

ANNUAL REPORT 2020

VIDE

DEMOCRACY + TECHNOLOGY

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BRIDGING THE G

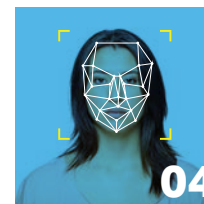
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The harsh realities of the past year
require honest conversations
about technology's impact on
institutions, communities, and
individuals. In the face of global
crisis, CDT is at the forefront of
these discussions, fighting for laws,
policies, and technical designs that
center democratic values.

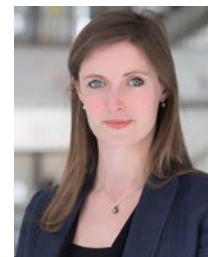
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"In 2020, we engaged directly with the tensions between democracy and technology, fulfilling our mission of putting democracy and individual rights at the center of the digital revolution."



Alexandra Reeve Givens
President & CEO



Letter from our CEO

The crises of 2020 will forever shape the people and organizations who lived through this challenging year. The devastating impact of the COVID-19 pandemic coincided with a long overdue reckoning over racial injustice. These crises were compounded by political instability that shook the foundations of our democracy, ultimately spilling into violence at the U.S. Capitol Building in January 2021.

These events dramatically highlighted the complex relationship between democracy and technology in modern life. Social media played an essential role in the growth of the #BlackLivesMatter movement, yet hate speech, disinformation, and voter suppression efforts continue to harm people of color online. Police body camera footage let the world bear witness to the murder of George Floyd, but many policing technologies continue to threaten civil rights and civil liberties, especially for historically marginalized communities. Technology helped millions of children attend school remotely during the pandemic, but also revealed how far we have to go to achieve an accessible, affordable internet for all.

At the Center for Democracy & Technology (CDT), we take these challenges as a call to action. It's why the theme of this year's annual report is *Bridging the Divide*. In 2020, we engaged directly with the tensions between democracy and technology, fulfilling our mission of putting democracy and individual rights at the center of the digital revolution.

Responding to the pandemic, we launched our COVID-19 [Data for Life and Liberty Task Force](#), advised school officials on privacy and equity in remote learning, and advocated to protect the privacy of consumers' health data. To fight mis- and disinformation online, we [sued the Trump Administration](#) to make clear that social media companies should be able to respond to misinformation and voter suppression on their platforms without facing punishment from government officials who dislike those efforts. We

[partnered with election officials](#) to promote secure practices and protect the integrity of the election.

These initiatives — and others described in this report — reflect CDT's mission to ensure that technology works for people: to advance laws and policies that empower individuals to use technology for good, while protecting against invasive and discriminatory uses. This work must expressly recognize that people don't experience the benefits or risks of new technologies equally.

In 2020, we deepened our commitment to centering questions of equity across all our projects. We expanded key workstreams on algorithmic discrimination, the impact of surveillance technologies on historically marginalized communities, and the experiences of underrepresented voices participating in online speech. We were proud to collaborate with civil rights and tech policy organizations in developing new [Civil Rights Principles for the Era of Big Data](#), a civil rights and technology [agenda](#) for the 117th Congress, and other efforts to ensure that equity and social justice take center stage in tech policy debates.

If 2020 was a year marked by division, we aim to make 2021 and beyond a time for unity. At CDT, our success has always been grounded in collaboration: bringing together policymakers, civil society advocates, technologists, company decision-makers, and affected communities to forge meaningful policy solutions. We are deeply grateful to our Board, Advisory Council, Fellows Program, working groups, donors, and partnerships that help us do this every day.

As we emerge from this hard year, we look forward to working with all of you to "bridge the divide" between democracy and technology in new ways that realize the full potential of both.

With gratitude,



HIGHLIGHTS

Alexandra Reeve Givens Welcomed as New CDT President & CEO

A new era at CDT began in May under the leadership of **Alexandra Reeve Givens**, a former Congressional counsel with deep expertise at the intersection of technology, law, and public policy. Alex came to us from the Institute for Technology Law & Policy at Georgetown Law, where she was the Founding Executive Director.

