



**ALA Washington Office Chronology
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December 1998

**LESS ACCESS TO LESS
INFORMATION BY AND ABOUT
THE U.S. GOVERNMENT: XXXI
*A 1998 Chronology: June - December***

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LESS ACCESS TO LESS INFORMATION BY AND ABOUT THE U.S. GOVERNMENT: XXXI *A 1998 Chronology: June - December*

INTRODUCTION

For the past 17 years, this ongoing selective chronology has documented efforts to restrict and privatize government information. It is distributed at ALA's Midwinter and Annual Conferences and as an electronic publication at <http://www.ala.org/washoff/lessaccess.html>. While government information is more accessible through computer networks and the Freedom of Information Act, there are still barriers to public access. Disclosure that federal agencies are failing to make public information available on their World Wide Web sites or withdrawing it for security reasons raises concerns about public access to government information in the present and future.

Another development, with major implications for public access, is the growing tendency of federal agencies to use computer and telecommunication technologies for data collection, storage, retrieval, and dissemination. This trend has resulted in the increased emergence of contractual arrangements with commercial firms to disseminate information collected at taxpayer expense, higher user charges for government information, and the proliferation of government information available in electronic format only. This trend toward electronic dissemination is occurring in all three branches of government. While automation clearly offers promises of savings, will public access to government information be further restricted for people who cannot afford computers or pay for computer time?

On the other hand, the Government Printing Office GPO Access system and the Library of

Congress THOMAS system have enhanced public access by providing free online access to government databases.

Recognizing that some federal agencies are succeeding in increasing public access to government information, this update also includes selected examples of such successes.

ALA continues to reaffirm its long-standing conviction that open government is vital to a democracy. A January 1984 resolution passed by ALA's Council stated that "there should be equal and ready access to data collected, compiled, produced, and published in any format by the government of the United States."

In 1986, ALA initiated a Coalition on Government Information. The Coalition's objectives are to focus national attention on all efforts that limit access to government information, and to develop support for improvements in access to government information. Since 1989, the Coalition has presented the James Madison Award to champions of the public's right to know. The awardees are listed in this update.

With access to information a major ALA priority, library advocates should be concerned about barriers to public access to government information. Previous chronologies were compiled in two ALA Washington Office indexed publications, *Less Access to Less Information By and About the U.S. Government: A 1981-1987 Chronology*, and *Less Access to Less Information By and About the U.S. Government: A 1988-1991 Chronology*. The following selected chronology continues the tradition of a semi-annual update. ♦

CHRONOLOGY

JUNE

Agencies Find It Difficult to Comply with Electronic Freedom of Information Law

Backlogs in processing traditional paper-based requests under the Freedom of Information Act are hindering some federal agencies from complying with the requirements of the 1996 Electronic Freedom of Information Act. At a hearing of the House Subcommittee on Government Management, Information and Technology, chaired by Rep. Steve Horn (R-CA), a FBI spokesman said the agency has a backlog of nearly 11,900 requests for information. Technical difficulties in Web site development have also stymied agencies from EFOIA compliance, said Richard Huff, co-director of the Justice Department's Office of Information and Privacy.

Patrice McDermott of OMB Watch, an organization that monitors public access to government records, said that of the 57 federal agencies her organization had surveyed recently, none had complied fully with EFOIA. She cited three reasons for the lack of compliance: lack of Congressional funding, lack of guidance to agencies from the Office of Management and Budget, and the failure of agencies to make access to federal information a priority. "The goal of EFOIA should be to make so much information publicly available online that Freedom of Information Act requests become an avenue of last resort," McDermott said. (Tillett, L. Scott. "Feds find EFOIA a tough act to follow," *Federal Computer Week*, June 15, 1998, 18.)

JULY

Thousands of Nixon Records Destroyed

In early June the National Archives and Records Administration shredded more than 70,000 pages of documents about former President Richard M. Nixon. Then the shreds were stuffed into 126 burn

bags and incinerated at the Pentagon. The records, not classified or related to national security, were logs summing up what have been deemed to be "private/personal" or "private/political" conversations on the former president's White House tapes. The documents were covered by a federal court order that requires the Archives to return to the Nixon estate all the "personal and private" conversations scattered throughout his original White House tapes.

