

May 1, 2017

The Honorable Ron Johnson
Chairman, Homeland Security and Governmental Affairs Committee
United States Senate

The Honorable Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
United States House of Representatives

The Honorable Claire McCaskill
Ranking Member, Homeland Security and Governmental Affairs Committee
United States Senate

The Honorable Elijah Cummings
Ranking Member, Committee on Oversight and Government Reform
United States House of Representatives

RE: The Annual Report on White House Personnel

Dear Chairman Johnson, Chairman Chaffetz, Ranking Member McCaskill, and Ranking Member Cummings:

We urge you to commit to publicly releasing the annual report on White House personnel, the online publication of which will be placed in limbo when the White House shuts down Open.WhiteHouse.gov.¹ Since 1997, federal law requires the White House to submit to your committees an annual report no later than July 1 that lists each person employed or detailed to the White House Office, including his or her name, position and title, and annual rate of pay.²

This information is important for public accountability and transparency. The *American Enterprise Institute* and the *Huffington Post* used the data to review whether there are disparities in pay by gender in the White House,³ and *Snopes* used it to address rumors about

¹ The shutdown of Open.WhiteHouse.Gov, which contains staff salaries information, was first reported by Zeke Miller of TIME on April 14, 2017 in “White House Will Keep Its Visitor Logs Secret,” available at <http://time.com/4740499/white-house-visitor-logs-public-record-trump/> (“White House officials said the Administration is ending the contract for Open.gov [sic], the Obama-era site that hosted the visitor records along with staff financial disclosures, salaries, and appointments. An official said it would save \$70,000 through 2020 and that the removed disclosures, salaries and appointments would be integrated into WhiteHouse.gov in the coming months.”)

² See Pub. L. 103–270, U.S.C. § 133 Note, available at <https://www.law.cornell.edu/uscode/text/3/113>.

³ See “Glass ceiling at the Obama White House?” by Mark Perry (July 2016), available at <https://www.aei.org/publication/glass-ceiling-at-the-obama-white-house-female-staffers-earn-8270-and-10-75-less-than-their-male-counterparts/>; and “The White House’s Gender Pay Disparities Have Barely Changed In 20 Years” by Marina Fang (July 2014), available at http://www.huffingtonpost.com/2014/07/08/white-house-gender-pay-gap_n_5568057.html.

the number of staff working for the First Lady.⁴ The Brookings Institution used it to review staff turnover rates in the Executive Office of the President, shedding important light on the capacity of senior administration officials to do their jobs and the effects of various leadership styles.⁵ White House staff information can provide a directory of sorts to current administration officials and support analysis of whether they previously worked for or otherwise are connected to special interests or leave for employment with special interests. Prior White Houses also have used this information to look at diversity inside the administration.

Public and online access to White House personnel information has become routine. The Obama administration published staff information annually as a downloadable digital spreadsheet file, containing information on approximately 500 staff.⁶ Information on staff in the George W. Bush administration for 2003-2008 is available online courtesy the *Washington Post*⁷ and for 2001 is available from Demand Progress. Clinton administration records from 1997 forward are available online for the first time courtesy Demand Progress and also can be requested from the Clinton Presidential Library.

The legislative branch and a number of state governments routinely publish staff titles and pay online as well. The House of Representatives publishes online the names of all of its employees, their titles, and their pay on a quarterly basis as a downloadable spreadsheet, and the Senate publishes the same staff information online twice a year in PDF format.⁸ Some states publish information about governmental employees online,⁹ and many others release that information pursuant to freedom of information requests. For example, the State of Utah directly publishes governmental employee salaries online on the Utah Public Finance Website¹⁰ as does the State of Ohio¹¹ and the State of Missouri¹²; the *Baltimore Sun* publishes¹³ salary information for Maryland.

⁴ See “Michelle Obama does not have an 'unprecedented' number of staffers working for her; her staff is about the same size as that of her predecessor and other First Ladies” available at <http://www.snopes.com/politics/obama/firstlady.asp> (July 21, 2016).

⁵ See, for example, “President Obama’s Second Term: Staffing Challenges and Opportunities” by Dr. Kathryn Dunn Tepas of the Brookings Institution (February 2013), available at <https://www.brookings.edu/wp-content/uploads/2016/06/Obama-second-term-staffing-tenpas.pdf>, and a forthcoming longitudinal study by Demand Progress.

⁶ For an example of Obama administration publication practices, see <https://obamawhitehouse.archives.gov/briefing-room/disclosures/annual-records/2016>.

⁷ Records for 2003-2008 are online, available at <http://www.washingtonpost.com/wp-srv/opinions/graphics/2008stafflistsalary.html>; records for 2001 are available from Demand Progress and the George W. Bush Library.

⁸ For the House of Representatives see <https://disbursements.house.gov/>; for the Senate, see https://www.senate.gov/legislative/common/generic/report_secsen.htm.

⁹ See “Public Payroll” from the State of New Jersey, available at <http://www.yourmoney.nj.gov/transparency/payroll/>.

¹⁰ See <https://www.utah.gov/transparency/>.

¹¹ See http://www.tos.ohio.gov/State_Salary.

¹² See <https://mapyourtaxes.mo.gov/map/employees/>.

¹³ See <http://www.baltimoresun.com/news/data/bal-public-salaries-archive-20150415-htmlstory.html>.

The best option is for the Trump administration to follow precedent and publish the information online as a digital spreadsheet.¹⁴ While the administration says the contents of Open.WhiteHouse.gov will be incorporated into WhiteHouse.gov, it is unclear from the administration's statement whether this will occur when viewed in light of its erroneous assertion that Open.WhiteHouse.gov "simply duplicates information available on government platforms" and its cessation of publication of the White House Visitor Logs, which were published at Open.WhiteHouse.gov and will not be incorporated in the main website.

Technology has eased the administrative burdens of publishing this information and we find the rollback of transparency and accountability measures concerning. We hope the committee will continue to show leadership and publish the White House personnel data itself. In addition, we encourage you to exercise your oversight and legislative authority to conclusively resolve the issue.

We welcome the opportunity to discuss this further. Please contact Daniel Schuman, policy director, Demand Progress, at daniel@demandprogress.org or 202-792-4550.

Sincerely yours,

American Civil Liberties Union
Campaign Legal Center
Center for Responsive Politics
Citizens for Responsibility and Ethics in Washington (CREW)
Demand Progress
Democracy 21
Issue One
OpenTheGovernment
Project On Government Oversight
Public Citizen

Norm Eisen
Norm Ornstein
James Thurber

¹⁴ The White House statement, which was not published by the administration or republished by the press, is entitled "White House Visitor Logs & Online Disclosure Policy," and is attributed to White House Communications Director Michael Dubke on April 14, 2017. It reads in the relevant part:

"OPEN.WHITEHOUSE.GOV:

- The previous Administration launched Open.WhiteHouse.gov, yet the site simply duplicates information available on government platforms such as Data.gov, Analytics.usa.gov, and code.gov. Its contents will be incorporated on WhiteHouse.gov.
- This Administration will not waste taxpayer dollars on duplicative sites.
- The White House will not renew a contract for the site which will save taxpayers over \$70,000 by 2020."