She previously served as Chief Counsel for intellectual property and antitrust issues on the U.S. Senate Judiciary Committee and as an attorney in private practice. Alex serves as Vice Chair of the Christopher & Dana Reeve Foundation and is a mayoral appointee on D.C.'s Innovation and Technology Inclusion Council. She brings with her a passion for ensuring technology increases equality, amplifies voices, and promotes human rights.

CDT Files Suit Against Trump's Executive Order Targeting Online Speech

In June, we filed suit challenging **President Trump's Executive Order on Preventing Online Censorship**. We argued that the Executive Order — which the President issued after social media sites sought to fact check misleading information he had posted about mail-in voting — violated the First Amendment by curtailing and chilling the constitutionally protected speech of online platforms and individuals.



CDT and voting organizations took a stand against the Order because of its clear intent to deter social media services from fighting misinformation, voter suppression, and the stoking of violence on their platforms.

In the lawsuit, we were represented by the law firm **Mayer Brown**, one of the many firms, law clinics, and individuals who support CDT's advocacy with pro bono assistance through our **Collaborating Attorney Network**. The network has recently helped us file amicus briefs in other high-profile suits, including *Microsoft v. U.S.*, *Van Buren v. U.S.*, *Google v. Oracle*, *Georgia v. Public.Resource.Org*, and *Mozilla v. FCC*.

Grappling with the Profound Legal, Ethical, Policy Questions of AI

Algorithms and artificial intelligence (AI) play an increasingly central role in modern life, from determining search engine results and social media content to eligibility for jobs and benefits. Computer programs that “learn” to recognize patterns and make decisions by studying massive amounts of data raise complex questions of law, ethics, and policy. In 2020, we ramped up efforts to tackle many of these questions, exploring the use of algorithmic systems in hiring, in education, in the delivery of government services, and more.

We looked at the impact of algorithmic systems on historically underrepresented communities and continued our calls for increased transparency. We continued our work monitoring the use of automated systems in online content moderation, and participated in regulatory efforts led by NIST and the EU. Much of our work on AI is done in collaboration with global technical experts, civil rights leaders, and affected communities.

We are a longstanding member of the **Partnership on AI** and, in partnership with the **R Street Institute**, lead the **Governance & Research for Artificial Intelligence Leadership (GRAIL) Network**, which facilitates engagement between policymakers and data scientists, researchers, and academics who focus on artificial intelligence. With support from the **Ford Foundation**, we're expanding our work to place a specific focus on the impact of algorithm-driven decision making for people with disabilities.



Securing the 2020 Presidential Election

Politics and technology intersected more than ever during the 2020 U.S. presidential election, with a surge in voting by mail during the coronavirus pandemic, the rise in online disinformation, and sustained efforts to falsely discredit mail-in voting and the stability of the election.

To safeguard the democratic process and ensure that every vote counts, we produced two widely-viewed public service announcements that attracted hundreds of thousands of viewers: one explaining why voting by mail is safe and secure; and another helping voters identify misinformation and disinformation designed to disrupt the election.

Our elections team also produced a course for election officials on combating misinformation and provided technical training to election staff and volunteers, held briefings for press and State Attorneys General, and created field guides on election security issues.



Working with Airbnb and Civil Rights Groups to Fight Discrimination

For nearly two years, we partnered with other civil rights and privacy rights organizations to work with **Airbnb** to help the consumer tech company measure and evaluate discrimination on its platform in the U.S. The resulting initiative, **Project Lighthouse**, will help Airbnb combat racial discrimination and bias that Black users and other people of color have faced when using the service. Our partners in the project included **Asian Americans Advancing Justice (AAJC)**, **Color Of Change**, **League of United Latin American Citizens (LULAC)**, **National Action Network**, **The Leadership Conference**, and **Upturn**.