Archivist John Carlin is trying to decide what to do with the fragile, original tapes. It is estimated that it would take five years to edit the 3,700 hours of tape. Additionally trying to edit out the 819 hours of "personal" discussions would probably destroy most of the original tapes including segments concerning the Watergate scandal. Some archival specialists suggest a bonfire for the original tapes, too. "Cutting and splicing them is going to be a monumental waste of time," one said. "Once you start cutting, you've destroyed the tapes." (Lardner, George. "Nixon Logs Burn to Ashes," *The Washington Post*, July 1, 1998, A21.)

[Ed. Note: Previous chronologies reported on earlier developments about the Nixon tapes.]

CIA Breaks Promises to Release Cold War Files

Citing lack of funds and personnel, George Tenet, director of the Central Intelligence Agency, announced that the agency will not release secret records about most of its major cold war covert operations in the foreseeable future. The CIA promised five years ago to declassify thousands of files on 11 major paramilitary and political operations carried out under Presidents Truman, Eisenhower and Kennedy. Some documents from two of the operations have been published: the 1961 Bay of Pigs invasion of Cuba and the 1954 coup against the Guatemalan government. But Tenet's statement made it clear that the agency never undertook a serious effort to declassify the remaining nine operations.

Information about the nine operations make up a

secret history of American power used against foreign government. The CIA also promised six years ago to release records of its coup in Iran in 1954. It belatedly acknowledged last year that most of those files had been destroyed in the 1960s. Tenet said the CIA had released 227,000 pages to a government panel on the assassination of President Kennedy and reams of information for the official histories of the State Department of the 1950s and 1960s. These releases took precedence over the voluntary effort to declassify covert actions.

Page Putnam Miller, director of the National Coordinating Committee for the Promotion of History, said, "There are no resources now for this project." A CIA spokeswoman said about 150 people work on declassification, handling requests from the White House, Congress, State Department, and requests under the Freedom of Information Act. She said the amount of money spent on the effort could not be revealed because it was secret. ("Weiner, Tim. "CIA, Breaking Promises, Put Off Release of Cold War Files," *The New York Times*, July 15, 1998, A13.)

FBI Exemption to Declassification Order Revealed

In 1995 when President Clinton signed an executive order directing the automatic declassification of millions of government secrets more than 25 years old, he did not mention that the Federal Bureau of Information would have a blanket exemption. FBI officials defended the previously undisclosed exemption, saying it was essential because of the size of its files—6.5 million cubic feet—where classified and unclassified files are mingled, often without labels that show those supposed to concern national security. No other government agency, including the CIA and the super-secret National Security Agency, won an exemption. "It sounds like we pulled a real coup," one FBI agent said.

The arrangement came to light in court papers in June and was laid out in detail in a memo obtained by *The Washington Post* under the Freedom of Information Act. Critics of government secrecy

said that the exemption was legally questionable because it has no cut-off date and because the FBI used federal privacy law instead of any national security concerns to justify it. It is uncertain how and why the special arrangement for the FBI came about. "The understanding was that there was a distinction between making something public and removing any classification from it," said former National Security Council staff member Morton Halperin. "These files were not going to be automatically put in a public library after 25 years. They would still be subject to law enforcement and privacy reviews. So therefore this [automatic declassification] was not a big threat to them." (Lardner, George. "FBI Won Exception to Presidential Order Declassifying Secrets," *The Washington Post*, July 19, 1998, A03.)

SEPTEMBER

Sen. Moynihan Thinks Secrecy Is for Losers

In his book, *Secrecy: The American Experience*, Sen. Daniel Patrick Moynihan (D-NY) offered advice to public officials considering whether or not to keep information confidential: When in doubt, put it out. Moynihan drew on the work of the Commission on Protecting and Reducing Government Secrecy (1995-97), which he chaired, to write a history of official secrecy in America.

Moynihan wrote that a case can be made that secrecy is for losers — both people and policies. He asserted that Richard Nixon's rage at the publication of the top-secret Pentagon Papers in 1971 eventually led to the Watergate break-in and ultimately his resignation. Additionally, he believes that the covert Bay of Pigs fiasco in 1961 "arguably led to the Cuban missile crisis of 1962," the most dangerous moment of the Cold War.

Moynihan argued that overclassification stifles analysis and debate (the reason the CIA did not foresee the collapse of the Soviet Union); it deters self-criticism that is fundamental to democracy; and it feeds suspicions of conspiracy. He said that the benefits of publication are rarely weighed when classifiers worry about the harm that may result from disclosure of information. Knowledge is

power, Moynihan concluded, and if other people have less knowledge, the official has more power. (Turner, Robert L. "Putting the Word Out on 'Secrecy,'" *The Boston Globe*, September 29, 1998, C2.)

