partisan think tank and membership organization, was formed in 1945 by atomic scientists from the Manhattan Project to promote humanitarian uses of science and technology. The Federation currently operates research and education projects under four main program areas: (1) the Biosecurity Program, which focuses on minimizing bioterrorism threats while maximizing life science research; (2) the Earth Systems Program, which focuses on the Earth's resilience and adaptive capabilities and the interrelated challenges of climate change, environmental degradation, population growth, and increasing resource and energy demands; (3) the Learning Technologies Program, which focuses on ways to use technology to improve how people teach and learn; and (4) the Strategic Security Program, which focuses on enhancing national security and houses several projects, including the Project on Government Secrecy. The organization is based in Washington, D.C. and has 18 staff members and a Board of Sponsors that includes nearly half of the nation's living Nobel Laureates in science.

**Description of Program for Which Funding Is Sought:**

The Federation of American Scientists seeks a renewal grant for the Project on Government Secrecy. The Project challenges excessive government secrecy and promotes public access to government information, particularly in the controversial areas of national security, intelligence, and foreign policy, with the goal of invigorating public deliberation and oversight.

Over the next two years, the Project will focus on the following areas:

**(1) Classification and Declassification Policy Reform:** The Project has played a central and critical role in pushing the Obama Administration to reform classification and declassification policies by encouraging and supporting internal oversight. The Project proposed and drafted a key provision of the December 2009 Executive Order on Classified National Security Information, which required every agency to perform a comprehensive review of internal classification guides and determine what information could be declassified. That process, the Fundamental Classification Guidance Review, will conclude this summer. It is expected to decrease the scope of classification and increase the amount of declassified information. Throughout the review, the Project actively engaged with the Director of the Information Security Oversight Office to encourage a thorough process, and it will advocate post-review follow-up to ensure a reduction in secrecy.



The Project will continue to strengthen the capacity of internal oversight mechanisms, leveraging the strategic, high-level relationships in its network of activists, former and current national security officials, journalists and others. It will support inspectors general as they perform required reviews of agency compliance with classification policies and will encourage the Government Accountability Office to conduct oversight of intelligence agencies. The Project will work with the Public Interest Declassification Board to implement recommendations for transforming the classification system and with the Interagency Security Classification Appeals Panel to enhance checks and balances to reform secrecy policy.

**(2) Accessibility and External Oversight:** The Project promotes public access to government information to reduce the scope of government secrecy by engaging in the following:

- **Investigative Journalism:** The Project publishes and monitors the release of government documents that have been suppressed or withdrawn, or are otherwise hard to find, on its on-line library, [www.fas.org/sgp](http://www.fas.org/sgp), and in its newsletter, *Secrecy News*. It produces original reporting on new developments involving government secrecy and national security several times per week. It acquires and reviews government documents daily through research, Freedom of Information Act requests and valuable, unsolicited contributions from anonymous sources.
- **Assistance to Journalists:** On a daily basis, the Project provides information and analysis to journalists who report on intelligence policy and on public access to government information. Well-reputed journalists utilize previously undisclosed government records published on the Project's blog and in its newsletter.
- **Whistleblower Protection:** In spite of President Obama's stated support of government transparency and whistleblowers, his Administration has pursued investigations and prosecutions of whistleblowers at an unyielding pace.<sup>1</sup> The Project played a crucial role supporting the defense of whistleblower Thomas Drake, a former National Security Agency official charged with disclosing classified information to a reporter, among other allegations. The felony charges brought against him under the Espionage Act were ultimately dismissed, due in part to media attention that the Project helped bring to bear.<sup>2</sup> The Project will continue to monitor, document and report troubling cases of government prosecution of "leaks" of classified information to the press and will provide documents and support to defend accused whistleblowers and journalists against similar prosecutions.

### **Rationale for Recommendation:**

This grant will advance the National Security and Human Rights Campaign's priorities of reducing excessive government secrecy in national security policy and strengthening the capacity of watchdog organizations to document government abuses.

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<sup>1</sup> John Kiriakou, a former CIA agent, was indicted on April 5, 2012, on charges of leaking classified information to journalists. Best known for discussing the waterboarding of Abu Zubaydah on ABC News in 2007, Kiriakou is the sixth person indicted by the Obama Administration under the Espionage Act.

<sup>2</sup> See, e.g., Jane Mayer, "The Secret Sharer," *The New Yorker*, May 23, 2011.

Secrecy remains an obstacle running through the core of the National Security and Human Rights Campaign's priorities. By lifting the veil of government secrecy, the Project on Government Secrecy promotes transparency, public engagement and democratic discourse. Very few organizations are focused on national security secrecy. The Project is playing a lead role in monitoring classification reviews. It is uniquely poised to encourage internal oversight in light of its relationships within the Administration and direct involvement shaping review mechanisms.

In addition to its success promoting classification and declassification policy review, the Project deserves credit for recent precedent-setting disclosures. In February 2012, following years of pressure imposed by the Project, the Department of Defense released its 2013 military intelligence budget, a breakthrough in confronting national security secrecy. In February 2011, the Director of National Intelligence disclosed his program budget request for the following year for the first time, a disclosure for which the Project has advocated for more than a decade.

The Project's publication, *Secrecy News*, has over 13,500 subscribers and plays a critical role informing the public, the media and policymakers on matters of secrecy, surveillance and national security generally. It is a respected resource utilized by highly-regarded journalists – it was referred to as an “invaluable” source for *Top Secret America: The Rise of the New American Security State* by Dana Priest and William M. Arkin. A recent article in *Time* by Mark Thompson juxtaposed a Congressional Research Service report (published on the *Secrecy News* blog) on U.S. troop casualties in Afghanistan with a Pew Survey on American attitudes toward troop withdrawal, revealing a strong correlation between an increase in U.S. casualties and an increase in support for troop withdrawal.<sup>3</sup> Noting the significant role the Federation of American Scientists' Steve Aftergood plays in providing government documents, Thompson wrote: “you pay for them, but Congress won't let you see them, so Aftergood gets them somehow and posts them for taxpayers.”

Steven Aftergood has directed the Project since 1991 and is highly respected for his issue expertise, sharp analysis and collegiality. He is frequently invited to provide Congressional testimony, make presentations before agencies, and engage in private conversations with high level officials. He is sought out and trusted by journalists as a valuable resource, as noted above.

The Project works in collaboration with other OSI grantees working on national security secrecy, including the National Security Archive, OpenTheGovernment.org, the Project on Government Oversight, the Electronic Frontier Foundation, the American Civil Liberties Union, and the Reporters Committee for Freedom of the Press.

For the above reasons, OSI staff recommends a renewal grant of \$200,000 over two years to support the Project on Government Secrecy of the Federation of American Scientists.

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<sup>3</sup> Mark Thompson, “The Afghan War: Cause and Effect,” *Time*, January 24, 2012.