Civil Rights Leader Laura W. Murphy Joins CDT Board of Directors

In December, we were honored to welcome civil rights leader **Laura Murphy** to our Board of Directors. For decades, Laura has advocated on a range of issues that sit at the core of CDT's work — freedom of expression, freedom from surveillance, consumer privacy, anti-discrimination, and more. She spent 17 years leading the ACLU Legislative Office, where she advanced executive branch policies and federal legislation on free speech, national security, internet privacy, and LGBT and civil rights. She has testified more than a dozen times before Congress and recently led the external team that conducted Facebook's multiyear Civil Rights Audit.



Integrating Disability Rights into Tech Policy

As tech policy increasingly grapples with questions of bias and discrimination, one form of bias often goes overlooked: the impact of AI and other technologies for people with disabilities. In 2020, we launched a new program specifically focused on these issues. Guided by our AI-Disability Rights advisory council, which includes leading experts in disability policy, we explored how AI tools in hiring can not only be unfair to people with disabilities, but also illegal.

We highlighted how governments are increasingly turning to algorithms to determine whether, and to what extent, people should receive crucial benefits for programs like Medicaid — and how these tools are frequently reducing and denying benefits with unfair results. We convened a forum on the protection of health-related data with national and grassroots disability organizations, and we weighed in on how predictive policing, remote-exam proctoring, and school-based surveillance can discriminate against people with disabilities.

CDT's New Research Team Highlights Scholarship Gap at Intersection of Disinformation, Race, and Gender

Civil society groups have been working to combat online disinformation issues for years, but there is a lack of academic research to understand the impacts of mis- and disinformation on communities of color and across gender identity.

In September, our new Research Team — which is supported by a transformational grant from the **Knight Foundation** for work examining technology's impact on democracy — convened international experts to identify key research questions about how race and gender are used in disinformation efforts. The CDT report that followed makes recommendations for a future research agenda and how to tackle the methodological problems that researchers face in addressing these topics.

FACT
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CDT Joins Civil Rights and Tech Advocacy Groups to Release Civil Rights Principles for the Era of Big Data →

In a world where daily life is increasingly shaped by rapidly advancing technologies that rely on big data to make decisions, the civil rights of vulnerable communities are especially at risk. That's why we partnered with **The Leadership Conference on Civil and Human Rights** — the nation's oldest, largest, and most diverse civil rights coalition — and 24 allied organizations to unveil a new set of civil rights principles for the digital age. The principles are designed to address current threats to civil rights, including the use of surveillance technology and discriminatory and predatory use of personal information.

6

2020 Principles

- 1 Ending high-tech profiling
- 2 Ensuring just outcomes in sensitive automated decisions
- 3 Preserving constitutional principles
- 4 Ensuring that technology serves everyone
- 5 Defining responsible use of personal information and enhancing individual rights
- 6 Making systems transparent and accountable

Meet CDT Europe's New Director

With the growth of our international reputation as a resource on protecting human rights in a digital world, we appointed **Iverna McGowan** as director of CDT's European office in Brussels. A prominent leader in human rights advocacy in the European Union, Iverna comes to us from the United Nations Human Rights Office of the High Commissioner, where she led efforts to protect online civic space.

In 2020, we worked with EU institutions and Member States to ensure that legislation protects core liability limitations enabling freedom of expression, while addressing concerns related to hate speech,

terrorist content, and online disinformation. CDT Europe is also deeply engaged on the issues of artificial intelligence, government surveillance and access to personal data, and data protection and privacy. For more, visit

www.cdt.org/eu.



Launching the Global Encryption Coalition to Protect Privacy

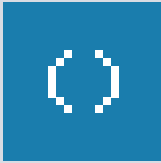
Technology makes it possible for us to consult with doctors, make financial transactions, and help children learn online. Encryption is what makes it possible for us to do this privately and securely. But encryption is increasingly under attack around the world as governments try to compel companies to build ways for law enforcement to access and manage private, encrypted communications.