OCTOBER

Military Required to Remove Information from Public Web Sites

Deputy Secretary of Defense John Hamre issued a directive on September 25 requiring all Department of Defense organizations to remove certain information from public military Web sites. Plans for military operations, movements of military units and personal data such as Social Security numbers, phone numbers and addresses of military personnel family members were included. The threat of terror attacks against military people and installations was the justification for the directive.

The impact of the directive was not immediately clear since few, if any, military Web sites have content that has not cleared for release. However, the new directive might make it more difficult to decide what may be released. Among the materials that may go under wraps are maps, biographies of and speeches by civilian officials. "By looking at various speeches, you might find that the person might reference his parents and where they live," a spokesman said. "If you connect bios with the speeches, you could get personal information about civilian officials." However, removing maps from Web sites would not do much for security because maps appear in guidebooks that are available to the public. The Defense Department recognizes that the information on its Web sites is public information and that the public could obtain it by going to a military installation or filing a Freedom of Information Act. But making information so easily accessible on the Internet concerns Defense officials.

Internet freedom advocates expressed concern that officials may use threats to personnel as an excuse to keep legitimate information from the public. "If this is taken as an excuse to take out

budget information, information on weapons systems, and so on it would be a travesty on the American people," said William Arkin, an independent defense analyst. The Pentagon's main Web site (at <http://www.defenselink.mil>) branches into separate Web sites for each military branch and some individual units and ships. Some bases have independent sites. (Ratnam, Gopal. "Defense Reviews Sensitivity of Web Site Data," *Federal Times*, October 12, 1998, 4.)

House Members Angry at Secrecy Surrounding Huge Omnibus Appropriations Bill

Numerous rank and file Members of Congress criticized the House leadership for secretly stuffing millions of dollars in controversial projects into the \$520 billion omnibus appropriations bill that was prepared as the 105th Congress moved toward adjournment. Republicans were angered when their leadership blocked them from examining the details of the pending funding legislation. "We have negotiated a bill we can't read with people we don't trust and spent money we don't have for things we don't need," Rep. Steve Largent (R-OK) said of the funding bill that passed the House on October 20. Republicans were particularly angry with Speaker of the House Newt Gingrich (R-GA) and Appropriations Chair Robert Livingston (R-LA) for allegedly "hiding" the details of the 40-pound, 4,000-page bill until just hours before the final vote.

On the Senate side, Sen. John McCain (R-AZ) said, "The process by which the bill was created is deplorable. Negotiations were conducted behind closed doors, out of sight of the public as well as the vast majority of Members of Congress. Decisions were made and then reversed without notice." Sen. Daniel Patrick Moynihan (D-NY) criticized Congressional leaders for writing nearly one-third of the \$1.7 trillion budget behind closed doors. "We are beginning to resemble a kind of bastard parliamentary system in which the real decisions are made in a closed room by three or four people," he said. Republicans were equally infuriated that the budget plan was available for only a few to see. (VandeHei, Jim and Ethan

Wallison. "Budget Fight Ends, But Few Are Happy," *Roll Call*, October 22, 1998, 1.)

Automatic Declassification of Government Documents Halted

Automatic declassification of classified records more than 25 years old was halted by a provision inserted into the defense authorization bill for FY1999 (P.L. 105-261). Decried by critics as a major blow to secrecy reform, the law directs government agencies to revert to a page-by-page review of all classified records more than 25 years old. This painstaking and time consuming review is required until the Department of Energy and the National Archives develop procedures determining which of their documents are "highly unlikely" to contain "Restricted Data" or "Formerly Restricted Date," as nuclear secrets are called.

As he signed H.R. 3616, President Clinton stated: "I am disappointed that the Congress, in a well-meaning effort to further protect nuclear weapons information, has included an overly broad provision that impedes my Administration's work to declassify historically valuable records. I am committed to submitting the plan required under this Act within 90 days. In the meantime, I will interpret this provision in a manner that will assure the maximum continuity of agency efforts, as directed by my Executive Order 12958, to declassify historically valuable records." (Miller, Page Putnam. "President Critical of Restrictive Declassification Provision in Defense Authorization Act," *NCC Washington Update*, vol. 4, no. 42, October 26, 1998 [<http://www.h-net.msu.edu/~ncc/>].)