That's why we organized more than 30 other stakeholders in 2020 to launch the **Global Encryption Coalition**. Working together with technology experts and the private sector, the group is helping activists on the ground in key areas where encryption is under threat, like Australia, India, and Brazil.



Global
Encryption
Coalition

Defending Global Internet Freedom



In June, we joined a massive coalition of more than 500 organizations and thousands of individuals asking lawmakers to protect the most effective program the U.S. has for defending internet freedom: the **Open Technology Fund (OTF)**. We fought, successfully, to ensure that the new leadership of the U.S. Agency for Global Media didn't dismantle the program.

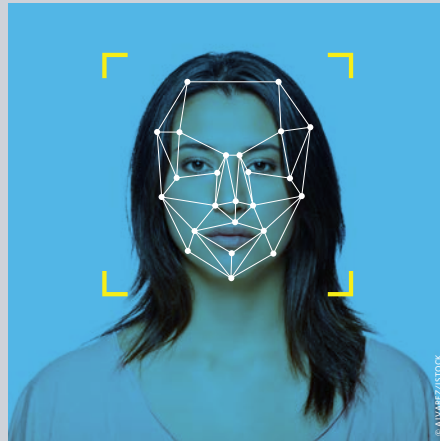
Over the past eight years, OTF and the projects it supports have enabled more than 2 billion people in over 60 countries to safely access the internet free from censorship and repressive surveillance. Through OTF-funded projects, millions of people in Mainland China leap over the Great Firewall, Cubans access independent news reporting and communicate securely without an internet connection on the island, thousands of activists avoid repressive surveillance in Iran and circumvent internet shutdowns in Turkey, and journalists stay safe online in Russia.

CDT Brings Nationwide Awareness to Challenges of Student Privacy and Remote Learning

During the pandemic, our student privacy project rapidly pivoted to focus on questions of privacy, security, and equity in remote learning — reaching educators, school officials, and public audiences around the country. In October, we appeared on dozens of radio stations across the country to share the results of our research that polled parents, teachers, and students about education technology and student privacy.



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Protecting Privacy at the U.S. Border

In 2020, we fought against warrantless searches at the U.S. border and the dramatic expansion of the collection of biometric data. We urged the Department of Homeland Security (DHS) to withdraw a proposed rule that would unjustifiably double the population of immigrants and U.S. citizens from whom DHS could seek sensitive personal information, including iris scans, facial images, palm prints, and DNA test results.

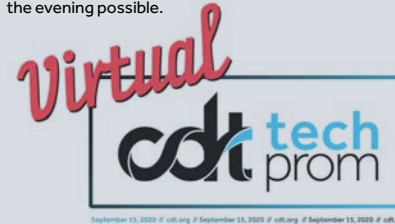
In the *Alasaad v. Wolf* case, we filed an amicus brief arguing that the border search exception of the Fourth Amendment is erroneously interpreted by the U.S. government, and does not permit the rising number of warrantless, suspicionless searches of travelers' electronic devices.

CDT also opposed a U.S. Customs and Border Protection proposal that would force all non-U.S. citizens to be subject to facial recognition screening whenever they enter or depart the country, highlighting questions about the technology's ability to work as intended and to provide an equitable experience for all.

Tech Prom Goes Virtual

One of the hottest events on the technology policy calendar — CDT's Tech Prom — couldn't be held in person in 2020 due to the pandemic, but the annual soirée didn't skip a beat as we took it online. Virtual Tech Prom brought together current and former leaders from government, academia, foundations, civil society organizations, and the corporate sector for a night of networking and conversation.

Featured speakers included FTC Commissioners **Noah Phillips** and **Rebecca Slaughter**, FCC Commissioner **Geoffrey Starks**, U.S. Election Assistance Commissioner **Thomas Hicks**, former UN Special Rapporteur on the Right to Freedom of Expression **David Kaye**, Facebook Oversight Board Member **Julie Owono**, and many others. We are particularly grateful to the platinum sponsors — **Amazon**, **Apple**, **Facebook**, **Google**, **Intel**, **Mayer Brown**, and **Microsoft** — for the support that made the evening possible.



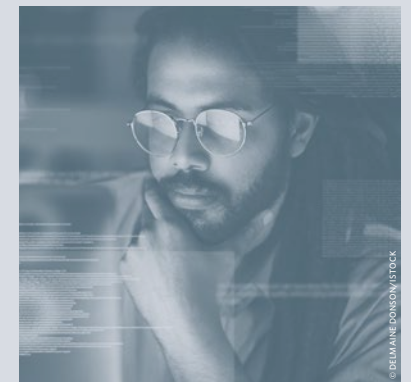
Demanding Solid Legal Ground for Security Researchers

The vital work of security researchers is often hindered by laws like the Computer Fraud and Abuse Act (CFAA), which was originally written to fight growing security threats from malicious attacks on computers and networks. Instead, it has led to the prosecution of good-faith security researchers. In 2020, we filed an amicus brief in the Supreme Court case *Van Buren v. United States* arguing that the law should be interpreted more narrowly to give more legal cover to security researchers. We also petitioned the U.S. Copyright Office to exempt security researchers from Section 1201 of the Digital Millennium Copyright Act, allowing them to circumvent digital locks for lawful and legitimate reasons and provide legal clarity about what liabilities they might face.



CDT Welcomes New Policy Director

In 2020, we welcomed **Samir Jain** as Director of Policy to lead our advocacy efforts. Samir served in the Obama Administration as Associate Deputy Attorney General at the Department of Justice and as Senior Director for Cybersecurity Policy for the National Security Council. In private practice, his work spanned a range of regulatory and litigation matters, including playing a lead role in litigation that interpreted Section 230 of the Communications Decency Act.



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A CLOSER LOOK

- 1 Fighting for Human Rights in the COVID Crisis
- 2 Advancing Equity in Technology Policy
- 3 Protecting the Future of Digital Discourse

1

FIGHTING FOR HUMAN RIGHTS IN THE COVID Crisis

The global crisis caused by the spread of COVID-19 thrust data and technology issues into the center of civic life, as people around the world turned to technology to improve public health, work and study remotely, and connect, communicate, and organize in new ways.

As government leaders, policymakers, and tech companies searched for solutions to slow the spread of COVID-19, we actively monitored responses and [worked to ensure](#) that they are grounded in civil rights and liberties.

Early in the pandemic, we launched the [Coronavirus: Data for Life and Liberty Task Force](#), a group of civil liberties advocates, representatives from industry, academics, health professionals, and technologists to explore how data — particularly mobile location and proximity information — should and should not be used to fight the pandemic. We urged governments to favor consent-based, transparent, and time-bound measures that avoid disparate impacts, and highlighted situations in which aggregated data could be used instead of individualized data.

The COVID-19 pandemic has driven home the importance of strong privacy protections to protect the ever-growing amount of information we share online: from web browsing history that could reveal someone's positive COVID status, to schools gathering new types of student health data, to the considerations around notifying people of possible exposure to the virus.

In [testimony to the U.S. Senate Commerce Committee](#) on the role of big data in the fight against COVID-19, Michelle Richardson, who heads our Data and Privacy Project, highlighted the absence

and importance of clear, meaningful federal privacy rules, and of using data only in ways that support meaningful public health responses.