Defense Department Blacks Out General Pinochet Biographic Sketch

When the U.S. Defense Intelligence Agency released a biographic sketch of General Augusto Pinochet, it blacked out everything on the page other than the date, his name, and his position as the President and Chief of the Military Junta in Chile. The document, released under the Freedom of Information Act, is one page of thousands of

secret documents buried in Washington. A picture of the black page was featured in *The New York Times*. (Kornbluh, Peter. "Op-Art: Defense Intelligence Agency," *The New York Times*, October 26, 1998, A25.)

NOVEMBER

CIA Refuses to Reveal Names of Human Rights Violators

In a newly declassified report written by its inspector general, the Central Intelligence Agency refused to give human rights investigators in Honduras the names of Honduran military officers suspected of executing a leader of counterinsurgency operations in 1983. Despite deletions, the report acknowledged for the first time that the CIA knew at the time of "death squad" activities linked to Honduran military personnel with whom the U.S. government had close ties. The report also acknowledged that CIA officials failed to fully reveal the extent of human rights violations in Honduras to agency headquarters or to Congress.

The agency's deletions of names again ignited a debate over legislation that would have required the CIA to disclose information even if it revealed the identity of confidential intelligence sources. The Senate narrowly defeated legislation that would have prohibited the CIA from withholding information about an individual's involvement in human rights abuses "solely because that individual was or is an intelligence source." The bill also established an expedited declassification process for documents sought by human rights investigators in Honduras and Guatemala and created a panel to review declassification decisions made by the CIA. (Loeb, Vernon. "CIA Won't Name Hondurans Suspected of Executing Rebel," *The Washington Post*, November 4, 1998, A2.)

Switch from Paper to Electronic Distribution of 2000 Census Data Raises Information Issues

The Census Bureau is planning to mount most of the 2000 census data on the Internet, with little

being distributed in paper. Although the plan is likely to result in a profusion of private-sector packaging of government information, there appears to be little concern about whether the quality and veracity of government data could be compromised by marketers who may enhance the materials in their zeal to tailor it for business clients. Others express concerns about the Internet being used as the primary method for disseminating federal statistics without a national policy for cyberspace information storage and retrieval. "What the Census Bureau is doing is just the tip of a much bigger iceberg," said Gary Bass, executive director of OMB Watch, an organization that monitors public access to government records. "The government doesn't have a plan for regulating its data. [Federal officials] can't, or shouldn't, be putting it out there willy-nilly because what they are releasing affects us all."

Although some experts worry about policy implications, entrepreneurs are eager to download information produced by the Census Bureau, repackage it, and sell it at a profit. Mike Bergman, a Census Bureau spokesman, said, "The idea is to put this new system in place and allow people to do the sophisticated number-crunching themselves online." Bureau officials said their Web site (<http://www.census.gov>) is already among the most popular in the world. Don Wynegar, chief of marketing services at the bureau said, "Once we have the data up on our Web site, it will generate opportunities for middlemen to repackage the data and sell it. Millions of people who have access to the Internet will be able to dial us up. There will be numerous vendors looking for ways to use the materials. We're giving it away." (Fulwood, Sam. "U.S. Counting on Web to Be Census Source Data: Bureau Plans to Post Most of Its 2000 Enumeration Data on the Internet." *Los Angeles Times, Home Edition*, November 15, 1998, 28.)

EPA Decides to Withhold Disaster Information from the Internet

The 1990 Clean Air Act requires facilities that use large amounts of extremely hazardous substances to prepare Risk Management Plans (RMP),

including worst-case accident scenarios. The Environmental Protection Agency, which implements the law, has decided not to proceed with a plan to put the complete scenarios on the Internet. Intense pressure from Congress, law-enforcement agencies and the chemical industry apparently caused the change in policy. EPA said that it had been eager to place the disaster scenarios on the Internet, but now it will post some basic information about chemicals at the plants, including which chemicals are being stored and used and emergency-response plans for those places. Some Members of Congress, the FBI, and the CIA opposed the plan, maintaining that broadly available disaster information could be used by terrorists. Environmental groups said the publicly accessible database would help Americans identify threats in their backyards, and that the more public information that is available about chemicals in neighborhoods, the more pressure there will be to reduce the use of these chemicals. (Borenstein, Seth. "EPA Keeps Data on Disaster Scenarios Off Internet," *The Philadelphia Inquirer*, November 19, 1998, A13.)