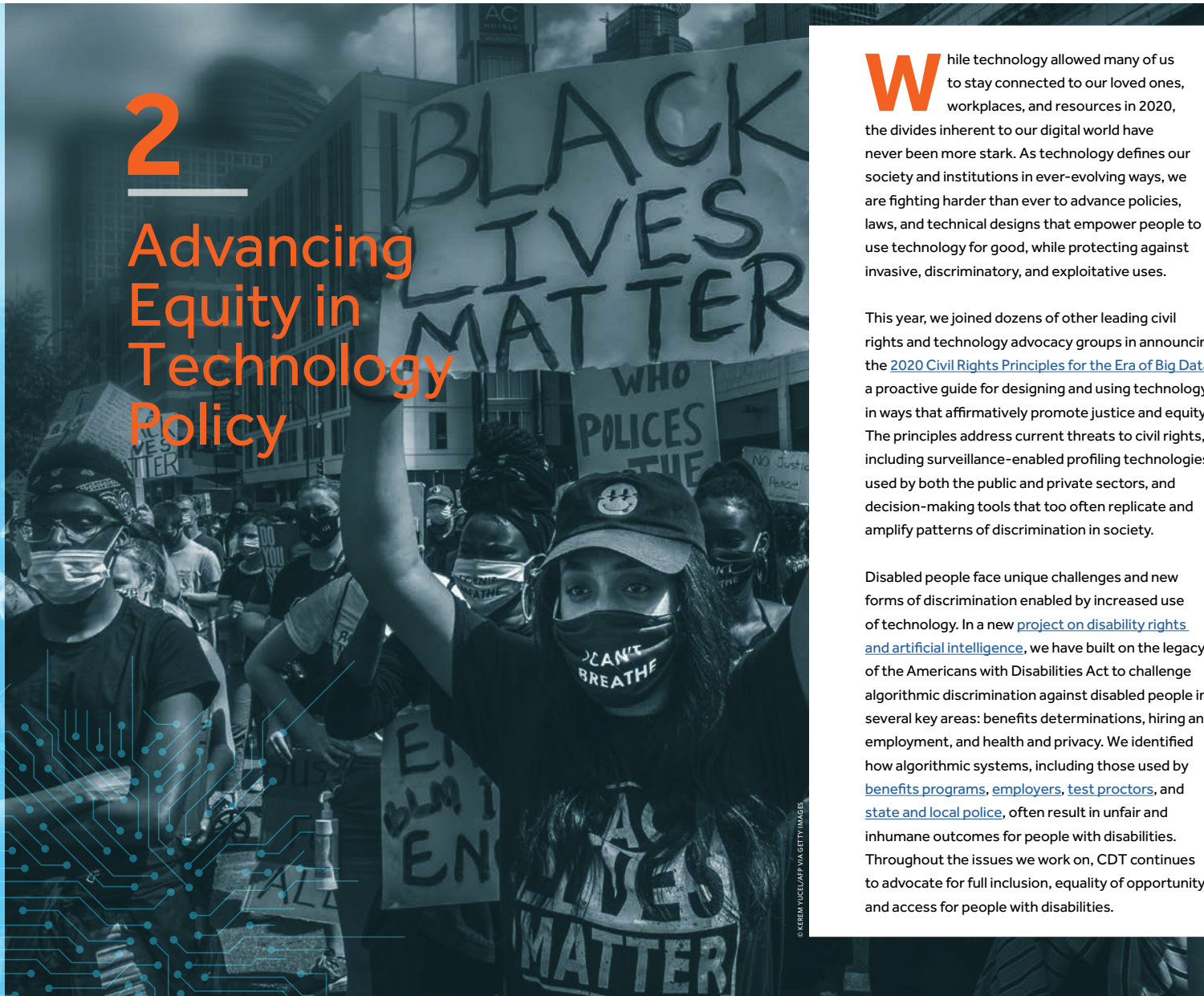
In 2020, we also expanded CDT's health privacy work, collaborating with the Robert Wood Johnson Foundation, the eHealth Initiative, and dozens of partners to [build a framework](#) that identifies what standards and rules should govern consumer health data. The effort culminated in the release of proposed standards that we hope will shape industry practices and provide guidance for future regulation in the space.

In education, technology allowed many students to continue schooling from home, but the pandemic also worsened the inequities of the [digital divide](#) and created [new issues for student privacy](#). As school districts enacted distance learning plans, we provided educators and parents with resources on protecting students' privacy as they made choices about how technology could support remote learning. We conducted [original research](#) on parents' and teachers' views on student privacy during the pandemic, and [called on policymakers](#) to ensure that, when tackling the digital divide by providing funds to connect students remotely, students' data are not commodified by the infrastructure they rely on.

From the ways companies moderate content, to the types of data that are collected about people, to the ways people socialize, work, and get an education, the pandemic has changed a lot — but more than anything, it has shown how much modern societies rely on online services. **It is clearer than ever that there is a public interest imperative in setting the right frameworks for how digital technologies operate.** When built thoughtfully, technology can help us effectively manage the COVID-19 pandemic — and so much more — while also protecting civil liberties and human rights.

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Advancing Equity in Technology Policy



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While technology allowed many of us to stay connected to our loved ones, workplaces, and resources in 2020, the divides inherent to our digital world have never been more stark. As technology defines our society and institutions in ever-evolving ways, we are fighting harder than ever to advance policies, laws, and technical designs that empower people to use technology for good, while protecting against invasive, discriminatory, and exploitative uses.

This year, we joined dozens of other leading civil rights and technology advocacy groups in announcing the [2020 Civil Rights Principles for the Era of Big Data](#), a proactive guide for designing and using technology in ways that affirmatively promote justice and equity. The principles address current threats to civil rights, including surveillance-enabled profiling technologies used by both the public and private sectors, and decision-making tools that too often replicate and amplify patterns of discrimination in society.

Disabled people face unique challenges and new forms of discrimination enabled by increased use of technology. In a new [project on disability rights and artificial intelligence](#), we have built on the legacy of the Americans with Disabilities Act to challenge algorithmic discrimination against disabled people in several key areas: benefits determinations, hiring and employment, and health and privacy. We identified how algorithmic systems, including those used by [benefits programs](#), [employers](#), [test proctors](#), and [state and local police](#), often result in unfair and inhumane outcomes for people with disabilities. Throughout the issues we work on, CDT continues to advocate for full inclusion, equality of opportunity, and access for people with disabilities.

The year especially highlighted racial inequities in the U.S. **In response, we urged leaders in Congress to address the unconstitutional, dangerous, and historically inequitable use of largely unregulated surveillance technologies by police against demonstrators protesting the murder of George Floyd.** We [called for a halt](#) to federal use of and investment in invasive and discriminatory facial recognition technology, which can result in improper arrest and detention, [subject travelers](#) to interrogation and gross invasion of privacy, and chill First Amendment rights — all with disproportionate effects on communities of color. CDT also [pushed the internet standards community](#) to formally eliminate discriminatory and non-inclusive terms from the vocabulary that underpins one of the world's most important and democratic technologies.

We spotlighted equity issues in the response to COVID-19, particularly around [remote schooling and the digital divide](#). Students were newly dependent upon computers and the internet for access to an education, but ownership rates of smartphones and availability of school-issued or personal devices, as well as access to the internet, vary greatly. Content and services provided electronically are not always accessible to all students, providing further challenges for students with disabilities. We created resources for school districts that discussed key privacy protection practices and equity considerations for in-person, remote, and hybrid learning environments, as well as considerations for switching from one model to another.

Following the Presidential election, we called on the Biden Administration to prioritize evaluating the civil rights and equity impacts of technology policies and regulation of industry, as well as the use of technology by agencies across government.



3

Protecting the Future of Digital Discourse

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In 2020, the public, policymakers, and researchers increasingly focused on the harms flowing from misinformation, disinformation, and the undermining of facts about key topics in our society — particularly concerning the COVID-19 pandemic and national elections in the U.S.

This year, a foundational grant from the Knight Foundation allowed us to build an in-house team at CDT to conduct original research on the future of digital discourse. In September, this new research team [brought together over 30 experts](#) in a variety of disciplines to focus specifically on the intersection of disinformation, race, and gender. We identified high-stakes, unresolved research questions around the impacts of online disinformation on women, LGBTQIA+ communities, people of color, and other voices that are less prominent in mainstream political discourse in the U.S., informing the development of CDT's future research and advocacy agenda.