Supreme Court Stops Case Because of Secrecy

On November 2 the Supreme Court declined to hear two cases brought by employees at a top-secret Air Force base near Groom Lake, NV. The plaintiffs, former workers and two widows of men who worked at the base, claim they were exposed to high levels of hazardous waste. A district court had dismissed the cases, finding that a trial would be impossible because of the Air Force's right to keep secret national security information. Among the secret information the Defense Department, the co-defendant with the Environmental Protection Agency, was allowed to withhold from the plaintiffs was whether hazardous materials were generated, stored or disposed of at the base known as Area 51. Both widows claimed that the death of their husbands was job-related. The case is *Stella Kasza et al. vs. EPA et al.*, 98-5405, U.S. Supreme Court, November 2, 1998. (Harris, Christy. "Secrecy Stops Widows' Claims," *Federal Times*, November 23, 1998, 4.)

Controversy Could Lead to Less Accurate Census

Controversy continues to surround the method of counting the population to be used in the 2000 census. Trying to correct an undercount of about 4 million people in the 1990 census, Census Bureau officials have planned to use statistical sampling to reduce the disproportionate undercount of racial minorities in the 2000 census. Some members of the Census Monitoring Board, a congressionally-appointed bipartisan board, have suggested the Census Bureau eliminate "scientific sampling" from the 2000 census by using Medicaid, food stamp, driver's license and similar files. Resisting the suggestion, Census Bureau officials said that for years they have been testing the feasibility of gathering, matching and verifying data from federal, state and local agencies. They have found that some state officials fail to release needed records, and files they could use with special permission often were dated, error-riddled and incomplete for census use. Officials said relying extensively on administrative records would raise costs and take more time than the agency now has.

For various reasons some Members of Congress and others oppose sampling, which the Census Bureau says would be more accurate and less costly than the traditional methods. Additionally, sampling twice has been ruled illegal. These rulings have been appealed and the Supreme Court heard arguments on sampling's legality on November 30. Justices are expected to rule on the issues by July 1999. The cases are *Department of Commerce vs. House of Representatives*, No. 98-404, and *Clinton vs. Glavin*, No. 98-564. (Gribbin, August. "Census officials see problems with suggestion to use files," *The Washington Times*, November 24, 1998, A4.)

Annual Report on Declassification Identifies Lingering Problems

At the end of August, the Information Security Office released its annual report for FY 1997 concerning its implementation of Executive Order 12958 on national security policy and declassification of government records. Although positive trends were highlighted, it also identified lingering problems.

The report said start-up and compliance among the major classifying agencies has been uneven. Additionally, the rate of declassification at several agencies is lagging because of an apparent unwillingness to alter an extremely cautious approach to declassification. Several agencies will not declassify any information that has not undergone a line-by-line review by several reviewers, notwithstanding the age of the documents or their subject matter. Resource limitations are having a clear impact on agency compliance and oversight. In some instances, declassification activity has been so prolific that it exceeds the ability of agency systems and resources to process the records for public access, or even the ability to advise other agencies and the public about what information has been declassified. The "Information Security Oversight Office: 1997 Report to the President" is available at the Web site of the Federal of American Scientists at <http://www.fas.org/sgp/isoo/isoo97.html> (Miller, Page Putnam. *NCC Washington Update*, vol. 4, no. 46, December 1, 1998).

Nixon Papers Controversy Continues in New Trail

A long-delayed trial to determine the "just compensation" due to former President Nixon's estate opened in a federal court. The Nixon lawyers say that the former president's White House tapes and papers have a "fair market value" of up to \$213 million dollars. Government lawyers sought to show that Nixon never intended to sell

them and could not have done so without years of laborious processing. A Nixon attorney said that Congress abrogated an agreement to donate his records to the National Archives when Congress passed a law in 1974 confiscating Nixon's records and thwarting his hopes of having them housed in a traditional presidential library. Congress acted to prevent Nixon from destroying his tapes and to provide the public "with the full truth" about the abuses of power that forced him from office.

(Lardner, George. "Nixon Agreement on Donating Papers Cited," *The Washington Post*, December 4, 1998, A10.)

Federal Agency Holds Secret Information about Princess Diana

In the process of denying a Freedom of Information Act request, the National Security Agency revealed that it had a 1,056-page file on the late Princess Diana. An NSA spokesperson said that the documents had been classified top secret "because their disclosure could reasonably be expected to cause exceptionally grave damage to the national security."

The super-secret spy agency was involved in an additional controversy in Europe. Last January a report released by the European Parliament concluded, "within Europe, all e-mail, telephone and fax communications are routinely intercepted by the United States National Security Agency." The report focused on a system called Echelon through which NSA and its spy partners in Britain, Canada, New Zealand and Australia share communications intercepted world-wide and divide the huge task of analyzing the "take." "Each of the five [countries] supply 'dictionaries' to the other four of keywords, phrases, people and places to 'tag,' and the tagged intercept is forwarded straight to the requesting country," according to the report.

Steven Aftergood, of the Federation of American Scientists, said he could not understand why the Echelon controversy has gone unnoticed in the United States. He acknowledged that the lack of interest might result from the fact that law prohibits NSA from targeting American citizens for communications intercepts, here or abroad.

(Loeb, Vernon. "NSA Admits to Holding Secret Information On Princess Diana," *The Washington Post*, December 12, 1998, A13.)

Democrats and Republicans Clash over FBI Documents

Democratic Members of Congress have accused Republican Judiciary Committee members of trying to increase support for President Clinton's impeachment based on unproven and "misleading" information. The materials at issue are sealed FBI documents containing unsubstantiated allegations about the President that were not included in the public material accompanying Independent Counsel Kenneth Starr's report to Congress.

Democrats on the House Judiciary Committee were furious over the inspections of the sealed documents. They accused Republicans of circulating unfounded rumors about the president and of failing to tell Democrats that the sealed documents were available in an area for "secured" information in the Gerald R. Ford congressional building. Jim Jordan, spokesman for the Committee's Democrats, said, "The material was withheld of the committee...because it's unsubstantiated, ambiguous and misleading."

Sam Stratman, spokesman for Committee Chair Henry Hyde (R-IL), said the inspections to the sealed documents were proper. He added that when the House formally created its impeachment inquiry in October, it granted every member access to all the documents accumulated by Starr, including those not made public. (Goldstein, Amy and Juliet Eilperin. "Democrats, GOP Clash over FBI Documents," *The Washington Post*, December 19, 1998, A36.)

CIA Fights Release of Budget Information

A *Washington Post* editorial criticized the Central Intelligence Agency for actively opposing a lawsuit requesting the CIA's intelligence budget request for 1999. The editorial encouraged the CIA to reconsider its position, arguing that "the government's unwillingness to disclose the budget request smacks of reflexive government secrecy

and of an unreadiness of the agency to subject itself to the most rudimentary public accountability."

In 1997 and 1998 the CIA did release aggregated intelligence budget information in response to a Freedom of Information Act lawsuit by the Federation of American Scientists. In 1996 the bipartisan Commission on the Roles and Capabilities of the United States Intelligence Community recommended that the disclosure of both budget requests and appropriations every year could be done "in a manner that does not raise a significant security concern."

CIA Director George J. Tenet filed a statement opposing this latest lawsuit, stating that disclosure of the 1999 figures, along with previously disclosed figures for 1997 and 1998, "provides a measure of the administration's unique critical assessment of its own intelligence programs." Tenet also argued that release of such budget information "reasonably could be expected to cause damage to the national security and would tend to reveal intelligence sources and methods." ("A CIA Secret," *The Washington Post*, December 28, 1998, A24.)

**OPENNESS: SOME EXAMPLES
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"MORE ACCESS" DURING THIS
SAME PERIOD:**

JUNE

Secret Navy Data Declassified

Vice President Gore announced the declassification and release of secret and restricted Navy data. The data, of scientific and commercial value, will help increase public understanding of marine life, improve weather forecasting and climate change research, and identify valuable ocean resources. Additionally, the Department of Defense will improve marine safety by producing computer-

based nautical charts to replace the paper charts used by mariners for centuries. (White House Press Release. "Public Access to Military Data and Technology," June 12, 1998.)

The FBI Makes Secrets Available on the Internet

The FBI quietly posted more than 1,600 pages dating back to the 1940s on its Web site (<http://www.fbi.gov/>), although most contain blacked-out passages and missing names. The agency plans to put up to 1.3 million documents online, including some on famous people, unidentified flying objects, and alleged alien abductions. (Macavinta, Courtney. "FBI posts the real "X files," *CNET News.Com*, June 19, 1998, [<http://www.news.com/News/Item/0,4,233343,00.html>].)