In the run-up to November's U.S. presidential elections, online disinformation and conspiracy campaigns drew scrutiny to social media's role in public discourse. We [called for platforms](#) to increase transparency about their moderation practices, and to improve access provided to third-party researchers to better identify disinformation campaigns and assess platforms' responses. We also provided [training](#) for state and local election officials on how to [counter disinformation](#), and produced our own public service announcements about [disinformation](#) and the [security of mail-in voting](#).

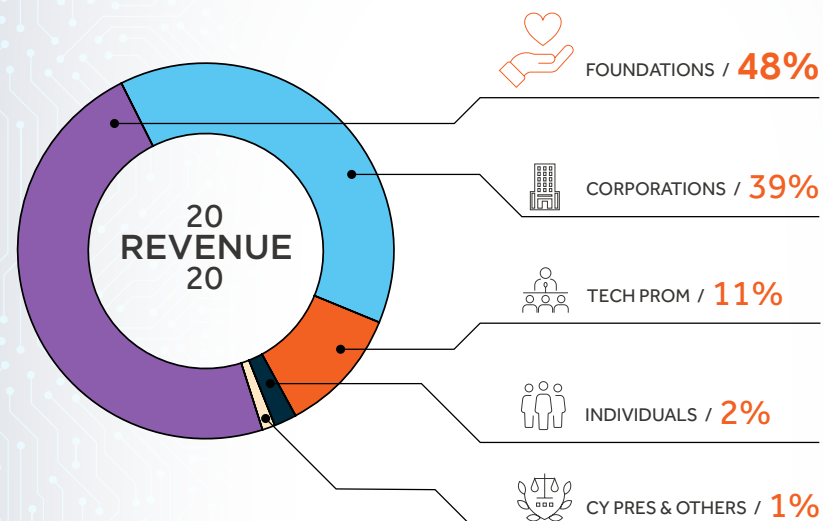
In June, we [filed a lawsuit](#) against President Trump's unconstitutional "Executive Order on Preventing Online Censorship," which threatened to revoke liability protections for social media services in order to [deter them](#) from fighting misinformation, voter suppression, and the stoking of violence on their platforms. We also led a coalition of civil rights and technology groups in [opposing the Online Content Policy Modernization Act](#), which would interfere with social media services' ability to combat the spread of mis- and disinformation on their sites.

In Europe, our team [weighed in on the development](#) of the European Commission's Democracy Action Plan, which focused in part on how European societies can handle the challenge posed by disinformation. We advocated for transparency to be a key element to enable watchdogs, such as public authorities mandated to uphold electoral law and enforce electoral safeguards. We also stressed the importance of enforcing the General Data Protection Regulation (GDPR) to prevent the micro-targeting of individual voters, and cautioned that any new regulations on online campaigning should not unduly restrict civic space.

As social media platforms took steps to promote reliable information around the COVID-19 pandemic, countering disinformation was important for not only the [health of democracies](#), but also the physical health of people worldwide. **The problem of mis- and disinformation is a growing challenge around the globe, and we expect this work will continue long into the future.**

FINANCIALS

CDT is committed to sound financial stewardship and transparency. We have received clean audits each year from an independent auditing firm and have high ratings from nonprofit watchdogs GuideStar, Charity Navigator, and GreatNonprofits.



This does not include in kind donations of pro bono legal services.

2020 / EXPENSES

PROGRAMS	PUBLIC EVENTS	FUNDRAISING	ADMINISTRATION
\$4,655,316	\$224,012	\$280,000	\$530,041

TOTAL \$5,689,369

Breakdown of CDT's 2020 expenses.

THANK YOU

500k+ Chan Zuckerberg Initiative DAF, an advised fund of Silicon Valley Community Foundation / Ford Foundation / Google / John S. and James L. Knight Foundation

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