Patent Database to Be Freely Available on the Internet

The Clinton Administration announced that it would make the full database of United States patents since 1976 and trademark text and images starting from the late 1800s freely available on Internet at <http://www.uspto.gov/>. The project will create the largest online government database, made up of more than 21 million documents. This decision will fuel the fierce debate between public interest advocates who argue that government information should be available electronically and commercial companies that purchase the data from government agencies to resell for a profit. ("U.S. Plans Free Public Access to Patent Database on the Web," *San Jose Mercury News*, June 25, 1998, 4C.)

JULY

Tobacco Documents Made More Accessible to the Public

Important information about the health hazards of tobacco and the tobacco industry's effort to induce children to smoke were hidden by the industry for decades. President Clinton directed Secretary of

Health and Human Services Donna E. Shalala to coordinate a public health review of tobacco industry documents and develop a plan to make the documents more accessible to researchers and the public at large. The plan would: (1) propose a method for coordinating review of the documents and making available an easily searchable index and/or digest of the reviewed documents; (2) propose a plan to disseminate widely the index and/or digest as well as the documents themselves, including expanded use of the Internet; and (3) provide a strategy for coordinating a broad public and private review and analysis of the documents to gain critical public health information. (White House Press Release. "President Clinton Makes Tobacco Documents More Accessible to the Public," July 17, 1998.)

Judge Tells FDA Not to Block Drug Data

U.S. District Judge Royce Lamberth ruled that the Food and Drug Administration's ban on the distribution to doctors of scientific journal articles and textbooks violates constitutional protections for commercial speech. At issue is medical information concerning unapproved uses for pharmaceutical companies' products. FDA officials argued that the ban is necessary to ensure that companies do not promote products by providing incomplete or biased information, or gain approval for a drug for a narrow use and then promote many other uses through the distribution of favorable scientific information. The Clinton Administration is likely to appeal the ruling. (Schwartz, John. "FDA Is Told Not to Block Drug Data," *The Washington Post*, July 31, 1998, A23.)

AUGUST

Bill Would Open Nazi Records

Congress passed S. 1379, The Nazi War Crimes Disclosure Act, establishing the Nazi War Criminal Interagency Working Group to locate, identify, inventory, recommend for declassification, and make available to the public all classified Nazi war criminal records of the United States. The Act will make it much easier for historians, researchers and

the public to view the documents dating to the Cold War years that followed World War II. Several federal agencies, including the CIA, the State Department and the Department of Defense, refused to declassify the documents, citing national security. (Associated Press. "Bill Would Open Nazi Crimes Files," *The Boston Globe*, August 7, 1998, A14.)

[Ed. Note: The President signed P.L. 105-246 on October 8, 1998.]

Declassification Ordered of Selected Cold War Documents

A report from the Interagency Security Classification Appeals Panel showed that the panel reversed agency decisions and declassified Cold War records more than 80 percent of the time. Information was declassified in full or in part in 81 out of the 96 documents presented to it, while agency classification actions were upheld in the case of 15 documents. ISCAP was established in 1995 when President Clinton signed Executive Order 12958, the first effort since the end of the Cold War to reassess the balance between open government and the need to maintain secrets vital to national security. The panel resolves appeals from Executive Branch classification decisions, and can be reached by e-mail at iscap@arch1.nara.gov. (White House Press Release. "Federal Panel Orders Declassification of Selected Cold War Documents," August 26, 1998.)

SEPTEMBER

JFK Assassination Records Released

The Assassination Records Review Board released its final report in late September after releasing thousands of previously secret government records about the assassination of President Kennedy. Because the Board decided to interpret an "assassination record" very broadly, the documents reveal significant new insights into Cold War foreign policy and how some agencies operated during crises. For historians, the value of this federal undertaking was seen not only in the

released documents, but also in the broad implications of openness for declassification policy.

While the Board weighed the public's right to know with the need to protect sensitive national security information, statute mandated a "presumption of disclosure." Agency heads could only appeal to the President to keep closed those records that the Board decided should be kept open. The Final Report of the Assassination Records Review Board is available from the Government Printing Office (S/N 05200301472-6, \$24) or online at http://fedbbs.access.gpo.gov/lib/arrb_pdf.htm (Miller, Page. "Assassination Records Review Board Issues Final Report with Recommendations for Increasing Openness," *NCC Washington Update*, September 30, 1998.)

OCTOBER

Head of CIA Publications Review Board Takes Pride In What He Has "Left In"

John Hollister Hedley heads the five-member publications review board that decides what former employees of the Central Intelligence Agency can publish about the agency. He hates to be called a censor, but his job is to decide how much the CIA will permit to be revealed about the inner workings of the agency. He has even cut information from a cookbook of recipes prepared by CIA agents and their spouses.

During the past three years, Hedley has distinguished himself by what he has left in, not by what he has taken out. He has helped establish new standards of openness that have allowed former spies, analysts and agency officials to go farther than ever before in describing their clandestine careers. "I think we need to open up, and I think we can have it both ways," said Hedley. "I do not think you endanger the protection of that which needs to be protected while you open up and are much more transparent than we've been, in terms of what kind of people we are, and what we do, and how we do it." (Loeb, Vernon. "Drawing the Company's Line," *The Washington Post*,

October 13, 1998, A13.)

National Security Archive Mounts Collection of Declassified Documents

The world's largest non-governmental collection of declassified documents is the National Security Archive Web site (<http://www.seas.gwu.edu/nsarchive/>). The National Security Archive, an independent non-governmental research institute and library located at The George Washington University in Washington, D.C, collects and publishes declassified documents acquired through the Freedom of Information Act. It has assembled a particularly impressive collection documenting government misadventures in Latin America over the past four decades. Other topics range from nuclear weaponry and the militarization of space to the White House meeting of President Nixon and Elvis Presley. (Futrell, David. "Top Secret Documents Put Starr's Stuff to Shame," *Newsday*, October 18, 1998, B15.)

NOVEMBER

National Archives Becomes Trove of Declassified World War II Documents

Recently declassified National Archives documents from the World War II era could provide a rich source of clues for researchers, historians and politicians as to what happened to Jewish assets and bank accounts in the United States during and after the war. The creation of the U.S. Holocaust Assets Presidential Advisory Commission and the Clinton Administration's plans to declassify additional American intelligence records have added additional hope that bringing together scattered declassified documents that may lead to long-lost fortunes: plundered gold and assets of conquered countries and slain victims, as well as the unclaimed bank accounts, assets and insurance policies of Nazi victims. (Howe, Desson. "A Wealth of New Information on Holocaust," *The Washington Post*, November 18, 1998, B01.)

The COGI James Madison Awards honor champions of the public's right to know

The James Madison Award, presented annually by the Coalition on Government Information, honors those who have championed, protected and promoted public access to government information and the public's right to know. It is presented on Freedom of Information Day, March 16, the anniversary of the birth date of President James Madison. The Coalition on Government Information was established by the American Library Association in 1986. The Coalition's 50 member organizations share a concern for loss of public access to federal government information.

Recipients of the James Madison Award:

- 1998 Ben Bagdikian, journalist
Wayne P. Kelley, former Superintendent of Documents, Government Printing Office
Eliot Christian and the U.S. Geological Survey
National Library of Medicine
- 1997 Philanthropist and financier George Soros
- 1996 The National Information Infrastructure Advisory Council
- 1995 The Government Printing Office, the State of Maryland's Sailor Project, the Seattle (WA) Public Library, and the Internet Multicasting Service's Town Hall Project
- 1994 Secretary of Energy Hazel O'Leary and former ALA Washington Office Director Eileen D. Cooke
- 1993 The legislators who led the passage of P.L. 103-40, the GPO Access Act: Vice President Al Gore, original sponsor of the GPO Gateway to Government Act when he was in the Senate; Senators Wendell Ford (D-KY) and Ted Stevens (R-AK); Representatives Charlie Rose (D-NC) and Bill Thomas (R-CA)
- 1992 Journalist Nina Totenberg, author Scott Armstrong, and C-SPAN founder Brian Lamb
- 1991 Representative Don Edwards (D-CA)
- 1990 Senator Frank Lautenberg (D-NJ), Representative Henry Waxman (D-CA), journalist Philip Shabecoff, and the Office of Toxic Substances of the U.S. Environmental Protection Agency
- 1989 Senator Patrick Leahy (D-VT)

Honorary citations also were presented to several individuals and organizations in 1996 and 1997.

The Coalition seeks nominations for the annual James Madison Award and for honorary citations in December of each year. Send nominations to:

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